

## Recent Legislation on Workplace Bullying – *Brodie's Law*

At the beginning of April, the landmark case of Brodie Panlock, who was subjected to 'extremely aggressive and intimidating' treatment at the hands of her boss and co-workers at a cafe in Melbourne (Australia), before committing suicide, forced changes to legislation in the state of Victoria.

Although the men involved were charged under the *Health & Safety Act*, similar cases in Victoria in the future will incur criminal charges under what is being nicknamed *Brodie's law*. The new legislation, which has added serious workplace and cyber bullying to Crimes Act provisions already governing stalking, will see those who carry out bullying behaviour facing up to 10 years' jail. An Australian industry group wants the legislation to be nationwide.

Currently in most English-speaking countries the most common ways of dealing with this kind of behaviour are to ignore it and hope it will go away (which it never does), or to pay either the target or the instigator (more commonly known as the bully) to leave the organisation. Not one of these solutions is satisfactory as it further disempowers those involved, and avoids setting a clear positive precedent for how to deal with similar events in the future (and there will definitely be others). Under legislation such as Brodie's Law, my concern is that managers will absolve their responsibility (and relinquish their power) for dealing with workplace bullying to the Courts. This would ignore the contribution that the organisation and the other employees have made to support the culture of bullying behaviour, such as standing by and allowing it to happen, and the damage that is created in doing so.

There are significant implications for the whole of Australia, New Zealand, the United Kingdom, Canada, and the United States (where there is a current push for new anti-bullying legislation) , both in the workplace and beyond. It may be a wake-up call for some, and a deterrent for others. However, it does not deal with the problem at source, which needs to be done pro-actively through strong workplace values, clear implemented policies, fair and proactive management, and support for behavioural change. Ultimately, we are all connected, and it is everyone's responsibility to identify and deal with bullying behaviour, to improve our communities.

For a definition of bullying and basic steps for how to deal with it, see my article *Workplace Bullying – the Manager's Responsibilities*.



## **Media Links:**

June: [http://www.nzherald.co.nz/world/news/article.cfm?c\\_id=2&objectid=10729596](http://www.nzherald.co.nz/world/news/article.cfm?c_id=2&objectid=10729596)  
<http://www.smh.com.au/national/brodies-law-to-get-workplace-bullies-20110531-1fer0.html>

April: <http://www.heraldsun.com.au/news/workplace-and-cyber-bullies-face-up-to-10-years-jail-under-anti-harassment-brodie-panlock-laws/story-e6frf7jo-1226033612374>

By Fiona White



Fiona White has the ideal manner for a conflict resolution practitioner – calm, patient, and a very good listener. She asks just the right questions to empower her clients to find their own solutions.

With over 20 years professional experience in education, management, commerce, industry, recruitment and customer care in the UK, France and New Zealand, Fiona has a great understanding of the costs and benefits of conflict. Her mission is to share her conflict resolution knowledge and skills as widely as possible. Fiona is based in Auckland (New Zealand), where she has her own Mediation and Conflict Coaching practice - *Mediation Matters* - and holds a 'Conflict Clinic' one day a week at the local Citizens Advice Bureau. She enjoys a balance of community and commercial work.

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Facebook: <https://www.facebook.com/pages/Mediation-Matters-NZ/163176290374759>