

Impact Statement

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House Standing Committee on Education and Employment

# Inquiry into workplace bullying

18 July 2012

*"...This case has everything: plagiarism; falsification of documents; fabricated 'performance reports' commissioned years after the event; fraudulent (mis)use of the names of industry professionals... The list goes on..."*

*(Universities and Other Myths'*

2012)

## Introduction:

This submission outlines and details ongoing Workplace Bullying in the tertiary/academic context - in particular at the

It includes contextual material by way of background and also addresses the **Terms of Reference** specifically.

culture of Workplace Bullying is **systemic** and **ongoing**, even beyond the bounds of the workplace itself and into the IR system, which has been corrupted, contaminated and perverted through the submission by of: factually incorrect; fabricated; and falsified documents. The case spans approximately three years in total, including some 18 months beyond the tenure of my employment as an academic with , to the present.

In support of my submission, I attach several Appendices (19 in total) comprising documentary evidence verifying my statements.

## Background:

I used to assume that people who ran universities were intelligent.

This assumption was severely put to the test when the [redacted] to which I was tenured, made me redundant on 13 October 2010 ( [redacted] widely promoted ‘*Stress Less Day*’) precisely one week **before** awarding me a prestigious *Senior Learning & Teaching Fellowship* (20 October 2010) – which could not be implemented due to the university’s own policies requiring that a Fellow must be a ‘full-time employee’.

Even the then Deputy Vice Chancellor [redacted] considered this bizarre situation to be:

*“...a tad Kaffka-esque; it is counterintuitive, to say the least, and full of ironies...I hope that a sensible resolution can quickly be worked out”.*

(email communication 8/12/2010)

However ironic it might have been, unfortunately, no such ‘sensible solution’ was worked out or even seriously considered by management.

This redundancy represented the culmination of an ongoing series of **Workplace Bullying** events which include (but are not restricted to):

- Deliberate and repeated exclusion from professional activities for which I was the most qualified - over a sustained period of time
- Deliberate exclusion from staff meetings called to discuss my position being made redundant and how my salary would be redeployed (*Agenda Item 1.7 Theatre Redundancy*)
- Ham-fisted attempts to justify such exclusion after the event as an oversight, a “*minor administrative error*” when the entire discipline staff numbered only five (5)

- Fabricated and falsified 'performance reports' commissioned some three (3) years after the events to which they allegedly refer, and which directly contradict my official performance reports at the time
- Factually incorrect, false and fabricated 'quotes' criticising my work, falsely attributed to industry professionals who categorically confirm, in writing, that no such discussions ever took place (refer Appendix 01)
- False accusations of 'passing off' levelled against me which are utterly and comprehensively refuted with documentary evidence in written, photographic and electronic forms (refer Appendix 02)
- Plagiarism and falsification of Proposal documents (refer Appendix 03)
- Undeclared conflicts-of-interests in academic promotion assessment panels
- Withdrawal of retraining options whenever I expressed interest in those retraining options for potential redeployment
- Denying me access to the email system while I was still a employee
- Gross invasion of privacy – i.e. demands that I apply for sick leave to attend medical appointments during my own private, weekend and non-work hours.

However, the final outcome of this politically motivated, remarkable stupidity is that on my redundancy-effective date of 8 December 2010, I duly left the employ of that university.

The fact that the very **day** before that redundancy-effective date, the university published a photograph on its public website of Fellowship recipients - myself included - being congratulated at a special Vice-Chancellor's function, in the full knowledge that I had already been made redundant effective the very next day, did not seem to bother the university in the slightest in terms of ethics, integrity, or any other reasonable professional behaviour. (refer Appendix 04)

In fact anyone viewing the website, would have immediately drawn the conclusion that an academic staff member who was awarded one of only two Senior Fellowships on one day, and was mysteriously made redundant the very next, must have been involved in some kind of incompetence or impropriety – neither of which was the case. (refer Appendix 07)

***This may seem like an extraordinary and bizarre situation, but it is mild in comparison to what led up to it, and what has ensued over the next 18 months...***

As one colleague wrote at the time: ***"... if this has happened to you, none of us are safe"***. (refer Appendix 14)

Given the impact the bullying behaviour was having on my health and family, it was **on medical advice** (refer Appendix 13) that I made a claim to **WorkCover** to that effect. Not about the redundancy per se, but rather: the manner in which; the circumstances leading up to/surrounding; and the justification of, that formed the basis of my claim.

In its defence of that *WorkCover* claim, has **knowingly, consistently** and **repeatedly submitted**:

- **factually incorrect**
- **fabricated, and**
- **falsified documents**

This Workplace Bullying indeed continues to this very day through the following means:

- Fraudulently using my name in a research funding/promotional document falsely claiming that [redacted] had awarded me a Senior L&T Fellowship in 2010/11. This is factually incorrect and false in that my Senior L&T Fellowship was ultimately **not** awarded - due to my **redundancy**. I therefore consider this as fraudulent. It is also professionally and personally offensive, insulting and demeaning (refer Appendix 08).
- Submission by [redacted] of false and misleading statements to a psychiatrist assessing my **TPD claim** – i.e. stating that my position was a '**fixed-term**' position when in fact it was a **fulltime, ongoing, tenured** position since January 2005 (refer Appendices 09 & 10)

## Workplace Bullying at [redacted] :

[redacted] demonstrated, destructive, bullying attitude to its employees is not restricted to my case alone. There is a widely held view amongst employees that [redacted] routinely tolerates, encourages and perpetrates workplace bullying. And whilst [redacted] holds up its '**policies**' as a defence, there is very little evidence that [redacted] applies those policies in any realistic, equitable, constructive or productive way – quite the opposite in fact.

[redacted] continues to demonstrate, in both its day-to-day HR practices and its response documents to Industrial Relations processes, that a widespread culture of **Workplace Bullying** is not only **tolerated** - and indeed **defended** - but has become that institution's '**normal**'.

As another colleague wrote at the time:

Dear

*I'm stunned and appalled by the manner in which you have been treated... your work [is] of the highest standards... However, my stunned response does not obfuscate **the serious problems I see** **experiencing**, much of which relates to **lack of professionalism, foresight and simple decency at all levels.***  
(emphasis added)

(Staff email communication - 6/12/2010)

## Terms of Reference:

**Workplace Bullying** is: insidious; widespread; disguised behind 'legitimate' policy jargon; perpetrated at all organisational levels including management, and sanctioned by that same management – either through inaction at the preventative level, or active encouragement of and indulgence in this utterly destructive, deeply distressing and unproductive behaviour.

## Conclusion:

My case began and has been sustained throughout, by a classic, irrefutable, text-book example of **Workplace Bullying**.

**Beyond the workplace itself**, that has subsequently applied the same principle and practices to my politically motivated redundancy, through submitting factually incorrect, fabricated and falsified documents to IR statutory authorities and processes, is clearly evident - and has equally clearly contaminated those processes and perverted the course of justice.

As a direct result of *WorkCover's* **acknowledged incompetence** and **failure to investigate** and/or overturn their own decisions – no matter how flawed those decisions are acknowledged to be – I now find myself in a position where I have been subjected to some 18 months of **unnecessary and unsustainable stress; legal costs; damage to my career,**

**professional reputation and capacity to earn a living** (refer Appendix 13, 15, 16 & 17).

This represents **Workplace Bullying** on a **grand scale**: a scale and scope which **continues well beyond my tenure at** .

The Industrial Relations system has itself been - through a combination of **acknowledged incompetence, and procedural failures** - a willing participant in, and ally to bullying culture.

**Workplace Bullying forms the very foundation, essence and life-blood of this toxic Industrial Relations farce and failure.**

## **Impact:**

### **Potential Employability:**

My currently state of deteriorating mental and physical health continues to adversely impact upon my ability to work, earn a living and support my family.

As a tertiary lecturer my job involves, **by definition**, lecturing to and interacting with groups of people. Due to my depleted, depressed and generally poor state of mental health **I am no longer psychologically capable of dealing with groups of people** – as a direct result of:

- the organisational bullying and harassment over a sustained period of time leading up to an surrounding my redundancy in 2010
- the 18 months since of continued bullying, harassment and intimidation by through the IR and legal systems
- the repeated submission by of demonstrably false, fabricated and factually incorrect 'evidence' to those statutory authorities in an

effort to destroy my professional reputation and deny me natural justice

- the acknowledged incompetence of *WorkCover* to investigate the matter (refer *WorkCover* 'apology' letter 9/12/2011) which has resulted in a prolonged series of IR and legal processes which have exhausted me: financially; emotionally; psychologically and physically (refer medical reports)

These factors have directly resulted in my increasing withdrawal from any social activities, including those with my immediate family (my wife and two young children), and my increasing reticence to interact in any kind of normal way with people generally.

On occasions when I find myself in a group situation, such as at my children's school concert etc, I become extremely uncomfortable and highly anxious and have to depart immediately after the performance is finished. I do not, indeed cannot, stay to socialise or interact with other people – even those I have known for several years. This withdrawal and anxiety is exacerbated in any academic/professional gathering and is typified by a ***complete lack of self-confidence – despite my significant academic qualifications and extensive professional/academic achievements.***

I find myself utterly depleted; physically and mentally exhausted; severely depressed, and highly anxious.

### **Medical Support:**

In addition to ongoing prescribed anti-depressant medication from my **General Practitioner** since 2009/10, I have been referred to and consulted two (2) **Mental Health Nurses** on **more than 30 occasions** thus far (as at 18 July 2012) and a **Psychiatrist** over the past several months in order to both monitor and deal with my deteriorating psychological state, depleted emotional resources and increasingly poor mental health.



Given my previous robust physical and mental health prior to the redundancy, the circumstances leading up to, surrounding, and subsequent to that redundancy have manifested in a deteriorating pattern which is indicative of a serious ongoing psychological problem over which I currently have little or no control.

As noted in letters from Medical and Mental Health professionals:

*mental health has deteriorated significantly since December 2010...*  
( - letter to WorkCover - 30/05/2012)

*was referred to the mental health nurse service by ...The referral was for depressed mood and increasing anxiety **arising from work place bullying**...This is ' first use of the mental health service in any capacity and he reports good mental health prior to this referral. The **situational crisis of work-place bullying and subsequent loss of employment** resulted in requiring the interventions of a mental health nurse...The aim of the sessions are to increase ems' ability to cope with a difficult and ongoing legal situation that has **increased stress to intolerable levels...**" (emphasis added)*  
( - assessment letter - 23/02/2012)

*...I see many gentlemen from the same demographic as in my role as a credentialed mental health nurse at Medical Centre...This practice has had experience of several recent **work-related suicides** and this is a **well-documented reality in cases of this nature...** (emphasis added)*  
( - letter to WorkCover - 6/06/2012)