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Australian state criminalizes workplace bullying



Brodie Panlock 2006 suicide victim

The U.S. Healthy Workplace Campaign, the grassroots group pushing for enactment of the anti-bullying [Healthy Workplace Bill](#), asks state lawmakers to provide for civil (monetary only) penalties for allowing bullying to happen and doing nothing about it when reported.

News from the Australian state of Victoria confirms passage of **the world's first anti-bullying law to criminalize bullying**. Now, when bullying happens there, police can be called, instead of state health and safety investigators.

The law was prompted by the September 2006 suicide by 19 year-old waitress, Brodie Panlock, who was tormented by three older coworkers at Cafe Vamp in Melbourne since starting work there in 2005. They poured beer and oil on her, taunted her as fat, stupid, ugly and a whore, physically restrained her so that the other could pour fish sauce on her, spat on her, and offered her rat poison after an earlier failed suicide attempt. Her tormentors -- Nicholas Smallwood, 26, (with whom Panlock had had a sexual relationship that did not stop his cruel mistreatment), Rhys MacAlpine, 28, and Gabriel Toomey, 23 -- were convicted in Feb. 2010 under occupational health and safety laws and

fined a total of \$85,000. The cafe owner, Marc Luis Da Cruz, and his company were ordered to pay \$250,000. According to WorkSafe Victoria (the government's health and safety regulatory agency), the penalties were among the largest fines ever imposed.

However, Brodie's parents, Damian and Rae, lobbied for stronger sanctions against workplace bullying. No one was jailed under existing civil law (occupational health and safety regulations). The WorkSafe investigator called the Cafe Vamp work culture as "poisonous." No one could stop Smallwood, MacAlpine and Toomey. Da Cruz, the owner said he wanted to tell Brodie's parents about the bullying, but she asked him to stay quiet. He said that she said, "I'm an adult and I don't want them to know." [Note how bullying is always shrouded in the target's personal shame and secrecy.]

A law was introduced in the state parliament April 5, 2011. It was dubbed "Brodie's Law." It passed the first house on May 5 and passed in the second house on May 31. It was enacted into law (called Royal Assent in Victoria) and commenced on June 7, 2011.

The swiftness of passage cannot be attributable solely to public outrage over the bullying of Ms. Panlock. The bill's sponsor, Hon. Robert William Clark, is not only a member of the ruling Liberal Party, he is also the state's Attorney General and Finance Minister. He is a cabinet member. His bill was done at the behest of the government and it sailed through to passage. Congratulations to the Victoria government bold enough to strike at the heart of workplace bullying and not caving to employer demands to "not regulate us" as is commonly done in opposition to our bills in the U.S.

The law actually amends three existing CRIMINAL laws: 1958 stalking crimes, stalking intervention (2008) and personal safety intervention orders (2010) to become the Crimes Amendment (Bullying) Act 2011. Unlike civil laws where only financial penalties can be imposed, violations of criminal laws carry prison time. The existing laws carry a penalty up to 10 years in prison for conviction of the crime.

The new law makes it unlawful to make "threats to the victim," to use, perform or direct towards the victim "abusive or offending" words or acts. Also punishable is acting "in any other way that could be reasonably be expected to cause physical or mental harm to the victim, **including self-harm.**" Mental harm is defined as psychological harm and **suicidal thoughts**.

[Read the text of the law.](http://workplacebullying.org/docs/Brodies-law.pdf) <http://workplacebullying.org/docs/Brodies-law.pdf>

The Healthy Workplace Bill, defines actionable misconduct that is abusive conduct so severe that it causes tangible harm to the employee. And we define "tangible harm" as psychological or physical harm. It might be helpful to take direction from the revolutionary Victoria law, to include the consequence of suicide, as "self-harm," as an additional form of harm.

Brodie's parents are now working to expand the state law criminalizing workplace bullying to the national level.



Nicholas Smallwood,
convicted bully