

Work Health and Safety (Bullying) Amendment Bill 2011

Supplementary Explanatory Statement for Amendments

In summary, these amendments:

- Clarify the language regarding the new requirement to employ specialised bullying inspectors;
- Make it a new function of the Work Safety Council to advise the Minister on workplace bullying and workplace psychosocial issues;
- Make it an option for the Work Safety Council to appoint an expert committee on workplace bullying and workplace psychosocial issues.
- Make minor amendments to the required appointees on the expert committee.

AMENDMENT 1

Amendment to Clause 4, proposed new section 156(2)

Page 2, line 19

This amendment clarifies the language regarding the appointment of specialised bullying inspectors. The word ‘ensure’ is used instead of ‘appoint’. This makes certain that if new specialist bullying inspectors also perform general duties, they do not need to be formally appointed as both specialists and general inspectors.

The use of the word ‘enough’ makes it clear that the regulator must continue to assess the extent of bullying issues, and the size of the inspectorate, and to ensure that the number of bullying inspectors is adequate. There must still be a minimum of three bullying inspectors, as in the original bill.

The amendment also clarifies that ‘specialist experience or expertise’ must be to the satisfaction of the regulator. This is to prevent vexatious claims challenging the qualifications of an inspector.

AMENDMENT 2

Amendment to Clause 5

Page 3, line 8

This amendment removes clause 5, as it is no longer required. Clause 5 had recast existing section 156 as section 156 (2) consequential on the insertion of a new section 156 (1).

AMENDMENT 3

New clauses 5A and 5B

Page 3, line 12

This amendment inserts new sections 2.2 (1) (a) (iii) and 2.2 (1) (b) (iii) into Schedule 2 of the Act. This amendment makes it a function of the Work Safety Council to advise the Minister on “bullying in the workplace and other workplace psychosocial issues”. It also makes “bullying in the workplace and other workplace psychosocial issues” a matter that the Council must inquire into and report to the Minister, if the Minister refers such a matter.

AMENDMENT 4

Amendment to Clause 6

Page 3, line 13

This amendment allows the Work Safety Council to appoint an expert committee on workplace bullying and workplace psychosocial issues. The purpose of the original bill is still achieved, as Amendment 3 above makes it a function of the Work Safety Council itself to advise the Minister on workplace bullying and workplace psychosocial issues.

New section 2.16A makes it clear that the Council can appoint an expert committee to ensure that this new function is carried out effectively.

The amendment also makes it a requirement that any expert Committee that is appointed must contain 1 member nominated by an entity the council considers represents employers in the ACT. It also requires one member to have academic, professional or clinical expertise in a field relevant to workplace bullying or other workplace psychosocial issues, rather than requiring one member to have academic expertise, and another to have professional or clinical expertise.