

## CAN A FELLOW DIRECTOR BE BULLIED? – THE FAIR WORK COMMISSION SAYS YES!

In the case [Trevor Yawirki Adamson \[2017\] FWC 1976](#), the Fair Work Commission (“the Commission”) held that the anti-bullying provisions of the Fair Work Act 2009 (Cth) applied to a Director. Mr Adamson was the Chair of a Not-for-profit statutory corporation (“the NFP”) and alleged bullying, against him, by the Deputy Chair and General Manager. Mr Adamson was not otherwise employed by the NFP.

The Commissioner hearing the case determined that a person in the position of a Director fell within the definition of a “worker” for Fair Work Act purposes and therefore had the right to commence anti-bullying proceedings.

Unfortunately, for Mr Adamson, he was not in the position of Chair (or any Board position), at the time of the hearing. Accordingly, his Application was dismissed because there was no on-going risk of bullying.

It is interesting that the Commission considered the application of the anti-bullying provisions on Directors and Senior Executives before dismissing the Application.

In short, the lesson for NFPs is to ensure that the organization has appropriate codes of conduct, grievance processes and training to manage the potential risk.

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