

Standing Committee on Education and Employment

Inquiry into workplace bullying

I am pleased to be able to tender this submission to the Inquiry into Workplace Bullying being conducted by the Standing Committee on Education and Employment.

I would appreciate the Committee not publishing my personal details if this is possible.

The prevalence of workplace bullying in Australia and the experience of victims of workplace bullying

I am 52 years of age and have experienced workplace bullying in my present work environment over the last 12 years. I am employed substantively by a NSW State Government Agency and have a current workers compensation claim, hence my request for anonymity.

My experience has been through bullying behaviours exhibited by co-workers of the same grade as I which have been levelled at me as we work side-by-side, and when I have relieved as their manager. In most instances the bullying behaviour was quite covert i.e. it only took place whilst other staff were not around. In fact in many cases in the presence of the manager the behaviour was constrained and a false sense of cohesiveness was portrayed.

My experience of bullying has been;

- Derogatory comments being made about me to myself and other co-workers
 - Being told I am not a fit person to do my job – I am engaged as a professional
 - Being told to 'get off my high horse' and 'who died and made you god' in response to system and process improvements I suggested.
 - Being told when relieving 'I have to respect the seat but I do not have to respect the person sitting in it'.
- Ostracism and isolation in the work environment
 - Being spoken over like I was not present and had not spoken when I tried to engage my colleagues in conversation. When I did this one would turn to the other and strike up their own conversation making out like I was not speaking.
 - Being left out of communications regarding policy documents and policy reviews being conducted within my section when the manager had requested collaboration occur between all staff.
- Inferences that I was fraudulently recording my timesheets as there was no one else there to verify my attendance (I was often the first person in of a morning).
- Being set-up to appear incompetent or inadequate
 - Not having work performed to an adequate standard by co-workers when I was relieving as manager.

- Matters that should be referred to the manager for attention not done so and addressed by the staff member without authority exposing the organisation to potential litigation
- Having an affidavit 'misplaced' when I had to appear before the industrial relations commission and later having it arriving back in my desk drawer as mysteriously as it has disappeared.
- Being undermined in managing the unit
 - When I addressed the team about some significant mistakes that had been made that had the potential to negatively impact on the department's reputation, one of the parties undermined the message at the end of the meeting by telling the junior staff that she thought they did a wonderful job and not to listen to anything I had said.
- Pay backs when the manager intervened on my behalf.
- Being physically threatened by a female staff member when I asked for the ostracising and ignoring behaviour to stop.
- Being accused of threatening, harassing and intimidating a female staff member because I asked them to stop their behaviour.
- Being threatened by a male staff member because they were upset that I had maintained the standards of the unit and addressed their non-compliance with those standards with them.
- Having complaints made about me regarding comments I was alleged to have made when I had not made those comments.

I have experienced some low-level bullying from managers which would not have come about had I not complained about bullying by co-workers. The managers were poorly equipped to deal with the situation; they were in a position where they were trying to work effectively with all members of staff and addressing this situation would have had a negative impact on the level of cooperation they would have received from the perpetrators. When I continued to complain and asked to take out a grievance I was sat down and told that I could probably prove my case, the effect this would have on the parties concerned and the potential detrimental effect this may have on their prospects for promotion or employment elsewhere and did I really want to do that to them, thus making me out to be a perpetrator. Eventually I was only afforded very limited opportunity to relieve.

I found myself going to work everyday and wondering what it was going to be today; i.e. the issue that would come up, if I would be spoken to civilly or at all.

I suffered significant stress-related symptoms;

- Situational anxiety where my hands would shake and I would feel like crying when I was getting ready for work.
- Some difficulty in concentrating.
- When I had been accused of threatening, intimidating and harassing a female co-worker when I asked them to stop the behaviour, I seriously considered suicide.
- Caught myself getting up in the morning and getting dressed for work on my day off – this being how preoccupied I was with my toxic work environment.
- I consulted with my GP and was placed on anti-depressants

- I consulted psychologists to try and furnish me with strategies to cope with the environment; one advised me that I would eventually leave.

I tried repeatedly to obtain work away from the environment, by this stage my self-esteem was so low I was not performing well at interviews. At one stage I broke down crying on the phone to my wife stating I just wanted to leave, but without another job to go to I could not, I had a family to support and a mortgage to pay. I upgraded my qualifications to master's level to try and obtain other employment. Eventually I was so desperate to leave I took a secondment at my same grade in finance while my experience and qualifications were in human resources.

On a number of occasions during my 12 years my managers would at different times refer to the situation as a 'personality clash'. It was 12 years before my manager attempted to firmly address the situation with the main perpetrator. This was far too late and only increased the response of the perpetrator; now I was treated as if I did not exist at all, this person would not ride in the same lift with me, when they saw me in the unit they would flatten their affect and look right through me, my complaints were trivialised. One of my managers admitted they had not handled the situation well – perhaps they should have tried living it, then they may quickly have got some ideas.

Eventually I went on sick leave and refused to return to the environment. While on sick leave I was negotiating a secondment to another agency at the same grade. When I ran out of sick leave after 10 weeks I submitted a workers compensation claim citing workplace harassment and not fit to return to the place of the harassment. My rehabilitation provider informed me that the decision maker refused to sign-off on my secondment unless I submitted a workcover certificate that I was fit for pre-injury duties. I told them that I would not be blackmailed, that fit for pre-injury duties meant I was fit to go back there and if that was their attitude I would see them in court, after that my secondment was approved.

At all times my employer had in place a code of conduct and later was a signatory to a charter of dignity and respect.

I did not seek nor particularly desire retribution against the perpetrators of the bullying; I did not want disciplinary proceedings or sanctions placed against them. All I wanted was the behaviour to stop so that I could come to work every day and put my best foot forward without being subjected to isolation and angry responses because I had the hide to hold an opinion different from them, that I had and excellent understanding of processes and systems and place where they only possessed a superficial understanding.

The role of workplace cultures in preventing and responding to bullying and the capacity for workplace-based policies and procedures to influence the incidence and seriousness of workplace bullying

The workplace culture I worked in was very complex.

I had one staff member state in 2011 that he knew I had been given a hard time. Another staff member when I stated I had had enough and wanted to take action

offered to tell of all the things he had observed (over 10 years). The behaviour must have been apparent to the manager and other staff as well but no action or complaint on my behalf was taken.

This contrasted strongly with other cases of workplace bullying and harassment. On one occasion when I was relieving manager I had a staff member come to me and complain about how a staff member had spoken to a co-worker. Was this because the complainant knew I would respond to the situation in a confidential and appropriate manner? In another instance the perpetrator in my case was threatened by another staff member, one who had also been harassed by him. The management response was swift with a formal determination that unprofessional conduct had occurred. Did this occur because the manager felt the complainant could not be fobbed off?

A code of conduct does not require a complaint of bullying and harassment to be made by the victim. Such codes can be enforced by a manager in the absence of a complaint. Workplace bullying policies need to be treated in the same manner as ethics programs. Unless the policy is driven from the top down and it is made clear that the policy will be enforced, and managers exemplify ethical conduct and treatment of their staff, workplace bullying policies have little hope of success.

Equally co-workers observing workplace harassment should feel confident to report the matter. There are numerous reasons why an employee may feel constrained from reporting bullying and harassing behaviour that they may have observed;

- They may be concerned that their disclosure will not be treated in confidence or will not be taken seriously;
- If they are exposed as the source of the disclosure they may find themselves on the receiving end;
- They may be concerned they will be viewed as a trouble-maker;
- Their disclosure could be seen as ganging up on a staff member; or
- They simply choose not to become involved.

In any instance where a disciplinary process is instituted against a perpetrator the tenets of natural justice and procedural fairness would require that the nature of the allegation is made clear to them and consequently the source or subject would be readily identifiable, this to allow them an opportunity to respond to the allegations.

In many instances the response of an employer may not be to terminate the employee, nor should it be so except in the most severe of cases. An employee the subject of the complaint may harbour ill-feeling and it may drive their behaviour to become more surreptitious with consequent further complaints being characterised as a campaign against them. They may seek support from other team members causing division in the work environment.

One of the biggest questions is 'how do you get a workplace bully to stop?'

The adequacy of existing education and support services to prevent and respond to workplace bullying and whether there are further opportunities to raise awareness of workplace bullying such as community forums

The problem I have experienced would not have been resolved through workplace education. The perpetrators had very high self esteem and would not ever consider anything they had done was wrong. In fact with these parties when they had targeted others, I had heard them talking amongst themselves justifying and rationalising their behaviour as normal and reasonable.

I consulted support services, these being an Employee Assistance Program and a private psychologist. All they could do was advise me on strategies to cope, they could not proactively take the situation up with my employer.

It is possible that an educational program encouraging observers of workplace bullying to come forward may have helped bring the situation to light and may have reinforced with management the seriousness of the conduct being engaged in.

Do employers really understand the cost of bullying to the organisation? There is a lot of evidence that victims leave the organisation adding to recruitment and training costs and a loss of corporate knowledge.

One of the things people need to try and do is put themselves in the shoes of the victim. I would ask anyone – what would it mean to you if your colleague told you that you were not fit to be a solicitor, not fit to represent your community, not fit to practice as a nurse, doctor, information technology consultant etc.

Perhaps they could pause and think what it would be like to get up in the morning 5 days a week and ask yourself “what am I going to be subject to today”.

Even holidays and weekends are of no solace because when it is over you still have to go back there and be exposed to it all again and again.

Whether the scope to improve coordination between governments, regulators, health service providers and other stakeholders to address and prevent workplace bullying

Clearly there is scope to improve the coordination of services to notify the employer of what is going on. In most instances the victim is disempowered within the environment as this is quite often the bully’s goal and they do not feel able to report what is going on. The victim is left to suffer in silence. With disempowerment comes a loss of confidence and self-esteem which impacts on the victim’s ability to stand up and it is enough.

Having a notification process would allow the difficulties of workers to be identified and communicated to their employer.

In my case I went to my union to complain, I was put on to an industrial officer at the head office who berated me for only have joined the union 5 weeks earlier. There was no real help or assistance afforded me.

Whether the existing regulatory frameworks provide a sufficient deterrent against workplace bullying

The existing frameworks are grossly insufficient. Employers must be held accountable for failing to respond to bullying behaviour. I concentrate here on the employer as they set the terms of a contract of employment and they have control of the environment, supervision and reporting structures.

The most appropriate ways of ensuring bullying culture or behaviours are not transferred from one workplace to another

I am not sure that bullying behaviours do necessarily transfer from one environment to another. This depends entirely on the organisations tolerance of bullying and the causative factors that initiate bullying in the first instance.

Possible improvements to the national evidence base on workplace bullying

Clearly more research is required to identify the causes of workplace bullying. Such research could concentrate on;

- The organisational traits that allow bullying to flourish.
- What organisational strategies help to combat bullying.
- Why a person engages in bullying.
- Why a particular individual may be targeted for bullying treatment.
- What is the likelihood of a bully bringing past bullying behaviour from one environment to another.
- What is the likelihood that a victim of a bullying experience within one environment may become a victim in another.
- Are there particular personality traits that are more likely to produce a bully or a victim.

Submitted by:

Please note I would appreciate my details to be confidential

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