Comments on the *Work Health and Safety Bill 2014*

Clause (section) of the Model WHS Bill	Comment
Volunteers excluded from occupational health and safety protections	
Clauses 7(1)(h) and 7(4)(a)	**Nature of the change** Under the *Model Health and Safety Bill 2014* (**Model Bill**), volunteers are expressly included in the definition of the term "worker". However, under the *Work Health and Safety Bill 2014* (WA) (**WA Bill**), this provision has been removed. Another provision has also been inserted which expressly *excludes* volunteers from the definition of "worker". The effect of this is that volunteers generally have much more limited occupational health and safety protections under the WA Bill than other workers. **Comments** ELC opposes the exclusion of volunteers from the definition of the term "worker". In our view, the health and safety of volunteers should be protected in the same way as that of other workers. Other states and territories have protected volunteers in their occupational health and safety legislation for many years, even prior to the introduction of the Model Bill – see e.g. *Workplace Health and Safety Act 1995* (Qld); *Occupational Health, Safety and Welfare Act 1986* (SA); *Workplace Health and Safety Act 2007* (NT); and *Work Safety Act 2008* (ACT). Western Australia should not be any different.
PCBUs not required to keep records of notifiable incidents	
Clause 38(7)	**Nature of the change** The requirement for PCBUs to keep records of notifiable incidents for 5 years has been removed from the WA Bill. **Comments** ELC opposes the removal of these record-keeping requirements from the WA Bill. If PCBUs are not required to keep records of notifiable incidents, it may be difficult for the regulator to investigate potential breaches of the WHS Act where such investigations occur some time after the original incident. Notifiable incidents are defined in the WA Bill to mean death, serious injury or illness, or dangerous incident. These are very serious incidents of which both the regulator and PCBU should

	keep records. Moreover, given the nature of these incidents, each PCBU should only have a small number of notifiable incidents to keep a record of. The keeping of such records is unlikely to impose a disproportionate burden on PCBUs. Further, PCBUs are usually required to keep many types of other records (e.g. tax records, employee records under the *Fair Work Act 2009* (Cth) (**Fair Work Act**)(section 535) or the *Minimum Conditions of Employment Act 1993* (WA) (**MCE Act**) (section 44)). In these circumstances, it should not be unduly onerous for PCBUs to keep additional records of notifiable incidents.
Decision not to engage a worker is not discriminatory conduct	
Clause 105(1)(b)(i)	**Nature of the change** The Model Bill defines "discriminatory conduct" to include where a PCBU refuses or fails to offer to engage a prospective worker for a prohibited reason. This provision has been removed from the WA Bill – i.e. where a PCBU decides not to engage a prospective worker for a prohibited reason, this is not considered discriminatory conduct. **Comments** ELC opposes the removal of this provision from the WA Bill. A decision not to engage a worker for a prohibited reason should certainly be seen as discriminatory conduct. There is no reason to exclude this type of conduct from the definition. Indeed, deciding not to engage a worker for a prohibited reason is arguably one of the more serious types of discriminatory conduct. Other state and national laws which prohibit discriminatory conduct expressly include a decision not to engage a worker – see e.g. the Fair Work Act (s 342(1), items 2(a) and 4(a)), *Equal Opportunity Act 1984* (WA) (**Equal Opportunity Act**) (ss 11(1)(b), 12(1)(b), 35AC(1)(b), 35AD(1)(b), 37(1)(b), 38(1)(b) etc), *Sex Discrimination Act 1984* (Cth) (**Sex Discrimination Act**) (ss 14(1)(b) and 15(1)(b)), *Racial Discrimination Act 1975* (Cth) (s 15(1)(a)), *Disability Discrimination Act 1992* (Cth) (ss 15(1)(b) and 16(1)(b)) and *Age Discrimination Act 2004* (Cth) (**Age Discrimination Act**) (ss 18(1)(b) and 19(1)(b)). The WA Bill should be consistent with such other legislation.
No reverse onus of proof in relation to discriminatory conduct in *criminal* proceedings	
Clause 110	**Nature of the change** Under both the WA Bill and the Model Bill, a person who engages in discriminatory conduct for a prohibited reason only commits a *criminal* offence if the prohibited reason was the *dominant* reason for the conduct (clause 104(2)).

	Under the Model Bill, there is a presumption that the prohibited reason was the dominant reason for the conduct if the prosecution: • establishes that a person engaged in discriminatory conduct; • establishes that a prohibited reason existed at the time of the discriminatory conduct; and • adduces evidence that the discriminatory conduct was engaged in for a prohibited reason. This presumption can be rebutted if the accused proves that the prohibited reason was not the dominant reason for the discriminatory conduct, on the balance of probabilities. This presumption (or "reverse onus of proof", as it is sometimes called) has been removed from the WA Bill. **Comments** ELC opposes the removal of this reverse onus of proof provision from the WA Bill. There are sound reasons for including this provision in the WA Bill, such as those provided in paragraph 406 of the Explanatory Memorandum for the Model Bill: *In the absence of such a provision it would be extremely difficult, if not impossible, to establish that a prohibited reason was the dominant reason as the intention of the person who engages in discriminatory conduct will be known to that person alone.* In other words, the discriminatory conduct provisions of the WA Bill will be of limited use if this reverse onus of proof is removed, since it will be extremely difficult or even impossible to prove that the dominant reason for the discriminatory conduct was the prohibited reason. One argument that has been made for omitting this provision is that it is contrary to the legal system whereby the burden of proof rests with the person making an allegation. However, there are many examples of Australian and Western Australian legislation where there is a rebuttable presumption in favour of the prosecution or a reverse onus of proof. For instance: • the reason for taking adverse action under s 361 of the Fair Work Act; • indirect discrimination under s 7C of the Sex Discrimination Act and s 15(2) of the Age Discrimination Act; • sale or supply of prohibited drugs under s 11(a) of the *Misuse of Drugs Act 1981* (WA). Another reason that has been given for removing this provision from the WA Bill is that it largely revolves around process rather than being directly linked to the improvement of safety and health standards in Western Australia.

	However, removing the reverse onus of proof does more than just change the process of prosecuting a discriminatory conduct offence. As noted above, it will result in it being extremely difficult, if not impossible, to prosecute this type of offence successfully. This is likely to weaken occupational health and safety standards in Western Australia, since if it is highly unlikely that a PCBU can be successfully prosecuted for discriminatory conduct, there will be little to deter PCBUs from engaging in such conduct.
No reverse onus of proof in relation to discriminatory conduct in *civil* proceedings	
Clause 113(2)	**Nature of the change** Under both the Model Bill and the WA Bill, a person who engages in discriminatory conduct for a prohibited reason can only be held liable in *civil* proceedings if the prohibited reason was a *substantial* reason for the conduct (clause 112(4)). Under the Model Bill, there is a presumption that the prohibited reason was a substantial reason for the discriminatory conduct unless the defendant proves otherwise, on the balance of probabilities. This presumption or reverse onus of proof has been removed from the WA Bill. **Comments** ELC opposes the removal of this reverse onus of proof provision from the WA Bill. There are sound reasons for including this provision in the WA Bill, which are very similar to those set out above in relation to *criminal* proceedings. One of the reasons for including the provision is set out in paragraph 419 of the Explanatory Memorandum for the Model Bill: *Such a provision is necessary as the intention of the person who engages in discriminatory conduct will be known to that person alone.* In other words, the discriminatory conduct provisions of the WA Bill will be of limited use if this reverse onus of proof is removed, since it is arguably necessary to have such a provision in order to prove that the substantial reason for the discriminatory conduct was the prohibited reason. As with the criminal proceedings provisions above, one argument that has been made for omitting this provision is that it is contrary to the legal system whereby the burden of proof rests with the person making an allegation. However, there are numerous examples of Australian and Western Australian legislation where there is a rebuttable presumption in favour of the prosecution or a reverse onus of proof – see above. Another reason that has been given for removing this provision

	from the WA Bill is that it largely revolves around process rather than being directly linked to the improvement of safety and health standards in Western Australia. However, removing the reverse onus of proof does more than just change the process of pursuing civil action against a PCBU for discriminatory conduct; it will result in it being extremely difficult, if not impossible, to prove a breach of the discriminatory conduct provisions successfully. This is likely to weaken occupational health and safety standards in Western Australia, since if it is highly unlikely that civil action can be successfully brought against a PCBU for discriminatory conduct, there will be little to deter PCBUs from engaging in such conduct.
Regulator and inspectors have fewer enforcement powers	
Remedial action Part 10, Division 5 (Clauses 211-213)	**Nature of the change** Under the Model Bill, the regulator has the power to take remedial action to make a workplace safe. This power exists in two circumstances. First, where a person fails to take reasonable steps to comply with a prohibition notice. Second, where the regulator is unable to issue a prohibition notice because the person with management or control of the workplace cannot be found. The regulator can recover the costs of remedial action against the person who failed to comply with the prohibition notice or to whom the prohibition notice could have been issued. These provisions have been removed from the WA Bill. **Comments** ELC opposes the removal of the remedial action provisions from the WA Bill. In our view, the regulator should have the power to undertake remedial action where a person fails to comply with a prohibition notice or the person with management or control of the workplace cannot be found, for the reasons set out below. <u>*Range of enforcement powers needed*</u> Modern regulators need a range of different enforcement powers to monitor and enforce compliance with legislation. This has been recognised by leading academics and government advisory bodies alike in recent years (e.g. Sparrow, M. K., *The Regulatory Craft: Controlling Risks, Solving Problems and Managing Compliance*, Brookings Institution Press, Washington, 2000; Productivity Commission, *Regulator Audit Framework*, March 2014). Malcolm Sparrow, a respected academic in the field, states as follows: …**regulators should be able to vary their stance** as they deal with different issues. In some areas, or for some industries, **they might reap the benefits of a rigorous**

	enforcement approach, while in other areas they might tread more softly. In other words, **there is no reason why regulatory agencies should only have one act**. **Having several, plus the ability to choose the right act for the right issues, would be better**. [emphasis in bold added] (Sparrow, M. K., *The Regulatory Craft: Controlling Risks, Solving Problems and Managing Compliance*, Brookings Institution Press, Washington, 2000, pp. 59-60). The Productivity Commission has also made similar statements in its Regulator Audit Framework, in 2014, which was developed to assist Commonwealth government regulators to audit and improve their performance. According to the Productivity Commission, regulators should adopt a risk-based approach, which involves (amongst other things) "**using a broad range of tools and selecting those most suited to the task – this could include 'hard' tools** (such as fines and cease and desist orders) but used with discretion rather than widely applied, **as well as 'soft' tools** such as educative approaches, and 'deemed to comply' guidelines." [emphasis in bold added] (Productivity Commission, *Regulator Audit Framework*, March 2014, p.23). There are several reasons that regulators need a range of enforcement powers. First, regulators rarely have the resources to prosecute all breaches of legislation. Second, it may not be desirable for regulators to prosecute all breaches of legislation, however minor. For example, the amount of public money required to prosecute minor breaches may outweigh the benefit in prosecuting, particularly where the breach of the Act was inadvertent or has been immediately rectified. If the regulator can take a lesser form of enforcement action that nonetheless ensures compliance with the legislation, this may be preferable. There has been a trend amongst regulators towards relying on a range of enforcement powers. See e.g. the enforcement policies of the Western Australian Department of Environment and Regulation and the Department of Water. The Fair Work Ombudsman is also in the process of updating its compliance and enforcement policy to set out in more detail its use of a range of enforcement mechanisms. (See Australian Small Business Commissioner, "Fair Work Ombudsman: 2015 the year ahead", 14 January 2015, available at http://www.asbc.gov.au/blog/2015-FWO, accessed 23 Jan 2015). In these circumstances, the occupational health and safety regulator in WA should have a broad range of enforcement powers at its disposal, including the ability to undertake remedial action. While there are other enforcement powers under the WA Bill in addition to remedial action, in our view, the WA Bill should contain

	the full suite of enforcement actions under the Model Bill. *Remedial action power specifically needed* In the absence of a power to undertake remedial action, workers may be exposed to occupational health and safety hazards where the person with management or control of the workplace does not comply with a prohibition notice or cannot be found. While the regulator may be able to take some other form of enforcement action (e.g. prosecution) to rectify the situation, this may not be able to be done quickly enough to protect workers from occupational health and safety hazards.
Enforceable undertakings Part 11 (Clauses 216-222)	**Nature of the change** Under the Model Bill, the regulator generally has the power to enter into an enforceable undertaking with a person who is in breach of the Act, as an alternative to prosecuting the person. Where the regulator accepts the enforceable undertaking, no enforcement proceedings may be brought, unless the person fails to comply with the enforceable undertaking. The enforceable undertaking provisions have been removed from the WA Bill. **Comments** ELC opposes the removal of the enforceable undertaking provisions from the WA Bill. In our view, the regulator should be able to enter into enforceable undertakings as an alternative to prosecution in appropriate circumstances for several reasons. *Range of enforcement powers needed* As noted above, modern regulators need to have a range of enforcement powers. This is because regulators generally do not have the resources to prosecute all breaches of the relevant legislation. In our view, it is generally better for *some* enforcement action to be taken against a person who breaches the Act, even if this enforcement action is not prosecution, rather than no enforcement action at all. Further, as noted above, in some circumstances it may not be desirable to prosecute, particularly where a person has breached the Act inadvertently and has immediately rectified the breach. Given the cost involved in prosecuting, it may be preferable for the regulator to take some lesser form of enforcement action if the regulator can nonetheless ensure compliance with the Act. Finally, there has been a trend in recent years amongst state and federal regulators of relying on a broad range of enforcement actions, as discussed above.

	Potential problems with enforceable undertakings and ways in which these problems are addressed under the Model Bill There are some potential problems with the use of enforceable undertakings. For instance, they may allow a person who has breached the Act to avoid prosecution in circumstances where a reasonable person might expect that the person would be prosecuted. However, there are some limits on the use of enforceable undertakings under the Model Bill. For instance, it is not possible to enter into an enforceable undertaking for Category 1 offences – offences involving death or serious injury. This is consistent with community expectations that the regulator would prosecute in relation to the most serious offences and would not rely on a lesser form of enforcement action. Another limit on the use of enforceable undertakings is that where a person does not comply with the terms of an enforceable undertaking, the regulator may nonetheless prosecute the person for the offence or seek to enforce the undertaking. Additionally, the regulator is not *obliged* to accept an enforceable undertaking; the regulator *may* accept such an undertaking. If the regulator does not consider it appropriate to accept an enforceable undertaking (for instance, because of the seriousness of the conduct or because the person in breach of the Act has a history of non-compliance), then there is nothing to stop the regulator from prosecuting. *Enforceable undertakings exist currently in OSH Act* The existing *Occupational Safety and Health Act 1984* (WA) (**Occupational Safety and Health Act**) contains provisions allowing a court to order an offender who has been found guilty of an offence to enter into an enforceable undertaking with the Worksafe Commissioner (see Part VII, Division 3 (ss. 55H-55R)). These provisions are somewhat more limited than the enforceable undertakings provisions in the Model Bill, in the sense that only a court can order someone to enter into an enforceable undertaking, and only after the person has been found guilty of an offence. However, we note that the enforceable undertaking provisions have been *completely* removed from the WA Bill. In other words, the existing powers to enter into enforceable undertakings under the Occupational Safety and Health Act have effectively been removed as well. *Conclusion* On balance, in ELC's view, it is beneficial for the regulator to have the ability to enter into enforceable undertakings and the relevant provisions in the Model Bill should be reinstated.

Infringement notices Part 13, Division 3 (Clause 243)	**Nature of the change** The Model Bill provides for the possibility of issuing an infringement notice, or "on the spot" fine, as an alternative to prosecution. The infringement notice provision has been removed from the WA Bill. **Comments** ELC opposes the removal of the infringement notice provision from the WA Bill. We consider that this should be one of a range of enforcement actions available to the regulator. As discussed above, modern regulators need a range of enforcement actions because they usually do not have the resources to prosecute all breaches of the relevant legislation. Additionally, it is not necessarily desirable to prosecute all breaches, given the high costs involved and the fact that some breaches of the Act may be relatively minor and inadvertent. Further, the regulator is not *obliged* to issue an infringement notice in any case; it is merely one of a handful of available enforcement actions. The trend amongst state and federal regulators in recent years has been to rely on a range of enforcement actions rather than solely on prosecution, as discussed above.
PCBUs can seek internal review of inspectors' decisions but workers cannot	
Clause 223	**Nature of the change** Under both the Model Bill and the WA Bill, inspectors may decide to issue improvement notices, prohibition notices, non-disturbance notices and so forth. They may make other decisions such as the decision to vary or cancel such a notice, or to extend the time for compliance with an improvement notice. Under the Model Bill, both the PCBU and the affected workers can seek internal review of these types of decisions. However, under the WA Bill, only the PCBU has internal review rights – internal review rights for workers have been removed. **Comments** ELC opposes the removal of internal review rights for workers in relation to decisions by inspectors. It is unfair for PCBUs to be able to apply for review of such decisions but for workers to be denied these same rights.
Limitation period for prosecutions	
Clause 232	**Nature of the change** The general limitation period for prosecutions in clause 232 of the

	Model Bill is: (a) 2 years after the offence first comes to the notice of the regulator; or (b) 1 year after a coronial report was made or coronial inquiry or inquest ended; or (c) 6 months after an enforceable undertaking is contravened, or the regulator becomes aware of the contravention, or the regulator agrees to the withdrawal of the undertaking, whichever is the later. Under the WA Bill, the general limitation period for prosecutions is: (a) 3 years after the offence was committed; or (b) 1 year after a coronial report was made or coronial inquiry or inquest ended, whichever is the later. **Comments** ELC supports the extension of the limitation period for prosecutions from 2 years to 3 years in subclause 232(a) of the WA Bill. However, ELC opposes the limitation period being calculated from when the offence was committed rather than from when the offence came to the notice of the regulator. There may well be situations where a serious offence is committed but it does not immediately come to the attention of the regulator. In these situations, the regulator should not be prevented from prosecuting simply because the matter escaped the regulator's attention immediately after the offence was committed. Additionally, it is in the public interest for the regulator to be able to investigate a matter thoroughly before commencing a prosecution, as noted in the Explanatory Memorandum to the Model Bill (para 779). If too short a limitation period exists, the regulator may either not be able to bring a prosecution at all because it has not been able to gather sufficient evidence within the time-frame, or may be encouraged simply to start a prosecution in the absence of strong evidence, with the hope of gathering such evidence after the prosecution has been commenced. Clearly, neither of these outcomes is desirable. We recognise that subclause 232(2) does allow prosecutions to be brought in some circumstances after the relevant limitation period has expired, namely where fresh evidence is discovered and the court is satisfied that the evidence could not reasonably have been discovered within the relevant limitation period. However, the circumstances in which a prosecution can be brought after the limitation period has expired are quite limited. It is preferable simply to allow for the limitation period to be calculated from when the regulator becomes aware of the offence. In our view, subclause 232(a) should be amended so that the regulator has 3 years to prosecute from the date the offence was

	committed or from when the offence first comes to the notice of the regulator, whichever is the later. Subclauses 232(b) and (c) in the Model Bill should also be preserved.
No right to request that the regulator prosecute	
Clause 231	**Nature of the change** Under the Model Bill, if a person reasonably considers that a Category 1 or 2 offence has occurred and the regulator has not brought a prosecution for that offence within 6 to 12 months after the offence occurred, the person may request that the regulator prosecute. If the regulator nonetheless declines to prosecute, the person who requested the prosecution must be given written reasons why a prosecution will not be brought. The person may then request that the regulator refer the matter to the Department of Public Prosecutions (**DPP**). The regulator must in turn refer the matter to the DPP. If the DPP considers that a prosecution should be brought but the regulator still declines to do so, the regulator must give the person written reasons for the refusal. These provisions have been removed in their entirety from the WA Bill. **Comments** ELC opposes the removal of the rights to request a prosecution and the associated rights to written reasons for the decision not to prosecute from the WA Bill. In our view, the removal of these provisions substantially weakens the occupational health and safety protections afforded under the WA Bill. *Ability to request a prosecution* The ability to request a prosecution effectively ensures that no serious occupational health and safety breaches fall through the cracks. It is particularly important to be able to request a prosecution if clause 267 of the WA Bill is retained. This provision prevents a person from bringing a civil action for a breach of the Act (and is discussed further below). The combined effect of denying affected persons the right to request a prosecution and preventing them from bringing a civil action for a breach of the Act is that they may be left without any remedies for serious breaches of the Act. *Right to written reasons for decision not to prosecute* The right to written reasons for a decision not to prosecute improves transparency and encourages a high standard of decision-making from the regulator. This in turn is likely to

	promote public confidence in the regulator. In these circumstances, the right to written reasons should be included in the WA Bill.
No right to bring civil proceedings	
Clause 267	**Nature of the provision** Under both the Model Bill and the WA Bill, there is no right for an individual to bring civil proceedings in relation to a breach of the Act. This appears to mean that where a person breaches the Act, it is only the regulator that can take enforcement action in relation to that breach. **Comments** ELC opposes this provision in its current form. The combined effect of there being no right for an individual to bring civil proceedings for a breach of the Act and the lack of a right to request a prosecution (as discussed above) is very problematic. This means that if the regulator chooses not to pursue enforcement action against someone who has breached the Act, there is very little that an affected person can do about this.
Penalties	
Various clauses (see individual offence provisions)	**Nature of the provisions** The WA Bill has retained the penalty provisions in the Model Bill, despite earlier suggestions that the penalties may be reduced in WA. **Comments** ELC supports the penalties contained in both the WA Bill and the Model Bill. We note that there has been some opposition to the penalties on the basis that they are too high. However, in our view, there are good reasons for the maximum penalties to be as high as they are. First, it is necessary for the maximum penalties under the Act to be high because of the serious nature of the conduct covered by the legislation, as noted in the Explanatory Memorandum (para 140). For instance, the more serious offences under the Act involve death or serious injury. Second, the penalties under the Act also need to be high enough to act as a deterrent, again as noted in the Explanatory Memorandum (para 140). In Western Australia, many employers in high risk industries are major multinational companies whose turnover is many millions, and in a few cases, billions of dollars per year. The penalties must also be high so that they are proportionate to the companies' high annual turnover.

	Further, we note that the penalties provided for are *maximum* penalties; there is no obligation to impose the maximum penalty. High maximum penalties have existed in other types of legislation for many years (e.g. *Environmental Protection Act 1986* (WA) (**Environmental Protection Act**). The maximum penalty is rarely imposed, but it exists to cover those few instances where maximum is needed because of the seriousness of the conduct.
Personal obligations of officers of a PCBU	
Clause 27	**Nature of the provisions** The WA Bill has retained the provisions in the Model Bill which require officers of PCBUs to exercise due diligence to ensure that the PCBU complies with its occupational health and safety duties under the Act. **Comments** ELC supports imposing a positive obligation on officers of a PCBU to ensure that the PCBU complies with its duties. In our view, PCBUS are far more likely to comply with their occupational health and safety obligations where individual officers can also be held liable. There has been some resistance to introducing such provisions into the WA Bill. However, concerns about these provisions are often overstated, for the reasons outlined below. First, the provisions in the WA Bill only impose an obligation to exercise due diligence; they do not impose liability on the officer simply if the PCBU did not comply with its obligations. This means that if an officer can show that s/he exercised due diligence, even if the PCBU ultimately did not comply with its obligations, then the officer will not be personally liable. Second, these types of personal liability provisions are not unusual; there are many other examples of legislation that imposes personal liability for officers of corporations – see e.g. Fair Work Act (s 550), Environmental Protection Act (s 118). Further, in practice, individual officers are generally only held personally liable in the most egregious of cases. In these circumstances, it should be possible to impose personal liability for serious breaches of the Act.

Bullying	
No specific clause	**Nature of the issue** Under both the WA Bill and the Model Bill, there are no specific provisions dealing with bullying. **Comments** ELC is strongly of the view that the WA Bill should deal expressly with bullying. As noted in the recent House of Representatives inquiry into workplace bullying, bullying is a very serious workplace issue that can have disastrous personal consequences for individual workers and costs the economy somewhere between $6 billion and $36 billion annually (House of Representatives Standing Committee on Education and Employment, Parliament of Australia, *Workplace Bullying: We just want it to stop*, 26 November 2012, p. ix). In these circumstances, it is of the utmost importance that bullying is dealt with appropriately under occupational health and safety legislation. While the occupational health and safety protections in the WA Bill are broad enough to provide *some* protection against bullying, in our view, this is not enough in itself. The existing Occupational Safety and Health Act deals with bullying in much the same way as the WA Bill, but this has not been a successful model. To our knowledge, there has only ever been one bullying prosecution by the regulator in Western Australia since 1984 when the Act was introduced. The recent approach towards bullying under the Fair Work Act provides a much better model. Under this model, a worker who has been bullied can apply to the Fair Work Commission for a stop bullying order. In our view, a similar model should be adopted in the WA Bill. The main change that we would propose in this regard is that a bullied worker should also be able to seek compensation for bullying.