



18th August 2011

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Hi Kathy!

Bullying and Harassment Litigation on the Increase



Sparke Helmore Lawyers have recently advised that employers should be 'ready to go' when these types of incidents occur, with courts more likely than ever to award big-number payouts for Bullying and Harassment claims.

Three recent successful sexual harassment complaints netted damages of between \$466,000.00 and \$507,000.00.

The Australian Human Rights Commission has reported a 50% increase in sexual harassment claims since 2009.

Whilst it is unlikely that 'Bullying and Harassment' in the workplace is any more prevalent than in the past there is a noticeable increase in parties proceeding to litigation in these matters.

A focussed approach is important and should include:

- An investigation plan which reflects organisation requirements;
- A competent and qualified person to manage the process; and
- Established Policy which allows for the suspension of alleged perpetrators pending

investigation results.

A Fair and Equitable process is essential to ensure the following:

- Process the complaint correctly;
- Start Investigations within an agreed time frame;
 - Take witness statements correctly;
 - Treat all parties fairly;
 - Carry out a fair and transparent investigation;
- Communicate clearly what is confidential and what is not: and
 - Quash rumour through 'solid' communication.

Best Regards

The Workwise Team

Policy and Procedures

Does your business have a current set of customised Policy and Procedures which support your workplace???
Call us now for further information on how to obtain a current set of Foundation Policy and Procedures.

Map Where you are at on our 'Best Practice Model'.

By now you should have received information about the first four stages of the model.

1. Time and Wages Compliance Audits

Are you confident that your payroll practices are compliant and in line with the applicable Modern or State Awards??

2. Employment Documentation

Do you have a clearly written and compliant employment agreement which stipulates your employment arrangements and provides you with protections in relation to confidentiality and restraint of trade - to name but two areas.

3. Policy and Procedures

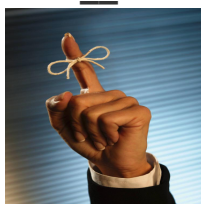
From a risk management perspective we encourage you to take a pro-active step and reassure yourself that there are no non compliant or discriminatory practices within your business.

4. Job Description Forms

A good JDF will illustrate clear performance and guidelines for that 'position' which should then eliminate issues within your workplace in regards to Performance and responsibility of any one of your employees within your business.



Time is running out -have you renewed your membership???



Have you forgotten to advise us of any changes - please let us know by emailing clientliaison@workwiseby.com.au so that we can update our records.

Seminars

Bunbury

Due to Popular Demand - 3rd seminar

Topic : The Model 'Work Health & Safety Act' (WHS)

Where: Small Business Centre

177 Spencer Street Bunbury

When: Wednesday 31st August 2011 - 6pm start

Please call The Small Business Centre on 9791 2666 for further details

SOLD OUT - ANOTHER DATE TO BE ADVISED

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