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6 July 2012

The Secretary
Standing Committee on Education and Employment
House of Representatives
Parliament House
Canberra ACT 2600

Dear Mr Worthington

Review into Bullying in the Workplace

Thank you for your letter dated 6 June 2012 inviting a submission from Comcare to the House of Representatives Standing Committee on Education and Employment regarding the inquiry into bullying in the workplace.

Please find attached Comcare's submission. The submission addresses the experiences of workplace bullying for those covered under the Commonwealth *Work Health and Safety Act 2011* and the *Safety, Rehabilitation and Compensation Act 1988* within the Comcare scheme. A number of case studies are used to tell the stories of bullying in the workplace from a work health and safety perspective. Comcare has put forward a number of recommendations which advocate the importance of creating a holistic framework to address the underlying causes of bullying.

Comcare welcomes the opportunity to participate in hearings should the occasion arise. If you have any further questions regarding this submission, please contact Mr Andrew Graves, Director, Work Health and Safety Policy on .

Yours sincerely

Paul O'Connor
CEO
Comcare



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**SUBMISSION TO THE HOUSE STANDING
COMMITTEE ON EDUCATION AND EMPLOYMENT
INQUIRY INTO WORKPLACE BULLYING**

EXECUTIVE SUMMARY

- 1) The incidence, impact and cost of workplace bullying are cause for grave concern and action. Growing evidence shows that workplace bullying causes great distress and harm to people affected, their families, friends and communities. The ripple effect is felt by wider community through lower workforce participation, reduced productivity, increased workers' compensation costs and higher risk of social isolation for the people affected.
- 2) The increasing cost and complexity of mental harm claims from bullying and harassment puts the federal workers' compensation scheme under pressure. Too many federal workers are being harmed at work by bullying and harassment.
- 3) The overall incidence, cost and impact of mental harm claims is increasing. In the Australian Public Service (APS) alone, there has been a 30% increase across the last three years in the incidence of mental harm claims and a 32% increase in estimated claim costs. In this period, annual cost of claims arising from workplace bullying across the APS has increased from \$27.4m to \$46.3 million.
- 4) These trends are not sustainable. They are inconsistent with the achievement of the Government's priorities of higher workforce participation, increased productivity and social inclusion.
- 5) There is gap in how federal law applies to workplace bullying. Workers covered in the Comcare scheme may make a workers' compensation claim in respect of workplace bullying but this may not be a reportable event under federal work health and safety law. The legislative and policy frameworks need to be better aligned and reflected in the systems and processes at federal workplaces.
- 6) Workplace bullying is complex matter with a number of interrelated precursors and consequences. Effective prevention needs a multi-pronged approach involving organisational leaders, managers, policy makers, human resource practitioners, unions and the participation of workers at all levels.

COMCARE

Comcare is a federal agency within the workplace relations portfolio of the Department of Education, Employment and Workplace Relations (DEEWR).

Comcare is the federal work health regulator pursuant to the *Work Health and Safety Act 2011* (WHS Act) in respect of federal workplaces (both Australian Public Service (APS) and national companies licensed to be self-insured in the Comcare scheme) and for the Australian Defence Force (ADF).

Comcare also underwrites public sector workers' compensation liabilities under the *Safety, Rehabilitation and Compensation Act 1988* (SRC Act) for workers employed by the APS and the ACT Government.

This submission addresses workplace bullying for those covered under the federal work health and safety arrangements and federal workers' compensation arrangements managed by Comcare.

THE COMCARE SCHEME

The Comcare scheme is a national, integrated work health and safety, rehabilitation and compensation system. Comcare partners with federal workers, their employers and unions to keep people at work healthy and safe and to reduce the incidence and cost of workplace injury and disease.

Comcare is responsible for delivering three outcomes:

- The protection of the health, safety and welfare at work of workers covered by the Comcare scheme through education, assurance and enforcement.
- An early and safe return to work and access to compensation for injured workers covered by the Comcare scheme by working in partnership with employers to create best practice in rehabilitation and by providing quick and accurate management of workers' compensation claims.
- Access to compensation for people with asbestos-related diseases where the Commonwealth has a liability.

Comcare's programs and services are used by more than 420,000 workers. These people work in a range of industries including government services, transport and logistics, financial and banking services, construction, telecommunications, defence and postal services.

Comcare's work in work health and safety and workers' compensation extends beyond the APS to include coverage for workers of thirty national companies that are licensed by the Safety, Rehabilitation and Compensation Commission (the SRCC) to self-insure their workers' compensation liabilities under the Comcare scheme.

THE COMPLEXITY OF WORKPLACE BULLYING

Workplace bullying has become one of the most critical issues within the work health and safety framework.

Unlike physical hazards, psychosocial hazards to mental health and wellbeing are not as overtly visible in the workplace. Employers need to stop and understand what's at play when there are allegations of workplace bullying.

Psychosocial hazards are those aspects of the design, organisation and management of work, and its social and environmental context that can cause psychological, social or physical harm. These psychosocial hazards can lead to the emergence of workplace bullying.

There is no commonly agreed framework or system to prevent or detect and control workplace bullying.

At Comcare, our experience of workplace bullying has shown that some employers do not address workplace bullying through a health and safety lens. What we see is that many employers are not effectively monitoring psychosocial wellbeing as a work health and safety issue, despite their size and the relative sophistication of their health and safety systems.

Incidents of workplace bullying can be addressed through a number of workplace arrangements including industrial relations, human rights, employment issues, work health and safety and or workers' compensation.

For example, incidents of workplace bullying at an APS workplace might enliven potential breaches of the Australian Public Service Commission's (APSC) Code of Conduct. Figure 1 depicts the array of agencies and services that may be involved in a response to allegations of workplace bullying and harassment.

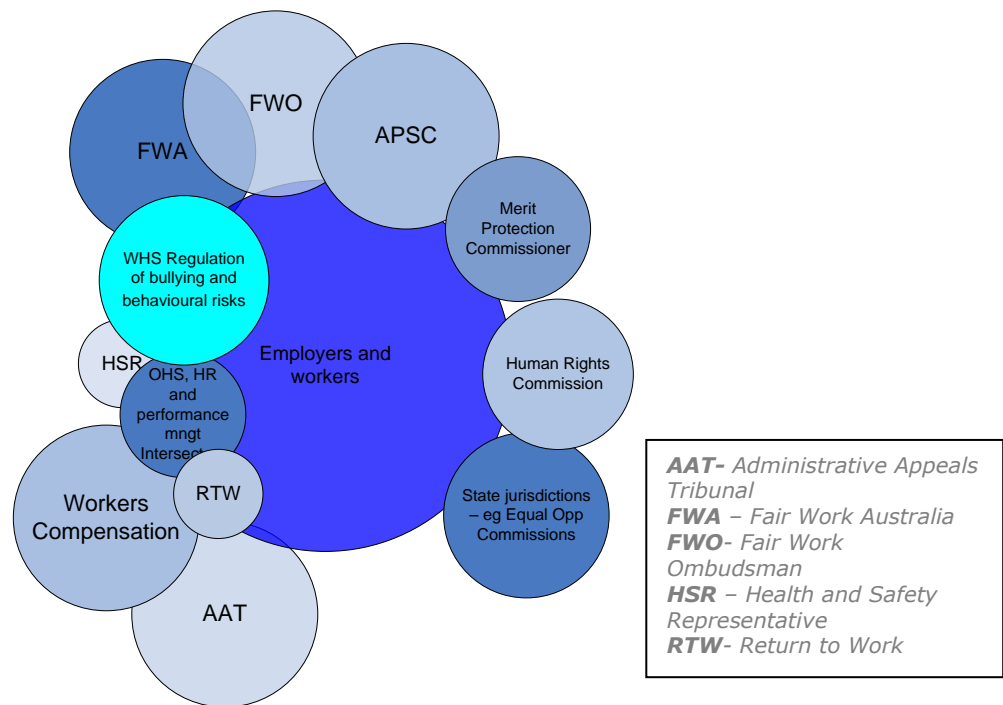


Figure 1: Overlap of organisational processes and agencies that deal with bullying in the workplace.

THE IMPACT OF WORKPLACE BULLYING

The full consequences of workplace bullying are not well known or measured. For example, lost opportunity, inefficiency and low effectiveness, higher turnover and loss of human capital are factors that need to be taken into account yet are difficult to quantify.

The impact of bullying on the culture of an organisation can be significant and create systemic problems.

When things go well at a workplace and there's a culture of respect and courtesy and low levels of poor behaviour, 'getting it right' means:

- High levels of engagement, job satisfaction and commitment
- Less workplace harm, fewer workers' compensation claims
- Faster recovery and return to work if people are affected by bullying
- Lower premiums and reduced costs
- Leaders are focused on value creation
- High quality service delivery, effectiveness and efficiency
- A good reputation and value proposition as an employer.

In contrast, when it doesn't work we see:

- Erosion of engagement, satisfaction and commitment
- Distraction and diversion of resources from programs and impact
- It affecting morale and productivity and the organisation's 'employee value proposition' or brand value.

THE LEGISLATIVE ENVIRONMENT

There is no formal definition of workplace bullying in federal work health and safety law.

A code of practice could provide practical guidance on defining bullying, how to prevent bullying becoming a health and safety risk in the workplace, and what to do if it does occur.

A draft national model Code of Practice on *Preventing and Responding to Workplace Bullying* is being developed by Safe Work Australia.

At Comcare we describe bullying as repeated unreasonable behaviour that is humiliating, intimidating, threatening or demeaning to a person, or group of persons at the workplace, which creates a risk to health and safety.

All serious safety incidents at federal workplaces are notifiable to Comcare. However, psychological harm is notifiable only where a worker has needed immediate treatment in hospital. At a practical level, this excludes most incidents of workplace bullying. This was not the case under the former federal occupational health and safety laws. At Comcare, we believe this is a weakness. It could be remedied at a national level by a change to the model work health laws or prescribed under current federal regulation in respect of the Comcare scheme.

Federal workers' compensation law does not define workplace bullying. A worker affected by bullying or harassment has the right to make a claim. Claims can be rejected if an employer can show that the harm is the result of reasonable management decisions or actions, undertaken in a reasonable way.

In operation, this presents a challenge to people affected by workplace bullying as well as Comcare delegates who need to make judgements about a worker's entitlements to compensation. It's also very difficult for Comcare staff to explain to people affected – workers, colleagues and employers – that acceptance of a workers' compensation claim does not translate to a breach of federal work health and safety laws.

Finally, federal law does not require employers in the Comcare scheme to report workplace bullying actions and/or incidents in their annual reports. Better reporting of these actions and/or incidents would provide a better understanding of the scope of the problem, as it would:

- Provide employers an opportunity to reflect on and report the effectiveness of prevention programs to tackle workplace bullying
- Enable comparisons to be made with other employers
- Help Comcare prioritise interventions and annual work program.

AT WORK

The spectre of workplace bullying can be challenging for line managers. Anecdotal evidence shows that many managers are afraid to engage in performance management action due to fear of being labelled a bully. Also, the lines between work and private life are blurred. Three cases studies highlight different aspects of the challenges.

Case study: Do work health and safety obligations extend beyond the physical workplace?

The issue of cyber bullying is becoming more prominent with the advent of social media. This case study illustrates the difficulty when personal communications outside of the workplace affect relationships at work.

THE CIRCUMSTANCES

Over a period of time, a worker posts status updates on Facebook that do not directly mention a workplace, or name a colleague, but may be interpreted to disparage their team members. The worker's profile is not public, but a co-worker has access to it. They see this, and send it to a co-worker they believe is the subject of the comments. When this co-worker sees this, they report to their employer that they consider this workplace bullying.

MANAGEMENT'S RESPONSE

The workplace management determine that this is a personal conflict with no links to the workplace. The workers are reminded to behave courteously at work.

IMPACT ON WORKERS

The worker who commented on Facebook feels like they have been ganged up on by their colleagues in what they thought was a personal environment. The deterioration of the relationship between workers affects workplace culture and productivity.

COMCARE RESPONSE

When reviewing the information, the Comcare inspector forms the belief that the communication does not sufficiently meet the criteria of bullying because it is not directed at a person, or could reasonably said to be humiliating. This was also outside of the workplace and is not reasonably practicable for the employer to control. The worker who posted on Facebook is embarrassed and the affected team member is frustrated. The inspector identifies that if the deteriorating relationships in the workplace are not addressed they may result in a risk to health and safety and makes recommendations that the employer can minimise the effects of this event by utilising a dispute resolution procedure, conflict coaching or equivalent. The inspector also recommends the employer review their training program to ensure it includes information about appropriate use of social media for workers. The affected worker requests Comcare review this, because they believe a punishment should be afforded to the worker who posted on Facebook. This is reviewed and it is determined that the inspector's decisions were in line with the intent of the WHS Act, and no further action is required.

LESSONS LEARNT

- *The advent of social media has blurred the lines between the realm of work and private matters, as personal communication outside of the workplace can affect relationships in the workplace.*
- *Workers may hold the expectation that a form of punishment will be administered to the perpetrator of an alleged bullying incident, rather than the matter being resolved without fault.*

Case study: Duty of care of managers and employers in instances of workplace bullying

This case study highlights the need for managers and employers to meet their duty of care and deal effectively and responsibly with incidents of workplace bullying. The case illustrates that bullying can occur upwards, as well as downwards, or between people at the same level in an organisation.

THE CIRCUMSTANCES

A workplace is going through a change management program to increase efficiency. A manager and team members have different ideas about how their team should increase their performance outcomes with limited resources. The manager determines that team members are not meeting their new performance criteria, and engage in a performance management process for the team. Conflict is drawn from their expectation of control of the work they undertake and workers do not believe their manager understands the complexity of their tasks.

THE BEHAVIOURS

- *Lack of acknowledgement and social interaction between the manager and team members*
- *Manager using written communication (eg email) to team members rather than speaking to them face to face*
- *Team members disclosing the contents of private conversations with the manager about their performance to the team, insinuating that the manager disparaged other team members*
- *When trying to give feedback to the manager about the new performance targets being unachievable, the manager tells a team member they are being negative. The team member decides they will not offer feedback on anything again.*

THE IMPACT ON WORKERS

- *Members of the team do not feel valued and perceive the manager is trying to get rid of them.*
- *One team member feels personally affronted and embarrassed to be called negative. They perceive this as harsh and unreasonable.*
- *The manager perceives the workers to be excluding them, and colluding against them, to the point that their job is untenable.*
- *As a result of these behaviours, members of the team report they were being bullied by the manager. The manager feels that they were being bullied by the team, but chooses not to report this. Other workers are drawn into the conflict through being aware of the behaviour, and are pressured to take sides.*

ORGANISATIONAL RESPONSE

Based on the allegations by the members of the team, an independent internal investigation is undertaken that finds no clear evidence of bullying by the manager. The workers and manager are told no inappropriate conduct is found to have occurred and that is 'the end of it'. One member of the team goes on stress leave saying they cannot return to working for the same manager. Another team member requests Comcare to investigate, alleging that the employer has not undertaken reasonably practicable steps to ensure there is no risk to their health and safety at work.

COMCARE'S RESPONSE

A Comcare inspector reviews the allegations, and requests a response from the employer. Based on the information provided by both the worker and the employer, Comcare affirms that there is no clear evidence of direct bullying behaviour to the extent that it could be determined to breach the WHS Act. The inspector identifies there has been ongoing conflict that was never resolved successfully. This has presented a risk to the affected workers' health in the workplace. The Comcare inspector identifies an opportunity for improvement in the employer's response to the management of health and wellbeing by:

- *Undertaking and documenting risk assessments for organisational change management programs*
- *Monitoring the effectiveness of the controls that have been identified to minimize the impact on workers' mental health*

- Proactively monitoring the health and wellbeing of workers, including psychosocial wellbeing.

LESSONS LEARNT

- Organisations undertaking change management and job redesigns need to increase their awareness for the health and wellbeing of workers during this time
- Legitimate management action and performance management processes can be interpreted to be bullying, which results in workers blaming managers, and creates oppositional behaviours in the workplace.
- Intentionally or not, upwards bullying may occur when trying to undertake change management programs as a form of passive resistance to new organisational initiatives.

Case study: The intersection of legislation, compensation and return to work

THE CIRCUMSTANCES

After experiencing workplace bullying and conflict with their manager, a worker finds it impossible to return to their current role and becomes extremely anxious. Their doctor advises them they are fit to work, but not with their current manager, however the employer is unable to find them another suitable position. The worker maintains that they are keen to work, and their employer advises them to use their personal and annual leave entitlements, however these run out and the family finances are placed under extreme distress.

As a result of this financial distress, and finding the current workplace situation untenable, the worker receives permission to find outside work while the employer attempts to resolve the bullying allegations. The employer perceives this to be a performance management issue.

The worker contacts Comcare. A Comcare inspector looks at the allegations and the employer's response and determines there is sufficient evidence to commence an intervention.

IMPACT ON THE WORKER

When speaking to a Comcare inspector, the worker mentions they have a diagnosable medical condition which they attribute to the workplace. The inspector asks the worker if they have considered making a claim for workers' compensation. The employer had not previously supplied the worker with information about potential compensation while they were unable to return to work. As a result of speaking to Comcare, the worker has now triggered a response under the WHS Act, and puts in a workers' compensation claim. However, these are separate processes and the outcomes of each do not directly inform the other.

COMCARE RESPONSE

The outcome of the WHS intervention is that the inspector identified that the employer needed to improve their training and awareness of bullying, and the employer agrees to an action plan to improve their prevention of workplace bullying risks.

Initially, the claim is denied under the grounds of reasonable management action, which is affirmed at reconsideration. However, this is then reviewed by the Administrative Appeals Tribunal (AAT) and the decision is changed on the grounds that it was operational decision making, and not reasonable management action that triggered the workplace injury.

The AAT determine that the worker is entitled to compensation, but only up to the period when they engaged outside employment, as this capacity to work demonstrated they were no longer affected by a workplace injury or illness. This decision is reached four years after the initial behaviour.

The worker has maintained a wish to return to their previous workplace and kept a permanent position, but been unable to return due to the conflict. Because the AAT found the period of the effects of the workplace injury had ceased when the worker found temporary employment elsewhere, the return to work provisions of the SRC Act are not applicable.

LESSONS LEARNT

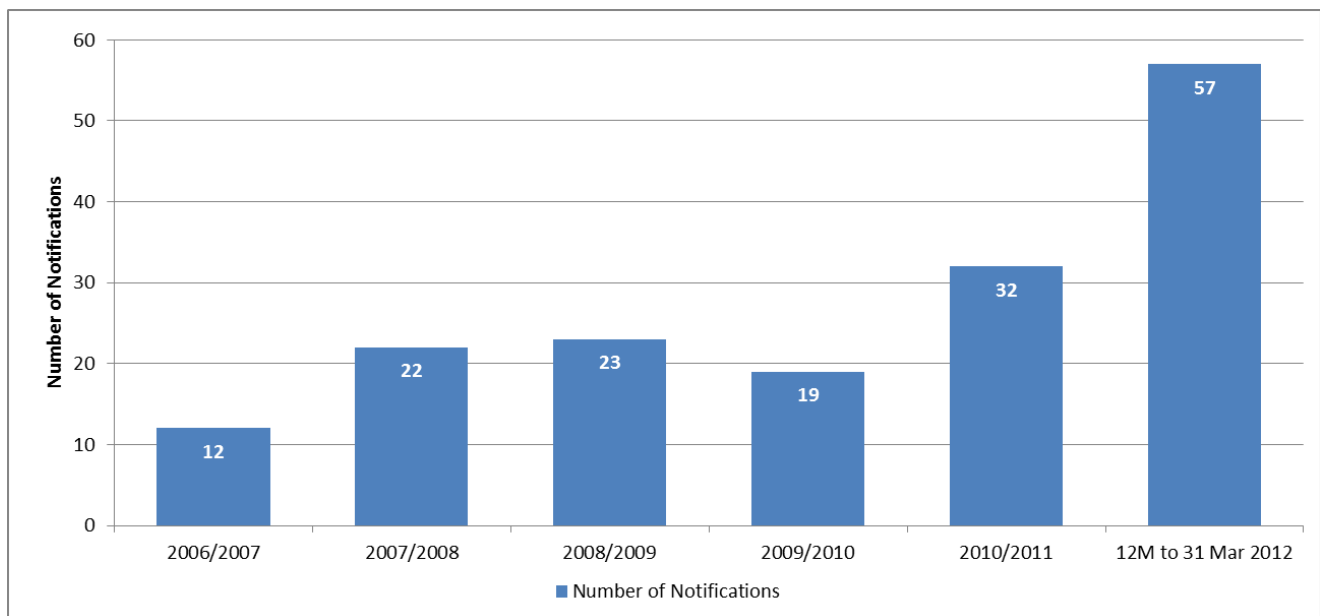
- Had the employer engaged in injury management and return to work processes in a timely manner, they would have had a greater opportunity to ensure a successful return to work*
- The employer was restricted by being unable to identify a suitable position and did not have structures to support flexible return to work arrangements*
- The worker's good intention and requirement for income meant they had to find other temporary employment, which affected their employer's obligation to support their return to work*
- This processes has taken four years, and the worker had limited options on how to return to the workplace they once enjoyed, without resorting to other external bodies or regulators*
- This represents the intersection of the SRC Act, WHS Act, and potential industrial and discrimination legislations, as a fractured and time consuming process*
- Workplaces need support to offer flexible working arrangements to enable recovery from workplace bullying – this not only impacts the victim's wellbeing but the workplace productivity and culture. Employers have to balance the operational imperatives of doing business with the effects business operations can have on individual's long-term wellbeing.*
- Whilst WHS and compensation matters are separate in statutory operation, this does not fit with the understanding of workers.*

OVERVIEW OF COMCARE SCHEME DATA

The increasing cost and complexity of mental harm claims from bullying and harassment puts the federal workers' compensation scheme under pressure. Too many federal workers are being harmed at work by bullying and harassment.

For the APS workforce covered under the Comcare scheme, recent data has shown that 18% of APS employees reported that they had been subjected to harassment or bullying at their workplace in the previous 12 months. Of those workers, 61% did not report this bullying to their employer. This is a significant issue and suggests that front line and senior managers need to engage more effectively with their team members and focus on promoting respect and courtesy, prevention of bullying and creating an environment where people can speak up. Once bullying is reported it may be too late to resolve the oppositional relationships that have formed.

Chart 1: Notifications of Work Related Harassment and/or Workplace Bullying incidents for Australian Government premium payers 2006–07 to the 12 months ending 31 March 2012



Since 2006-07, there has been a general upwards trend in workplace bullying and work-related harassment incidents being notified to Comcare by APS agencies.

The incidence of mental harm claims for departments and agencies has increased by 30 per cent in the past three years. The total estimated claim cost of mental harm claims increased from \$53 million for claims accepted in 2008–09 to \$70 million in 2010–11.

The incidence of mental harm claims from APS workers is around four times higher than the incidence amongst private sector companies (or licensees) covered by the Comcare scheme. Further analysis is required to better understand the reason for the higher rate of mental stress claims in the APS compared to private sector companies licensed under the Comcare scheme.

While the incidence of accepted mental harm claims declined from 2006–07 to 2008–09, coinciding with the *Safety, Rehabilitation Compensation and Other Legislation Amendment Act* (SRCOLA) amendments, since then there has been a general rise in the incidence of accepted claims for mental harm. There has also been an increase in the percentage of serious mental harm claims where workers have been off work for one week or more.

The SRCOLA amendments were intended to strengthen the connection between work and eligibility for workers' compensation. The amendments sought to restore the initial legislative intent by requiring that a worker's employment must have contributed in a significant way to the contraction or aggravation of the employee's injury or disease.

Chart 2: shows the changes in accepted claims for mental harm and the incident rate following the 2007 SRCOLA amendments

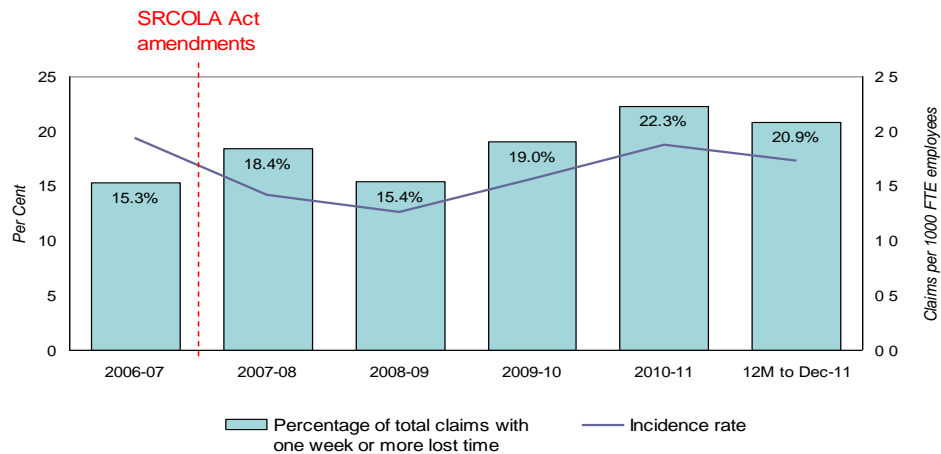
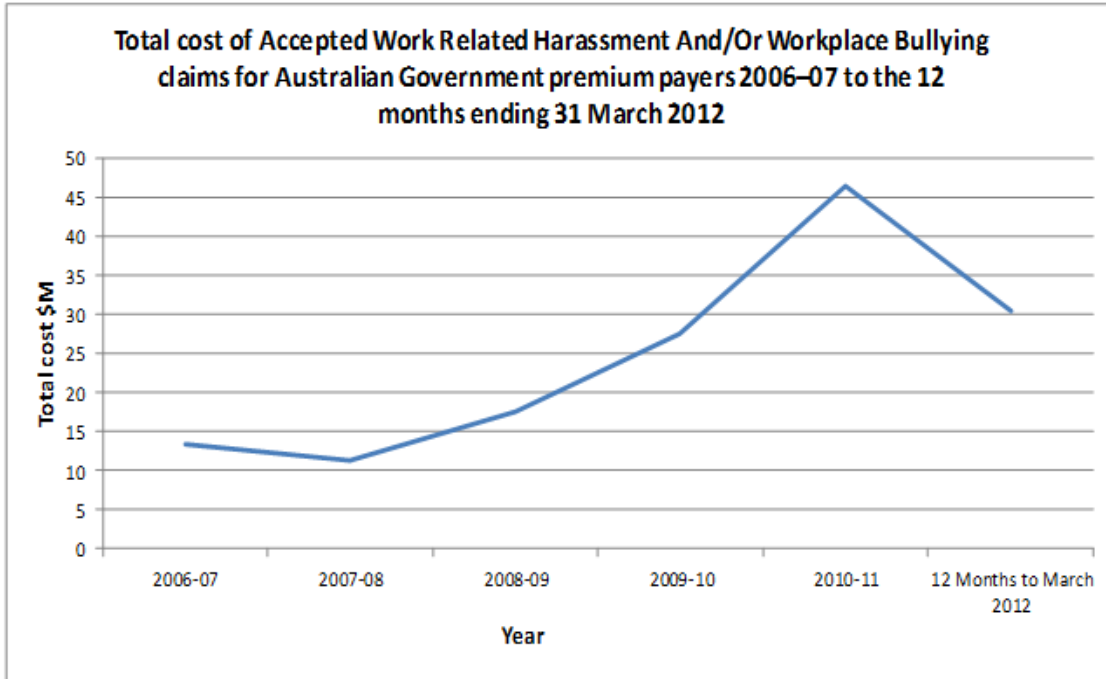


Table 1 depicts the number of mental harms claims from APS workers in the period 2007-08 to 2010-11. The number of claims has doubled but a number were ultimately rejected.

	2006-07		2007-08		2008-09		2009-10		2010-11		12 months to 31 March 2012	
	No	%	No	%	No	%	No	%	No	%	No	%
Accepted	92	53%	66	47%	81	44%	137	51%	172	60%	134	47%
Rejected	81	47%	73	53%	102	56%	133	49%	115	40%	153	53%
Total	173	100%	139	100%	183	100%	270	100%	287	100%	287	100%

Table 1: Accepted and Rejected workers' compensation claims from APS workers in respect of workplace bullying and harassment

The cost of these mental harm claims from APS workers has increased considerably over the past five years (from \$27.4M in 2009-2010 to \$46.3M in 2010-2011).



COMCARE'S ROLE IN PREVENTING WORKPLACE BULLYING

Community awareness is important. Campaigns by work health and safety regulators in Australia have been raising awareness of bullying as a workplace issue. Media attention on a Victorian prosecution of workplace bullies has increased community expectations about action by work health and safety regulators.

Comcare has recently issued [guidance](#) on workplace bullying to educate employers and workers about their duties under the federal WHS law and to identify workplace relationship and psychosocial risks in the workplace. The resources provide a tool for employers and managers to reconsider their perceptions of what constitutes a workplace hazard to include psychological as well as physical risks.

Comcare's 'Preventing Workplace Bullying' campaign promotes early intervention and response to workplace bullying incidents as underpinning an enduring approach to risk control.

Comcare's inspectorate:

- Supports and advises employers on best practice strategies and systems
- Conducts prevention audits focused on bullying prevention in the workplace
- Guides the development and implementation of effective systems for managing allegations.

A cooperative audit and assessment program is available to assist employers by confirming the practical implementation of workplace policies and procedures relating to the prevention and management of bullying and harassment.

Comcare also has proactive cooperative compliance activities to help duty holders understand their obligations and capability to act on psychosocial risks and hazards.

Experts advise that the four strongest predictors of a workplace culture that has a good approach to preventing bullying and harassment are:

- senior leaders modelling values – setting the tone at the top that bullying will not be tolerated
- Knowledge of avenues of redress – systems and processes to allow people to speak up and procedures for resolving disputes and grievances
- Workgroup support – helping team members cope
- Management behaviour – frontline managers make this an important issue.

Comcare's CEO recently interviewed Dr Richard Pimental, a world leader on workplace harm and disability and co-initiator of the 'Americans with Disability Act' to get his reactions as to what needs to be done at federal workplaces to tackle the problem of workplace bullying. A copy of the interview and the text of that interview are attached at Appendix A.

Leadership is increasingly seen as critical to setting organisations' values, directions and standards of behaviour. A recent interview by Comcare's CEO with Ms Kate Carnell, CEO of Beyond Blue, highlights the importance of leadership in preventing mental health and wellbeing at work and responding to mental harm. A copy of the interview and the text of that interview are attached at Appendix B.

WHEN WILL COMCARE INTERVENE?

Comcare has established a specialist team to focus on workplace bullying – the Workplace Relationship Resolution Team. In comparison to other jurisdictions, Comcare has a high rate of response to allegations of workplace bullying (72%).

Comcare’s inspectors do not investigate all notifications of workplace harm. Inspectors will respond to incidents based on a prioritisation process. In some cases, Comcare will seek appropriate justice outcomes.

Inspectors are guided by the principles contained within Comcare’s Regulatory Policy.

Comcare will, where possible, seek a response from the employer. The type of intervention required will be determined based on an analysis of the allegation, the action taken (or not taken) by the employer and its previous compliance history.

Comcare interventions promote self-resolution for complainants and employers. Best practice in work health and safety regulation expects workers to raise health and safety issues with their employer. Comcare expects employers to invoke internal injury management and early intervention systems.

In making a decision to intervene, Comcare’s inspectors will review:

- Whether harm occurred or there are immediate risks to the health and safety of a worker or other workers or over time
- Indications that an employer’s bullying and harassment prevention system was significantly flawed and if the alleged activity is systemic
- The employer’s history of workplace harm.

Once assessed for intervention, Comcare inspectors will conduct enquiries to ascertain the nature and extent of the workplace problem. An inspector may adopt an investigative or audit approach, depending on the issues identified. All complainants are provided with information about the process and support services that are available to them.

Some complainants report feeling empowered and acknowledged in ongoing workplace improvements. Others report frustration that Comcare cannot resolve the matter in a fashion they expect. Inspectors very often face unreasonable expectations of what Comcare can do as a regulator. Hence, inspectors advise all parties that Comcare is not an advocate for one side or other and the regulator’s focus is on the risk to workers’ health and safety.

AN INTERVIEW BETWEEN COMCARE'S CEO PAUL O'CONNOR & DR RICHARD PIMENTAL

Comcare's CEO recently interviewed Dr Richard Pimental, a world leader on workplace harm and disability and co-initiator of the 'Americans with Disability Act' to get his reactions as to what needs to be done at federal workplaces to tackle the problem of workplace bullying.

To view the clip with (CC captioning) click on the link:

http://www.comcare.gov.au/news_and_media/in_conversation_with_richard_pimentel_-_short_clip/_nocache

A transcript of the video interview is detailed below:

Paul O'Connor (POC): Dr Richard Pimental, welcome to Australia and thanks for talking to Comcare about 2015.

POC: Richard, you've talked about workplace bullying with us during your time at Comcare, visiting with our people and visiting with members of the Comcare community. How bad is this problem and what can we do to tackle the big problem of workplace bullying?

RP: It's becoming more and more a serious problem. It's the, it's the new civil rights, you know, protection. Bullies destroy the best employees you have in the workplace. Bullies target people who don't have the skills – who have skills that they don't have. So they're going to target the competent ones, and they're going to make you think they're incompetent so they can destroy them. What we need to do, well you could say well let's make a law against it, let's put them in jail, let's fine the employer, you know, hundreds of thousands of dollars. Well that only works after the damage has been done.

What every company needs to do is have a meeting with every single one of their employees and explain what workplace bullying really is. How the bully does it. How the bully recruits other people to help them do it. What lies the bully tells to their own supervisors to make it justifiable to hurt this person. How the bully makes the person that they're bullying believe it's not happening, or even worse, that it's their fault. Bullies in the workplace are cockroaches, and the way you get rid of a cockroach is to turn on the light.

If we shine a light on what these bullies do and then we empower everyone in the workplace. If you're being bullied, it's not your imagination, it's really happening. If a bully asks you to help them bully someone – and they do – don't do it. If you're observing someone bully but you don't want to say anything because you're afraid you'll be the next one – say something. Tell the person being bullied that it's really happening to them, it's not their imagination. And if we all take responsibility – not just to not bully – but if we take responsibility to have a bully-free environment and top management supports your actions in this, you can stop bullying overnight. You really can. If the people feel – if they're knowledgeable enough to recognise it when they see it, and they feel empowered enough to do something about it when they know about it.

POC: So we need to create an environment where it's safe for people to speak up and stop the bully?

RP: Absolutely. Because most people who don't say anything are afraid that they won't be believed, and that the bully will find out, and that they will be the next person being bullied, and it becomes a terrible cycle. But you can stop it now by just being open, explaining the psychological dynamics and the management dynamics of bullying. Here's something you didn't know about bullies – bullies in the workplace are exactly like bullies in school. They're cowards. All bullies are cowards. And if you take all their armament away from them, they don't have enough nerve to do it alone. Take – take everyone away from them, and the average bully will not have enough nerve to do anything at all to anyone.

POC: What can senior leaders be doing to – often they're blind – so how can they create the right environment and what could they be doing by their own actions to stamp this out?

RP: Strong statement that it will not be tolerated. Training people so they really know what it looks like. Bullying is not throwing a pastry at someone when they come in late to a meeting. Bullying is telling them the meeting is at 9 o'clock when it's really at 8 o'clock and then chastising them for being an hour late. Bullying can be very subtle. And so what senior management needs to do – bullies tend to go to senior and middle management to say 'Well, this person's very weak, you know, we've got to get them out of here, and you know...' And what the management has to do is say, 'Is this really true? Or am I being set up to be someone helping a bully?' And so you have to say, what is really, what is really happening here.

And what senior management has to do is if someone comes in and says 'I'm being bullied', please take it seriously. If a co-worker comes in and says, 'This person is bullying this person', take it seriously. Find out the facts. If you think you're being bullied, keep a diary. Everything that happens, everything that's said. Keep a diary so you have something to say. Some of this bullying can be very very subtle, and very hard to prove. The worst bullies are the ones who do it so cleverly that they almost leave no trail at all. That's why to make it a crime doesn't work. Because the only people who get caught there are doing – they're doing blatant things physically and loudly and that. The danger is bullies are right under the radar.

POC: So we have to, as senior leaders, encourage people to speak up and to have the conversation and confront what's really happening at the workplace?

RP: Absolutely. And train them so that they – just like you train someone to recognise a safety hazard – you train someone to recognise bullying when it's happening.

POC: Dr Richard Pimentel, thanks for coming to Australia, thanks for sharing your experience, and thanks for your service to communities around the world to make a real difference.

RP: Thank you. Thank you for having me.

AN INTERVIEW BETWEEN COMCARE'S CEO, PAUL O'CONNOR AND BEYOND BLUE CEO, KATE CARNELL

A recent interview by Comcare's CEO with Ms Kate Carnell, CEO of Beyond Blue, highlights the importance of leadership in preventing mental health and wellbeing at work and responding to mental harm. A copy of the interview and the text of that interview are attached at Appendix B.

To view the clip with (CC captioning) click on the link:

http://www.comcare.gov.au/news_and_media/in_conversation_with_kate_carnell_-_short_clip/nocache

A transcript of the video interview is detailed below:

POC: So in your experience, across the private sector, across the public sector, in your work lobbying for industry in Australia, what have you seen work in terms of senior leaders getting the message and making a difference?

KC: I think it's important that leaders at all levels of organisations see this as fundamentally part of their job. Not just about keeping your workplace safe, you know, stopping that spinning blade or that hole in the floor – looking at what the mental health environment that people are working in, in the workplace, looks like. And, I suppose, walking the walk. For leaders to talk about mental health issues in an open way, with no stigma, about it just being part of the way we're working. So what, you know, what needs to happen is leaders have to do that, but they also have to understand that workplaces where people are disempowered, where they have really, you know, no way of making their workplace more appropriate, where they've got too much work, all that sort of thing, are pretty toxic. And they have significantly nasty mental health outcomes, which cost people, but it also costs the organisation big dollars, but also big problems with staff morale.