

██████████ Health and Safety Representative Australian Public Service

Submission to inquiry into workplace bullying : Case studies of workplace bullying in the Australian Public Service (APS)

Dear Inquiry Members

I am an elected Health and Safety Representative (HSR) in the Australian Public Service (APS). I have been elected as a HSR over the past 10 years in the Australian Public Service working in many Designated work groups (DWG's) at ██████████, ██████████ centres and at large private sector ██████████ warehouse facilities.

I have recently provided support and assistance to a number of workers in relation to workplace bullying. I have witnessed workplace bullying and the serious impact bullying can have on workers and their families. I have included in this submission case studies of some of the most recent incidents of workplace bullying:

- 1) Assault (bodily harm) "Lucky to be alive" advice from doctor's at Royal Prince Alfred hospital
- 2) Electric shock deliberately intended to inflict harm
- 3) I feel wholly and utterly betrayed
- 4) Managers threats to a Health and Safety Representative
- 5) APS bullying - Human resources
- 6) Lawyer up a form of bullying against the little bloke - Agency heads using Australian tax payers money to pay private law firms to defend maladministration.

These are just a few of the many workplace bullying incidents I am aware of over the past 10 years in my Department and there may even be 100's more across the Australian Public Service.

Also, I believe bullies use performance management processes and sometimes even HR departments to bully workers and cover up employee complaints about their behaviour, and furthermore would assert that some of this workplace bullying contravenes criminal, industrial, Work Health and Safety and anti discrimination legislation.

It is a great relief that you are undertaking this important inquiry which will hopefully bring much needed change to the way bullying is treated in the workplace and perhaps even in the long run, help eradicate it altogether. People need to feel empowered at work and not intimidated, the benefits of feeling that they are respected and that what they contribute is of value not only means healthy happy employees but the potential positive flow on effect can only help organizations become more dynamic and add value to the community as a whole.

I believe the attached case studies speak for themselves, bullying is an ongoing and ever present issue and I hope that the contents of these studies assist your inquiry with a view to providing healthy and safe work environments for all.

Yours sincerely

██████████  
Health & Safety Representative  
Australian Public Service

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██████████  
29 June 2012

**Case study 1 – Assault (bodily harm) “Lucky to be alive” advice from doctor’s at Royal Prince Alfred hospital**

Assault (bodily harm) involving APS work colleagues at an inter agency (out of hours) social function in October 2011. The offender was found guilty and charged by the police and prosecutor.

The victim was asked to provide medical certificates from a GP in order to keep the victim protected via separation ie wanted to relocate the victim not the offender and the victim had to regularly check the roster to see if the offender is rostered to work in the workplace.

The offender has also had previous work incidents. The Health and well being manager interviewed the victim a month after the incident Nov 2011 and no further follow up since, the victim feels like they have been let down by the Department.

When my work colleague was missing from workplace and there was silence about the social function someone told me about the assault against my work colleague and it made me feel sick to the stomach I considered going to speak to someone about it eg EAP. I discussed the incident with my wife and it made her upset and she was also sickened by the assault to my work colleague.

**Case study 2 – Electric shock deliberately intended to inflict harm - incident referred to NSW police after requests made by workers**

**From:** (undisclosed recipients)

**Sent:**

**To:** (undisclosed recipients)

**Cc:** (undisclosed recipients); (undisclosed recipients); (undisclosed recipients);(undisclosed recipients); (undisclosed recipients);(undisclosed recipients);(undisclosed recipients);

**Subject:** Incident at [REDACTED] [SEC=IN-CONFIDENCE:STAFF]

Hi all

An incident occurred on the 3<sup>rd</sup> of January where one of our officers received an electric shock while performing their duties. The equipment that was being used at the time was inspected and found to have been tampered with. Supervisors conducted inspections on other electrical equipment that is used by staff and found that two additional pieces of equipment had also been tampered with. The equipment, has been tampered in a way that potentially may cause serious injury to any person who attempted to use it. The damage included the cutting of the power cable near the plug to expose the wires.

Since this incident a qualified electrician has been on site to test and tag all [REDACTED] electrical equipment and this process has now been completed. The electrician has provide Managers with a report on the damaged equipment and has indicated that the damage caused is NOT attributed to wear and tear and has been done deliberately and in a manner that may be intended to inflict harm on someone. While [REDACTED] has taken all reasonable steps to ensure that equipment is safe, it is imperative that staff remain vigilant and check all equipment prior to using it. If staff notice anyone acting suspiciously around [REDACTED] equipment or behaving in a suspicious manner, they need to immediately report it to their supervisor or manager.

We have contacted Granville police in relation to this incident and are awaiting a response in relation to future direction of the investigation.

If anyone has any information that may assist the police in this investigation, I ask that they either contact Granville police quoting incident number [REDACTED] or talk to their Supervisor or one of the Mail managers.

Again, can I also ask that staff check all electrical equipment prior to it being used to ensure that it is fully functional and that if any suspected damage is identified that they contact their Supervisor immediately.

Thanks

(undisclosed)

### **Case study 3- I feel wholly and utterly betrayed**

I walked into work one day and I was approached by a work colleague who is visibly distressed and crying, my work colleague informs me that a bullying incident occurred and they do not feel safe and have to leave the workplace. On a different day I walk into work through the main front door entrance and I am faced by a different work colleague who is visibly distressed and walking out the door crying my work colleague informs me that a bullying incident occurred and they do not feel safe and have to leave the workplace.

**From:** (undisclosed)

**Sent:**

**To:** Manager A

**Cc:** Manager B; [REDACTED]; Manager C

**Subject:** Breach of APS Code of Conduct

Manager A,

In our discussion with yourself and (Manager D) at Crewe Place we asked you to follow up whether an assessment had been made of my Breach of APS Code of Conduct complaint. In particular, [REDACTED] and I wanted to know:

- a) Whether an assessment had been undertaken by [REDACTED]
- b) If so, what is the outcome
- c) How [REDACTED] Biosecurity arrived at this outcome

To date I have not received a response, nor has my representative. Our meeting took place in 7<sup>th</sup> June 2012.

With regards to our discussion. I would like to reiterate that I feel wholly and utterly betrayed to the point of discrimination. Firstly, I feel let down by the very people put in place as supervisors and persons of delegation and authority whom are "supposedly" trained in supervision and management of staff. I brought to their attention an issue which I clearly stated was not the first instance of bullying and harassment. Not that it being a first time incident should have any bearing on the issue.. This was raised in an interview with (Manager E) and (Manager F), myself and (union delegate A). My request was to be transferred to another shift. The response I was given by (Manager E) was that B shift was already short of staff and they were not looking to move staff out.. I was also told by (Manager E) that a change of shift had to be discussed with (Manager G), (Manager H), and HR. What happened to taking ownership of a situation that would have had a mutually acceptable outcome? Why is there a knee jerk reaction by management to support "management" and care nothing at all for the grass roots staff? Where is the duty of care owed to subordinates?

I was again discriminated against when in a number of requests in writing and during interviews, I asked to start my rotation early because of the incidents and ongoing issues. This request was denied even though another officer from the same shift started their rotation in [REDACTED] seven (7) months earlier. During our meeting I became very upset and distressed. I had to leave the interview room. On my return you had had a change of heart and offered me a place on C shift with a "caveat" which you stated meant that I would have no contact with (Supervisor A) or (Manager E). You stated that I would be "protected". (Manager A), I believe that in essence, you as [REDACTED] Human Resources Manager, Central East Region, confirms, or at the very least acknowledges that I have been harassed and bullied, victimised and intimidated, humiliated and belittled due to your caveat of guarantee of protection.

The offer you made to me, I decline as advised by my doctor. With so much un-necessary scrutiny that is not conducive to a harmonious and productive environment, I am not in my element in the absence of my substantive supervisor (Supervisor B). In my last performance appraisal, (Supervisor B). had commended me in my efforts to boost morale and team spirit within B shift. A role I have been involved in since I started at [REDACTED] Clyde since late 2008 when (Supervisor C) was my supervisor. I hasten to add that as early as Easter this year I organised an Easter Sunday morning tea which was at the behest of (Supervisor A) and attended by (Manager F), all full time and part time staff including [REDACTED] and [REDACTED]. I also organised an afternoon tea with APS staff to celebrate Harmony Day 2012 which was attended by (Manager E), (Supervisor A), acting supervisors (Supervisor D) and (worker A) and all of B shift. There was no question asked then by (Manager E) or (Supervisor A) if I had permission to organise that event.

At our interview you tried to offer support or rather placate me by telling me you understood how I felt as a result of what happened. You insulted me twice in one day. I advised you in our interview that I have never in all my working life experienced anything like this before. The unprofessional and unethical behaviour displayed by Supervisors and Managers including those purported to be acting in these positions is appalling given that we are constantly reminded of our responsibility under the Australian Public Service Code of Conduct.

Since starting in 2003 I have great respect and pride in what I do and what I represent, to the public at large and my country. I recall a meeting at [REDACTED] in 2007 where the Regional Manager at the time gave a very inspirational address about Corporate Strategy. He talked also about code of conduct where he basically said that as soon as we put on our uniform we were governed by a totally different set of rules. Rules that required us to behave and act accordingly, treat others with respect and courtesy.

(Manager A) , I do not need protection. Maybe justice, even better. A Fair Go.

Regards

(undisclosed complainant)

#### **Case Study 4 –Managers threats to Health and Safety Representative**

**From:** (undisclosed)

**Sent:**

**To:** "Help Desk WHS.Help" <WHS.help@comcare.gov.au>

**Cc:** (undisclosed)@comcare.gov.au

**Subject:** RE: HSR threatened – (undisclosed) - [REDACTED] - 05/02/2012 [SEC=IN-CONFIDENCE:STAFF]

Dear Comcare

As requested here is my complaint in writing;

I am an elected HSR and I work at [REDACTED] operated by [REDACTED] situated at Clyde. One of my main aims has been trying to improve the unsafe and filthy work conditions that my colleagues and I currently experience at this work location. One of my concerns is about the Air Quality. Another concern, of this building, is where many of the emergency exit lights are not working. A recent concern was a HAZMAT incident, just before Christmas, where [REDACTED] officers were treated by ambulance and hospital examination and recovery care. As an active HSR, I wanted to get these items of concern, both investigated and fixed/repaired. I contacted Comcare for information and advice on the powers of a HSR and I received advice from them on 16 January 2012 (attachment 1 & 5). I sent this information to [REDACTED] Managers (Manager B ) and (Manager I) on the following day 17 January 2012 and requested for them to distribute to relevant line managers (attachment 2).

On the 27th January 2012 I received Threat #1 from a [REDACTED] Manager ( attachment 3) this threat was promulgated to [REDACTED] On the 5th April I received Threat #2 (attachment 4) and I believe these person(s) are engaging in discriminatory or coercive conduct for a prohibited reason and this is a contravention of the Work Health and Safety Act 2011. My request is an investigation on this matter :- so that the discriminatory or coercive conduct for a prohibited reason, as presently identified in attachments, does not occur in the department, both specific to this worksite and currently to all [REDACTED] workplaces.

Attachment 1 - Advice from Comcare re HSR rights to take photographs of Unsafe work areas  
16/01/2012

Attachment 2 – HSR request to distribute Comcare advice to relevant line managers 17/01/2012

Attachment 3 – Threat #1 from [REDACTED] Manager(s) to HSR and promulgated to PCBU [REDACTED]  
27/01/2012

Attachment 4 – Threat #2 from [REDACTED] Manager(s) to HSR 5/04/2012

Attachment 5 – Comcare advice HSR may approach a PCBU directly

Yours sincerely

(undisclosed)

Health and Safety Representative

**Case study 5 - APS Bullying : Human resources**

Administrative Appeals Tribunal  
GPO Box 9955  
Sydney NSW 2001

Mr (undisclosed)  
(undisclosed)  
(undisclosed)

Ref : 2011/0110

21 March 2011

Dear Sir/Madam

I am writing to the Administrative Appeals Tribunal (AAT) notify the AAT that I oppose the granting of the application for confidentiality orders made by the Secretary, [REDACTED]  
[REDACTED]

I oppose the granting of the application for confidentiality orders for the following reasons.

- I feel the secrecy of governmental communications in the matter at issue is not consistent with the Australian Public Service (APS) values eg is openly accountable for its actions.
- Agency heads are bound by the Code of Conduct in the same way as APS employees and have an additional duty to promote the APS Values.
- the importance of upholding the purpose of FOI legislation to reinforce the basic principles of democratic government, namely openness, accountability and responsibility.
- the legal advice informs the making of an administrative decision and the content of the advice appears in the notice of decision.
- the privileged material was used as source material for the preparation of other documents which are not privileged.
- the legal advice is referred to or forms the basis of reports which are not privileged.
- [REDACTED]'s administrative decisions cite, summarise, disclose the substance of the legal advice as a means of supporting, explaining or justifying [REDACTED]'s conduct or position on the matter at issue.
- where a privileged communication informs the preparation of a document which is not privileged, privilege in respect of the source document may be waived.

Regards

(undisclosed)

**Case Study 6 Lawyer up, a form of bullying against the little bloke** - Agency heads using Australian tax payers money to pay private law firms to defend maladministration.

Australian Human Rights Commission  
Level 3 175 Pitt St  
Sydney NSW 2000

Ms (undisclosed)  
Investigation/Conciliation Officer  
Complaint Handling Section  
Ref: TM/2025596FC

9 March 2012

Dear (undisclosed)

I am writing in reply to your letter to me dated 14 February 2012 regarding my complaint against the [REDACTED] regarding prohibited conduct trade union activity discrimination in employment.

I have read the Department's response outlined in the letter and I feel they are denying everything and making up a counter complaint to try and tarnish my professional reputation vexatiously. The complaint I made is against Mr (undisclosed) manager who at the time was also the Delegate of the Level 5 promotions. I made a complaint/industrial dispute against Mr (undisclosed) and he states that the senior managers writing the referee reports for me did not know of this. I have evidence that I notified the [REDACTED] Senior managers about the dispute days before they had written my referee reports making them fully aware of the dispute. I feel the [REDACTED] Senior managers engaged in prohibited conduct intentionally writing the negative comments to place a black mark against my name so that I did not get a promotion.

The Department also discriminated against me when I was elected as the Health and Safety Representative at [REDACTED]. The election was thoroughly investigated by Comcare investigators (please see Comcare Report of Investigation number [REDACTED]) and they found no contravention of the relevant OHS laws for the conduct of HSR elections. I have read the Comcare investigation report and the Department had the opportunity to express their concern about the election and there is nothing in the report about the Department's unsubstantiated complaint. The Department is making up a counter complaint against me about the conduct of the HSR election.

The prohibited employer conduct includes to injure an employee in their employment and/or to alter the position of an employee to the employee's prejudice. The prohibited reasons include that an employee has made or proposes to make a complaint to a person or body having the capacity under industrial law to seek compliance with that law or observance of person's rights under an industrial instrument.

The given facts in my case it would appear that the actions of [REDACTED] senior managers could constitute a breach of prohibited conduct in that my legitimate attempts to seek a review of a management decision is reported by [REDACTED] management as a black mark against my name and those reports have been made to a committee that determined my promotion prospects

I would like to reiterate that I feel that [REDACTED] are denying everything and making up a counter complaint to try and tarnish my professional reputation vexatiously.

Regards

(undisclosed)