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# eNews

The workplace behaviour experts

# life works in the workplace

## Summer 2011

### Bullying still the standout issue

Continuing the theme from previous years, most of the investigations conducted by LifeWorks in 2010 related to complaints of bullying and harassment. Our Consultants conducted 31 internal workplace investigations over the past 12 months for a wide range of organisations. In 23 cases the prime issues were of bullying and harassment, with four cases of discrimination and four cases of sexual harassment.

It's interesting to note that all the sexual harassment complaints arose in the second half of 2010 while the David Jones case was getting so much publicity. It was common that the person accused of sexual harassment lacked awareness of how broadly the definition of 'workplace' extended when it came to obligations and responsibilities. They were often not aware that interactions occurring with colleagues outside the actual workplace can still fall within workplace legislation jurisdiction.

The growth of 24 hour communication via texting, Facebook and other social networking mediums has led to increased contact, and in some cases an unhealthy lowering of boundaries amongst colleagues. This has led to staff and management sometimes being unclear about when they have "stepped over the line". It highlights the need for management to be clear in setting out expectations of their employees about appropriate contact via social media.

Another interesting aspect of the statistics was that seven, or almost a third of the bullying complaints, involved allegations of female to female peer bullying in teams that were managed by males. A common thread in these cases was male managers not always recognising or appreciating the impact on others of subtle but nevertheless damaging behaviours occurring within the team. It was often difficult for male managers to know how to appropriately intervene when they did become aware of conflict amongst their female staff.

These statistics highlight the importance of ensuring all staff fully understand their responsibilities and that managers are given training and support to be able to step in and deal with situations before they escalate.

[Click here to find out more about our Leadership programs](#)

### HR manager held personally liable

The Federal Magistrate's Court has recently found a director and a HR manager individually liable for their involvement in sham contracting arrangements. Despite acting on the directions of his employer and being unaware that the actions he was taking were unlawful, the Sydney HR manager has been prosecuted by the Fair Work Ombudsman and faces financial penalties. Sham contracting is where an employer classifies a person as an independent contractor instead of an employee in order to avoid paying entitlements.

The director devised the scheme without input from the HR manager but instructed him to type up a consultancy agreement and dictated additional clauses. Despite the court finding that the HR manager, "just copied what he was told and had no reason to question anything" he was found to be personally liable, along with the director, as accessories to the company's misconduct. *Fair Work Ombudsman v Centennial Financial services Pty Ltd & Ors [2010] FMCA 863*

This decision highlights the importance of any individual with people management responsibilities maintaining up to date knowledge of compliance obligations and legislative changes. For example, 2011 will see lots of developments in the equal opportunity area. The new state Equal Opportunity

how we can help  
in the workplace

LifeWorks can now help  
you in the workplace  
through:

#### TRAINING

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in the Workplace](#)

[Business Writing Skills](#)

[Managing Conflict](#)

[Assertiveness Skills](#)

[Difficult But Necessary  
Conversations](#)

[Negotiation Skills](#)

[Contact Officer](#)

[EO Awareness](#)

[Leadership Programs](#)

#### CONSULTING

[Independent  
Investigations](#)

[Mediations](#)

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Services](#)

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Programs](#)

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[What Clients Say...](#)

Act 2010 will take effect in August 2011 which will increase the obligation for employers to be more proactive in monitoring and improving compliance. It will not be an excuse for an employer or HR manager to say they were not aware of their increased responsibility.

In light of all these developments occurring in the EO area, employers and HR managers should be thinking proactively now about their 'positive duty' to ensure equal opportunity practices in their workplaces are compliant.

How long has it been since EO training has been run? Does your management team know their EO responsibilities to staff? How will compliance with the new EO legislation be demonstrated?

[Click here to find out more about EO Awareness training](#)

## The Floods – what can employers do?

The psychological impact on employees who have been affected by the current flood emergencies throughout Victoria should not be underestimated. Even though the devastation and loss of life has not been as widespread or as shocking as that experienced in Queensland, it has still been a significant event.

There are a number of things that management can do to assist their employees impacted by the situation. It is important to understand that everyone reacts differently. Some people may become distracted and less able to focus on their tasks. It is healthy and normal for people to want to talk about the floods and to express how it has affected them, family and loved ones and so it is important to allow them this time. Others, of course, may feel no need to discuss it at all.

Make sure that channels of open communication with staff are encouraged so that staff feel able to approach management if they are struggling or have concerns. It is important to ensure that all employees, particularly those who have been directly affected by the floods, are aware of support that is available to them such as Employee Assistance Programs (EAP).

LifeWorks provides EAP services to over 100 employers across Victoria assisting small and large organisations from the private, not-for-profit and public sectors. LifeWorks operates from eight sites across Victoria and offers 24/7 phone access. In addition to counselling support, LifeWorks provides Critical Incident Debriefing to organisations and work teams, including discussions about the recovery process, and support for managers needing to deal with sensitive and difficult situations.

[Click here to find out more about our EAP services](#)

## Introducing Meredith Brown

Meredith Brown, Manager of Counselling Services, has been with LifeWorks since mid 2010 and is responsible for our Employee Assistance Programs. Meredith is a psychologist who has worked as a counsellor, supervisor, organisational consultant and senior manager for many years in a variety of settings including the Mt Eliza Business School, local and state government, not-for-profit organisations, forensic psychology, schools and child and family services. She is also a very experienced trainer and facilitator. Meredith appreciates that organisations and employees sometimes just need help to see things differently and to think about new perspectives and solutions so that better workplace relations and outcomes can be achieved. To have a chat with Meredith or find out about how the Employee Assistance Program can assist your organisation call 8650 6262.



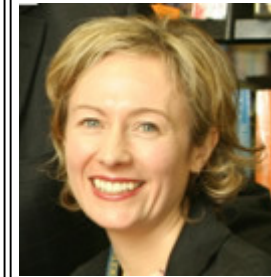
## Breaking News!

We are excited at being appointed to provider panels for positive and fair workplaces and related services for the Department of Human Services and for HR consulting services for the Municipal Association of Victoria.

LifeWorks looks forward to working closely with both these organisations and

*"Rebecca, Thank you again for all of your assistance throughout the mediation process. Also for your patience when I struggled at times to articulate the circumstances. You are so good at what you do, and apart from a positive outcome on the immediate issues, I have come away with a much clearer direction in my role as a supervisor."*

Coordinator,  
Local Government



**Rebecca Henshall**  
Senior Consultant



Contact our  
workplace team for  
more information:

**03 8650 6262**

or [email us](#)

affiliates.

## We are here to help

Our training and consulting services can help you to reduce time, stress and the costs of litigation. Accessing our services will result in:

- More effective managers
- Happier employees
- More productive workplaces

**Contact our workplace team  
on 8650 6262 or email  
[workplace@lifeworks.com.au](mailto:workplace@lifeworks.com.au)  
[www.lifeworks.com.au/workplace](http://www.lifeworks.com.au/workplace)**



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Principal Consultant  
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