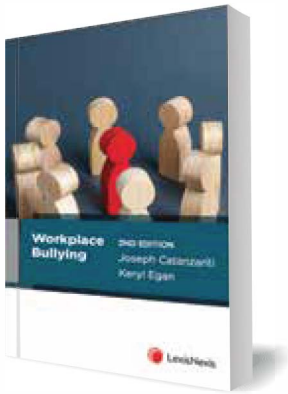


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This month's books cover planning and environment, essays in honour of Professor Jill McKeough, workplace bullying and uniform evidence law.



Workplace Bullying

Joseph Catanzariti and Keryl Egan,
(2nd edn), LexisNexis, 2021, pb \$153

In the courts, the concept is understood to be repeated and unreasonable conduct directed to a worker (or workers) while at work, which creates a risk to health and safety.

“Workplace bullying” is not reasonable management action that is carried out in a reasonable manner.

This definition seems capable of being easily understood and applied. But from my experience, there are problems of translation. Does the legal definition of workplace bullying correspond with the layperson’s understanding of the phenomenon? Or is it the case that lawyers should be thinking more deeply about the precise conduct that can be said to meet the elements that make up the legal definition of workplace bullying?

Workplace Bullying is an important contribution. It is an exhaustive treatment of workplace bullying in legal practice, and workplace bullying “on the ground”. In the second edition, Catanzariti and Egan have added contributing authors – drawn from the organisational psychology and culture fields – who all provide thought provoking insight into the detection, management and prevention of workplace bullying.

Few matters commenced in the anti bullying jurisdiction of the Fair Work Commission result in a published decision. This can be explained by parties preferring to resolve claims in private conciliation, for it is often the case an adversarial contest does nothing to resolve the underlying conflict that has given rise to allegations in the first place. In light of this, lawyers wishing to succeed in practice in this area will need to look beyond the traditional learning tool – case law. They should instead turn to this book.

Leigh Howard, Castan Chambers