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## Workplace Bullying

A workplace should be an environment where a worker feels safe and can focus on the tasks that they have been assigned. However, this is not the case for every worker in Australia.

Workplace bullying has been on the increase and major changes were made to legislation in 2011 to deal with the problem. Employees and employers should be informed as to their obligations to ensure that workplace bullying does not occur and if it does, it should be reported.

Workplace bullying is defined as *repeated* and *unreasonable* behaviour directed towards a worker or a group of workers that creates a *risk to health and safety*.<sup>1</sup>



Workplace bullying can include:<sup>2</sup>

- Behaviour that intimidates, manipulates, offends, degrades or humiliates
- Unreasonable criticism that is not part of reasonably managing a person's performance

### Words to the Wise

**"Our lives begin to end the day we become silent about the things that really matter."**

Martin Luther

- Exclusion or isolation from co-workers
- Withholding information needed for a worker to perform their job
- Removing responsibility or imposing menial tasks

Everyone in the workplace has a work health and safety duty to ensure workplace bullying does not occur.<sup>3</sup>

### Workplace Policy

If your organisation does not already have a workplace policy addressing the issue of bullying, we would definitely recommend that such a policy is introduced. A workplace policy sets out the standard of behaviour to be followed at work. Such a policy needs to be formulated following consultation with employees.<sup>4</sup>

A non-bullying workplace policy should include:

- A commitment to providing employees with a safe working environment
- The standard of behaviour to which all employees are expected to comply
- Where relevant, a statement that the policy extends to communication through SMS, email and social media
- The consequences of non-compliance
- How and where to report issues
- Where to get more information

If you would like to speak with someone about a workplace bullying issue, please call our Employment Law team on 9870 9870.

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<sup>1</sup> Fair Work Act 2009 (Cth) s789FD

<sup>2</sup> <https://www.legalaid.vic.gov.au/find-legal-answers/discrimination-harassment-and-bullying/workplace-bullying-and-discrimination>

<sup>3</sup> <http://www.safeworkaustralia.gov.au/sites/SWA/about/Publications/Documents/827/Guide-preventing-responding-workplace-bullying.pdf>

<sup>4</sup> Occupational Health and Safety Act 2004 (Vic) s35

### Did you know...

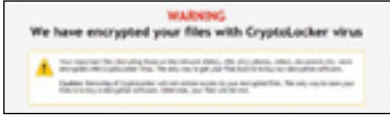
If you work in the city, our Melbourne office is ideally positioned to meet your legal needs. For a convenient lunch time appointment or consultation, give us a call.

If you would like to receive an electronic version of Legal Insight, please:

- send an email to [office@hutchinsonlegal.com.au](mailto:office@hutchinsonlegal.com.au)
- call Tristan Tottenham of our office on **9870 9870**
- write to us at PO Box 450, Ringwood 3134

# Ransomware Scams

Have you ever received a suspicious message in your email inbox? You may have been a potential victim of a malware scam.

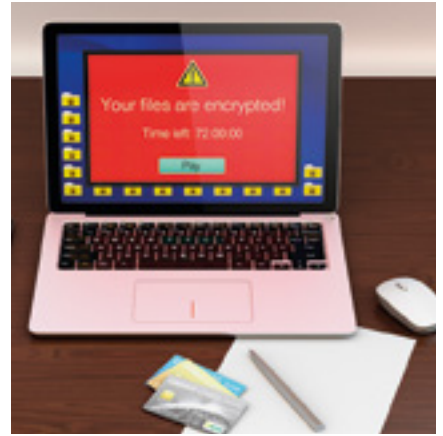


“Malware” (malicious software) scams involve deceiving a computer user into installing software which allows scammers to access your files and track what you are doing. Ransomware is a type of Malware and these attacks are the latest in cyber scams on the web. In 2015, the Australian Competition and Consumer Commission received 45,000 complaints and estimated about \$45 million had been paid to scammers.

There are a number of ways in which scammers can deceive you into downloading Malware such as:

- Sending emails and/or social media messages with links to videos on something topical. The website will look like the “real deal” but in order to view the video, you will be asked to install some software to access it. If this software is downloaded, your computer will be infected; or
- Websites and pop-ups that offer ‘free’ file downloads including music, movies and games, or free to access content.

If you would like to learn more about Malware and how to protect yourself, you can read the full article on our website at <http://hutchinsonlegal.com.au/ransomware-scams>



# Comings & Goings

There have been some comings and goings at Hutchinson Legal over the last year. In particular, we say a fond farewell to Bernie Curtin (a very popular figure) who has moved on after many years of working in the areas of Commercial and Business Law since 2010.

We would like to welcome both Lauren Patford-Smith and Amy Nhan to Hutchinson Legal. Lauren has completed a Masters of Applied Law (Family Law) and has joined our Family Law team. Amy joins the Hutchinson Legal team concentrating on Litigation, Insolvency and Employment Law.

Grant Hutchinson, who spent four months teaching about International Law, Business Law, Democracy and Human Rights while living in a UNHCR Refugee Camp on the Thai/Burma border area has resumed the position of General Manager.



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# Ageing Drivers

As driver's age, they face physical changes which can affect their driving. However, in Victoria there is no specific age which requires drivers to pass a test to continue to drive. Instead, whether or not someone is able to retain their licence is determined by their behaviour and medical fitness to drive.<sup>5</sup>

## Reporting

VicRoads requires notification by all drivers of any serious, permanent or long term illness, disability, medical condition or injury which may impair their ability to drive safely.<sup>6</sup> To self-report, drivers should complete the VicRoads medical report with their doctor and forward it to the appropriate address. The medical report is available on the VicRoads website.

The following (non-exhaustive) list of conditions must be reported to VicRoads and the website provides guidance on driving with them:

- Dementia
- Psychiatric conditions
- Diabetes
- Seizures
- Hearing loss
- Sleep disorders
- Heart conditions
- Visual impairment<sup>7</sup>
- Neurological conditions

In the event of persons continuing to drive where they perhaps should not be, friends, family and concerned members of the public may also report the driver. In this case, the concerned person should write a letter to VicRoads containing the reasons for concern. This will be investigated, but the law states the identity of reporting individuals will not be divulged and they are protected from legal action.<sup>8</sup>

It is important to note that the knowledge of any pre-existing condition which affects a driver's ability to drive safely, may have an impact on an Insurer's liability to cover a claim.

5 <https://www.vicroads.vic.gov.au/safety-and-road-rules/driver-safety/older-drivers/the-ageing-driver>  
6 <https://www.vicroads.vic.gov.au/licences/medical-conditions-and-driving>

7 <https://www.vicroads.vic.gov.au/licences/medical-conditions-and-driving/medical-conditions>  
8 [https://www.vicroads.vic.gov.au/licences/medical-conditions-and-driving/reporting-a-medical-condition-or-driver; Road Safety Act 1986 \(Vic\) s27\(5\)](https://www.vicroads.vic.gov.au/licences/medical-conditions-and-driving/reporting-a-medical-condition-or-driver; Road Safety Act 1986 (Vic) s27(5))

# FastFACTS

**15mins**

**A hot drink can still scald a small child 15 minutes after it is made**

**\$45 million**

**Estimated amount paid to scammers by Australians in 2015**

**2nd**

**The residential home is second only to the road as the location of most accidental deaths in Australia**

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