

SUBMISSION 2

To: Commonwealth of Australia, House of Representatives, House Standing Committee on Education and Employment Inquiry into Workplace Bullying

From: [REDACTED]

Dear Honourable Members of Parliament,

Please accept my submission number 2 to the Inquiry into Workplace Bullying.

My submission is a set of statements for consideration by the Committee and includes my experiences as a employee.

In 2002 “Bullying In the Workplace-An Occupational Hazard” authored by Helene Richards and Sheila Freeman was published in Australia. The introduction quotes from the Articles 1 and 12 Universal Declaration of Human Rights 1948 as follows:

- *All human Beings are born free and equal in dignity and rights...No one should be subjected to arbitrary interference with his privacy, family correspondence, nor to attacks upon his honour and reputation. Every one has protection of the law against such interference or attacks.*

This publication which I purchased at a Canterbury Library book sale two years ago has something to say with respect to all the terms of reference for the current *Inquiry into Workplace Bullying*.

- The authors in 2002 were claiming that “the prevalence of bullying in Australian workplaces has recently become an open issue for governments, trade unions and employers”.

So what has been done by our Australian law makers to reign in bullying in the workplace?

- The authors in 2002 cited a 2000 ACTU anti-bullying Occupational and Safety Campaign. The survey of 3000 participants it is claimed “revealed that almost 70 percent of respondents were bullied by a manager or supervisor , but in only 18 percent of these cases was something done to stop the mistreatment”

What would the figures be in 2012 for the above claims?

Authors, Richards and Freeman claim that bullying statistics do not show the catastrophic effect of bullying. This is a something that may be considered for inclusion in the national statistical evidence base. It could be shown through survey of the specific population, that the costs to the Australian health system from workplace bullying do not stop after an employee at their wits end from mistreatment separates from their employer.

If you believe that you are being subjected to workplace bullying behaviours and cannot get the behaviour to be investigated properly, let alone stopped it is a traumatic and painful experience. I was an [REDACTED] Officer from 2004-2011 and I allege that from 2007 I was subjected to psychological abuse by management. 11 of the bullying tactics listed in the current Comcare brochure called “Workplace Bullying” were experienced by me.

The strategies used by psychological bullies are described by Richards and Freeman in 2002 and are the same as those listed by Comcare in 2012. These bullying strategies I would allege are not just being acted out by individual employees but there is evidence to be found and analysed in government records to support that they are being acted out by a government organisation.

In my submission to the Inquiry dated 25 June 2012 I said I hoped that bullying would be proclaimed a criminal offence under Commonwealth laws. The tactics or characteristics of psychological bullying listed by Comcare and Richards and Freeman could be part of any new law or amendments to current laws and regulations such as the

- Public Service Act 1999
- Ombudsman Act 1976
- Fair Work Act 2009
- Crimes Act 1914 and Criminal Code Act 1995
- Australian Human Rights Commission Act 1986, and so on.

Under the [REDACTED] Act 1908 there are three offences that [REDACTED] officers can be penalised for breaching, section 74E, 80 and 84. I believe that there may be scope for an offence/s in the Act to mitigate bullying and protect [REDACTED] officers from bullying tactics in the performance of their duties, that relates to misrepresentation and fabrication of facts.

Following are some points for consideration by the Inquiry

Please note that for the purpose of O.H & S, the [REDACTED] and [REDACTED] were separate employers.

When I was an employee of [REDACTED] I noted that [REDACTED] " document does not contain a commitment to employees to prevent bullying or behaviours that cause psychological injury. I hope the 2012 arrangements acknowledge that psychological injuries must be prevented in the workplace.

The following 3 points are examples of bullying:

- In 2011 I believe I was subjected to stalking and harassment by a supervisor and manager immediately after I informed a HR officer I wanted my safety ensured in my workplace. I was taken into a [REDACTED] interview room and spoken to disrespectfully .
- In 2008 I informed a G.P that I was being bullied at work and amongst other points had been threatened by a male supervisor with a negative performance log if I wrote emails about process breakdowns. I advised an acting manager of this threat, who in 2008 wrote a report that staff in our section were inadequately trained. By June 2008 I was *directed, in writing*, by a section Manager, that I was only permitted to raise training issues orally. He threatened me in writing, with section 70 of the [REDACTED] collective Agreement 2006-09 if I did not comply.
- In December 2004 I reported *in writing* I was harassed/bullied by two persons as a result of a security breach at [REDACTED]. This O.H & S issue was still not mitigated in 2011 by [REDACTED].

It has been my observation that the existing Commonwealth regulatory framework does not provide a deterrent against workplace bullying, within [REDACTED]. Based on my observations as a

██████████ Officer bullying behaviours typical of those listed by Comcare in their brochure may be more than just bullying and are “criminal bullying”.

It could be argued that Australian government organisations that are involved in investigating bullying complaints have a conflict of interests and that this prevents bullying behaviours from being reigned in. It's like goats being asked to look after the cabbage patch!

I propose that bullying management could be addressed better in the APS by having a dedicated independent team working in each government department to investigate each claim of bullying. Independent from all sections of a department, including Human Resources and accountable only to the highest executive level.

I informed my employer, that there were safety problems in the workplace, training and procedural problems and that I was being harassed/ victimised/ostracised/ stressed and subjected to bullying tactics.

- There is no provision in the ██████████ Collective Agreement or any Performance Management documentation related to ██████████ that gives consideration to the performance of employees after they have been bullied or alleged bullying. There is no duty of care invoked to ensure an employee's work does not deteriorate whilst their bullying complaint is investigated.

During my employment in ██████████ I perceived that I was being subjected to bullying by management, for alleging bullying .

As a result of being bullied in my workplace I consulted a psychiatrist for coping strategies. I refused to take anti-anxiety medication for a year as I am opposed to such interventions. My physical symptoms of bullying caused me to take sick leave and incurred costs to Medicare, which included hospital costs.

During my employment I alleged to Comcare in writing and orally, that I was being bullied at work. It was my perception that Comcare did not want to stop the bullying. I now understand that it is not Comcare's role to stop bullying or instruct an organisation to complete its bullying investigations. This may be a point of reference for the Inquiry.

A written allegation by me to ██████████ line management employees in August 2009 alleging I had been bullied by two ██████████ employees, was managed in a very indifferent manner. After numerous requests to ██████████ Human Resources for an update on their bullying investigation a report was given to me 13 months after the incident and less than two weeks before I had to rotate to another work area. This was disrespectful to me and made my psychological injury persist.

After I returned from sick leave as a result of being bullied in August 2009 I was physically prevented by two male line management staff from accessing my desk and was isolated from my work group for four months and forced to work on the other side of the building. I was not taken to an office for a discussion about by bullying allegation. The staff I alleged had bullied me were not moved from their work stations. Isolation was an appalling and unnecessary action by ██████████. The bullying incident occurred as a result of my PC monitor becoming faulty whilst I was on leave and my initiatives to meet my visual needs and the failure of my section manager to manage his team into a cohesive unit.

My bullying complaint and isolation resulted in ostracism. When my work area colleagues, supervisor and manager walked past my desk on the other side of the building, I was treated as though I was invisible by all except one.

- Inappropriate behaviour towards me was witnessed by a ‘bystander’ [REDACTED] Officer who claimed they could not speak up for fear of reprisals.
- Bullying of me was escalated when I was incorrectly and inappropriately accused by my section manager of a Breach of the APS Code of Conduct, after a visual related incident in 2009. My objection in writing to the accusation in August 2009 was ignored by management and there was no investigation into whether I had breached the Code of Conduct. This conduct was bullying to the point of terrorising me.

It concerns me that there may have been a failure of governance and the proper administration of Commonwealth Laws related to protecting an employee from bullying behaviours. In support of this please note that in March 2009 I was interviewed on tape by two [REDACTED] Integrity Unit investigators. The transcript of my interview includes concerns I raised about bullying. The transcript of that interview was not presented to me by the [REDACTED] investigators for my signature as a true and accurate account.

My bullying complaint was August 2009 was treated differently by [REDACTED] management. A colleague, submitted a bullying complaint to management in January 2010 against one of the employees I had alleged bullied me in August 2009. I was named a witness in the bullying complaint. The complaint was resolved within three weeks and yet my complaint was withheld for discussion by the Manager of Human Resources until September 2010. The report on my bullying complaint by [REDACTED] Human Resources section was completed for the a/g regional Manager of [REDACTED] on 4 December 2009. On the day I was handed the report I advised that I would submit a complaint to the AHRC under discrimination legislation.

- Bullying investigations in the APS should be completed within a prescribed time limit.
- Human Resources should not treat their employees differently when they allege bullying.

In November 2010 I alleged amongst other concerns in a letter to the [REDACTED] Employees Services section, that the HR manager of [REDACTED] had failed in their duty of care towards me. The issues I raised in my letter were not responded to by 1 June 2011 and were left unanswered. The contracting of a private company to address my allegations I believe was a waste of public money and an ineffective way to resolve the issues I raised.

In June 2011 I believe I was bullied by a manager/s by what was written in my performance appraisal, which has never been discussed with me. I believe that there was a possible breach of the integrity of O.H & S reporting and performance appraisal system. Prior to this I reported the manager and my supervisor’s behaviour in a 2011 safety manager report.

- The fabrication of performance issues against APS employees, should be a crime.
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[REDACTED]

[REDACTED]

I left the Australian Public Service in 2011 under duress and out of fear. I had to protect my health first. I signed a Deed of Release paid for by the taxpayers. I believe the Deed may be invalid.

It is my understanding that my comments are made under parliamentary privilege.

I am prepared to be questioned by the Committee Inquiry.  
Publication of my statements as a whole or in part is a decision for the committee.

I have reviewed the submission to the Committee by the National Tertiary Education Union and support all their findings and research.

Thank you for considering my submission.

Yours sincerely,  
[REDACTED]