

**Submission to the Inquiry by the House of Representatives Committee into
Workplace Bullying**

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"Bullying is abuse. It is in the tradition of "mental cruelty." It is not rational. It is unpredictable and unreasoned.

Bullying lies outside the laws of cause and effect. The cause is intrinsic to the perpetrator. Research shows bullies' brains register pleasure from the victim's pain, whetting the appetite for more. The more bullies get away with it, the more they do it.

Bullying is never justified: that is the message our system in Australia is failing to understand. Abuse can never be acceptable, reasonable and purposeful any more than any other assault can be.

Our system too often leaves the target to bear it. Worse still, it pursues the target for the cause in his/her selfhood, work, private life. It gets it so wrong with catastrophic injustice. The only way is to flee, as victims of domestic violence did for generations. This is not a solution; it is a barbarity which Australia has not moved beyond."

Part I: Summary

Recommendations

A) A fully independent expert authority to investigate and resolve bullying

The present model pits an injured person against the combined might of a government, an employer (which may be government) and a multi-national insurer. It wastes lives, livelihoods, time and money, and it does not provide justice.

The pre-eminent need is for a fully independent, publicly accountable authority with expertise accredited to world's best standards in investigating and resolving bullying.

It needs to be fully independent of employers, multi-national insurers, governments, and other vested interests, providing a level playing field and an inquisitorial, collaborative approach to cleansing a workplace system of bullying.

The present adversarial approach impedes justice, further injures already injured persons, and is prohibitively expensive for victims. Our model focuses inappropriately on the victim, with disturbing capacity to shift blame and sacrifice him/her as the expedient, unethical resolution to the perpetrator's conduct. Perpetrators are emboldened and bullying spreads, taken as easy to get away with.

Our model is failing the tests of humanity, fairness, effectiveness and logic. It wastes court resources, public money, and people's lives. The European model which views bullying as a systemic problem in a workplace is a more effective, fair and logical approach to eradication.

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B) All people need to be educated on workplace bullying, especially in white collar contexts; the injuries it causes; and what to do when it happens to minimise damage.

Working in a bullying environment can cost a person their work record, the value of their qualifications, their health, their family's well-being and cohesion, and even their life.

People need to understand that the word, "bullying," connotes behaviour which can destroy everything a person has ever had and worked for. From experience, the system to which bullied workers are referred for help is either ineffective or injurious for lack of understanding and expertise in its own personnel.

In assessing the degree of injury, a senior system doctor asked me, "Do you colour your hair?" "Do you do it yourself or go to a salon?"

Throughout my experience in this system, there was no concern for the victim or the seriousness of bullying. This manifested as further abusive and degrading treatment; mocking and other inappropriate comments; no comprehension whatsoever of forms of bullying in professional workplaces and, above all, no recognition of the cumulative toll taken on the person who is forced to endure the aftermath.

I can see the toll of the bullying, its consequences, and then the WorkCover system could cost people their lives. The treatment of people is at best carelessly indifferent and lacking understanding, ranging to a betrayal of the espoused policies.

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C) People, organisations and paid third parties who act to obfuscate justice for victims of bullying need to be potentially charged with something like accessories to a crime.

This would prevent the present apparently cavalier approach possible in investigations paid for by employers and/or WorkCover, especially in terms of inadequate or no investigator qualifications; and poor competence and quality of work. It would also help break down the code of bystander silence on which bullies rely.

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D) A formal inquiry into the Victorian Government's role in inculcating bullying culture, weakening the credibility and efficacy of anti-bullying policies and laws

The Victorian Government's record on inculcating bullying in state sector workplaces needs expunging by a formal inquiry or Royal Commission. (See also PartII).

In the late 1990's to early 2000's, the Victorian Government was rumoured to be giving bonuses to managers who forced employees to resign.

I do not know the truth of that but from that time, I witnessed the rise of bullying and mobbing (pack bullying) culture in a government workplace. It took hold, increased, decimated productivity and destroyed people's lives. The workplace never functioned properly again. The damage flows on to the present.

Government contributing factors and policies, the total human toll, and the people financial costs (including to the Commonwealth) need to be publicly examined.

Until such facts are on the table, laws and policies on bullying are not going to be taken seriously as they are weakened due to the Government's own notorious record. The Victorian Government is effectively asking other employers and the community to "do what we say, not what we have done and continue to do," with a legacy of 80,000 public servants bullied at work each year (see Point 2.2 below).

Furthermore, it is not possible to learn from mistakes and the consequences if there is no audit of this type.

An inquiry is also needed into all the mishandled claims which have ruined people's lives to this point. That includes accountability for state governments which think is acceptable or even smart to force the people bullied into ill health in their jurisdiction onto Commonwealth benefits. This robbing all of Australia.

E) Publicly funded organisations, Members of Parliament, and watchdog agencies need to contribute and help victims, helping to stamp out bullying

Despite all the professed policies and laws on bullying, I found little or no support or help from sources which could have made a big difference.

These included:

- WorkSafe/WorkCover
- The Victorian HREOC
- The AEU
- The Human Rights Law Centre
- The Ombudsman
- The State Services Authority
- Members of Parliament - The Premier, Ted Baillieu and the Opposition Leader, Daniel Andrews, disregarded correspondence and did not respond
- Former WorkCover Minister, Tim Holding, did order an investigation into my matter. WorkCover got back to me and said that contradictory evidence had been uncovered but it was too late to do anything about it.
- PILCH which can provide pro-bono lawyers

The failure of all these sources to provide help when a person has been unjustly treated and is in dire need shows how anyone unfortunate enough to be seriously bullied at work can be just left to their fate.

I have heard of the same happening to others.

If governments, authorities and leaders do not take bullying seriously and do nothing to help, this is modelled for the rest of the population.

Meanwhile, the government continues to fund its own departments and agencies where there is evidence of bullying by, for example, WorkCover claims and other indicators including public reports and media statements.

Politicians make statements about increasing productivity, but ignore the lost productivity of up to \$36 billion due to bullying.

There needs to be more than a law or a policy. There needs to be a united, unequivocal, unambiguous stand against workplace bullying showing that it will not be tolerated or admired, and that victims have real support. Neither of these conditions are being met at the moment.

1.1 **Bullying Destroys People, Social Health and the Economy**

Research has found that:

- Bullies' brains light up with pleasure as their victims suffer pain (University of Chicago)
- Their victims may experience brain damage (University of North Chicago)
- Positive reinforcement occurs from every act of bullying and aggression (University of Chicago):

The more bullies get away with it, the more their appetite is piqued for more.

As in addiction, over time, higher levels of bullying become necessary to provide “the hit.” So bullying becomes more frequent and more intense **unless it is prevented** by emphatic, consistent deterrents.

We know bullying results in:

| | |
|---|---|
| <ul style="list-style-type: none"> • Suicide • Family breakdown • Serious, avoidable health problems and medical costs • Loss of livelihood; wasted qualifications and expertise • Productive, self-sufficient people being made welfare dependent • Damaged workplaces; wasted resources | <ul style="list-style-type: none"> • Up to \$36 billion per annum in lost productivity • Loss of trust in government as bullied employees find little or no justice • Repercussions well beyond the target, with secondary effects on family, dependants, friends, community, colleagues etc |
|---|---|

1.2 **Bullying costs the workforce its quality employees:**

According to the UK National Workplace Bullying Advice Line, targets are typically:

In the wrong place at the wrong time, ie employed a bully-friendly workplace

- Good at their work, often excelling
- Popular with clients and colleagues
- Intelligent
- Independent thinkers

- People with strong senses of integrity
- People who do not join established cliques
- Whistleblowers who report malpractice

1.3 Why our laws and policies on bullying are ineffective, inaccessible and/or not yielding justice or deterring bullying

1.3.1 Lack of community education on work bullying and mobbing, with widespread ignorance and confusion across the board including the public, employers, governments, WorkSafe and WorkCover, the legal system, doctors and watchdog agencies eg the Ombudsman. Yet WorkSafe spends lavishly on other work safety advertising.

Policies and laws cannot work in the absence of informed understanding.

As a society, we don't understand bullying or what it does to people.

Families do not know how to help or what to do.

As the victim is "processed" through the WorkCover system, trauma is reinvigorated over and over, and becomes so deeply entrenched it displaces a person's identity as an educated, productive worker.

This is not a solution; it is a life sentence for the person who this system is supposed to help but who can come out of it far worse off than they entered, with their residual health completely destroyed.

1.3.2 Lack of expertise in Australia in crucial areas, especially WorkSafe, WorkCover and the medical and legal professions

From experience, circumstance investigators sent by WorkCover were general insurance investigators. One said, "WorkCover always reject these claims so we don't want to spend long on it."

The Age of 3 Jan, 2010 stated that WorkCover avoids the claims of 29 out of 30 employees with depression from job strain, leaving them in poverty and reliant on the taxpayer.

Doctors resist dealings with WorkCover due to excessive paperwork and delays in payment, hampering medical evidence.

From experience, only one doctor I encountered among the many seen during this process had any apparent understanding of bullying as he had seen similar cases in

nursing and teaching. Other doctors seemed to have no idea and some of the WorkCover system's "independent" doctors caused further great distress.

How can a system without bullying expertise in doctors and investigators get it right?

1.3.3 Lack of logic and fairness in the entire system focusing obsessively on the victim who is repeatedly examined, interviewed and examined.

Personally, I counted 13 renditions within a few months. It is little wonder the trauma becomes so entrenched.

When assault, theft or murder occurs, police search for a guilty perpetrator. In crimes of power, like bullying, focus is almost exclusively on the victim as if repeated prodding and intense micro-examining will yield the cause of, and resolve, the bullying.

This is patently absurd and cannot deliver justice.

It doesn't seem to be understood that bullying is not a condition intrinsic to the target. It is a violation enacted by the perpetrator(s).

The system is not serious about investigating and deterring bullying if it uses an illogical method that effectively excludes the perpetrator.

It seems expediency rules, and beating back the victim is seen as the easiest, if the most unethical, cruel and short-shorted, response.

If the victim lacks great financial and health resources for a court case, injustice prevails uncontested.

1.3.4 Policies and the law say one thing while the opposite happens in reality.

I have heard lawyers from various firms say:

- "WorkCover hates bullying claims and fights them tenaciously."
- "Bullying claims are always put at the bottom of the pile because WorkCover fights them tooth and nail."
- "There are just so many bullying claims that WorkCover will do anything to reject them."
- "There's horse-trading. WorkCover will accept these two but not this one ... You don't want to go along with it but you have to."
- "It all depends on the judge. Some are not at all sympathetic. Others are."

There seems to be little or no government oversight. This system seems to be a law unto itself with fickle principles.

Far from consistency with stated anti-bullying policies, the exact opposite seems to happen behind the scenes when the person most needs to be able to rely on it.

1.3.5 All out war can be launched by a defensive perpetrator to remove, discredit and crush an employee who reports bullying as WorkSafe requires (advising the employee to do or be held complicit for not reporting an unsafe workplace to management).

The Government recommends: “*Workers being bullied are being encouraged to report the offences and keep a record of the of events and contact WorkSafe*” (Teams of special investigators preparing blitz on workplaces to weed out bullies, Herald Sun, 12 Feb, 2010). [NB From experience, three sets of WorkSafe/Cover investigators declined to look at records, as did the employer’s investigators.]

From experience, reporting bullying, as WorkSafe requires, is tantamount to lighting a fuse to your own destruction. Rather than finding a fair solution that will stop the bullying, there is a disproportionate attack and escalated bullying.

The employer’s “fight back” may involve forced job loss and, thus, destruction of the victim’s work record and income, and overwhelming extra stress.

In a workable, functional system, WorkSafe/Cover would be savvy to this and the employer would know it and not do it.

From experience, WorkSafe/Cover seems at best indifferent and disturbingly willing to help the employer remove the bullied employee.

- From experience, WorkCover seemed to assist the employer in forcing job loss by rejecting valid claims and failing to investigate the bullying with expertise and care.
- As such, WorkCover effectively ignored the bullying and the rights of the victim to have that bullying competently recognised, with justice restored.
- WorkSafe Victoria made an employee redundant after she reported bullying, clearly giving the green light to other employers to follow suit (See Point 2.5).

If WorkSafe does not follow its own policies and the law, other employers would certainly see what is modelled and not feel compelled to do so either.

1.3.6 Cashed up employers, especially in the public sector, are able to pay for the best legal advice on what to say to neutralise the account of a bullied employee, no matter how genuine and true the worker's case is

“Whatever it takes” seems to be the guiding principle, not ethics and certainly not precepts of fair and reasonable treatment or employee health. It dehumanises the person and makes the law and present model unworkable.

The already bullied person is effectively hit by a tsunami of false, never previously raised accusations about work performance as the employer strives to justify bullying. As stated in 1.3.7, bullying is never justified: the failure to grasp that is the core failing of this entire system.

It is little wonder people are driven to suicide when their work records are dishonestly and gratuitously trashed as a perpetrator tries to shift blame, and frame the employee, falsely claiming he/she was “underperforming” so bullying is justified.

The system puts lives at risk by failing to see, or not wanting to see, that lies about an outstanding work record are further bullying of the most serious order as this can take away a person's employability permanently.

In my case, I had been given the greatest workload for a decade with objective evidence, including management appraisal, showing this work was very well done.

Bullying was demonstrated on several levels which WorkSafe/Cover did not seem to grasp:

- Excessive workload, singled out from all other staff
- Denial of credit for doing this so well
- Falsely maligning the work record when bullying was reported, a further assault on a person's worth

Bullying will harm anyone's work functioning and their life functioning.

It is absurd and illogical to evaluate work performance in a context of rampant bullying without competent, expert investigators who understand bullying and what it does to a person and to the work environment, and what lawyers are telling the employer to say.

WorkSafe/Cover has an inherent conflict of interest shown clearly here as it is the investigator and the insurer.

1.3.7 Bullying is abuse. Bullying is never justified: that is the message our system is failing to understand.

The confusion of bullying with “reasonable management of underperformance, discipline etc” demonstrates the same lack of understanding of bullying that prevails across the society.

It is the reason that bullying is spreading and escalating as it wrongfully infers that bullying can be acceptable, reasonable, purposeful and therefore justified.

Abuse can never be acceptable, reasonable and purposeful any more than assault could be.

Messages on crimes of power like bullying, rape and domestic violence are made ambiguous by exclusions, perpetuating the myth that abuse is OK. Abuse cannot be simultaneously OK and not OK in people’s minds as this is what motivates perpetrators to do what they want as per their sense of entitlement at the expense of other people’s rights.

This muddied waters on “acceptable bullying” may be deliberate to better confuse the area so defence is facilitated. Or it may be born of ignorance in the general failure to understand what bullying is. Either way, it consistently works against, and never for, the bullied person.

- Bullying is abuse in the tradition of “mental cruelty,” as non-physical domestic violence was once called.
- Bullying conduct is not rational.
- It is unpredictable and reasoned. It seems to serve the bullying party by giving a power hit and the discharge of pent up hostility and anger.
- Like any addiction, this is never permanently satisfied and higher levels are required over time to sustain the hit-cum-reward perpetrators seek, get and then seek to amplify next time.
- It is catastrophic for the target as there is no rhyme or reason to “incidents” that make a minefield.
- There is no way a person can protect themselves from the irrational, unmanaged and irresponsible conduct of people who devote their paid work time to trying to undermine and damage their staff and/or colleagues.
- The only way is to flee, as victims of domestic violence did for generations, losing their home for homelessness while the perpetrator keeps the lot. It is not a solution; it is a barbarity which Australia has not moved beyond.

- These crimes of power with mainly, but not exclusively, female targets continue to be tolerated no matter how great the injustice.
- “The mystique of power” of the perpetrator prevails over justice.
- From experience, trying to establish what is wrong, what the problem is and, thus, how to solve it just leads the target into deeper confusion and obfuscation as denials and covers come as responses. “No, nothing happened.” “No, there’s no problem” and so on. The target is kept off balance.
- Bullying lies outside the laws of cause and effect. The cause is intrinsic to the bully. The target bears the brunt of the bully’s conduct.
- Worse still, the system wrongfully pursues the target for the cause in his/her selfhood, work, private life. It gets this so wrong, failing to understand even the basic premise of bullying.
- Consequently, serious injustice results. Not surprisingly, that people are driven out of their health, or to extreme despair and beyond, by the combined impact of the bullying and so-called restorative justice system which, of itself, is abusive, lacking in expertise and seemingly indifferent to the mental health and stress impact.
- It is not tough and it does not cull out the fake claims.
- It is simply illogical and a total betrayal of the stated policies and fails genuine people who entrust to it. It is morally and professionally indefensible.

1.3.8 As with domestic violence (and rape) the victim is forced to prove him/herself innocent of the crime committed against him/her

- The easiest defence is to further malign and sledge the victim, a tsunami of character assassination, assaults on an objectively outstanding work record, material on their private life and anything else that can be used to inflict damage.
- None of this happens to the perpetrator(s). The target cannot pay tens or hundreds of thousands of dollars to private investigators (without training in bullying) to supposedly investigate bullying, or to research the other party.
- Only the perpetrator has the power to escalate bullying and abuse against every facet of the victim until the person is destroyed, and thus silenced.

1.3.9 WorkCover demands witnesses to the bullying but this is unrealistic:

- How can witnesses provide accurate accounts without education programs to ensure everyone understands what bullying is, especially in white collar forms?
- WorkCover’s own investigators do not even seem to understand what bullying is, especially that it is patterns of mistreatment under the radar. This is particularly so when, from my experience, they employ general insurance investigators. So how can they expect witnesses to understand bullying if their own investigators do not?
- WorkCover gives the impression all bullying is visible with physical components which can be observed and attested to. This is wrong as their own Act says – bullying is also psychological and emotional duress, or what used to be called “mental cruelty.” As long as WorkCover continues to act as if that is not so, perpetrators will be emboldened.
- Bullying does not just occur in incidents (which bullies often engineer when the target is alone so there are no witnesses anyway).
- Bullying is also demonstrated by patterns eg:
 - Extreme and/or unpleasant workloads relative to comparable staff
 - Failure to give due credit to an employee with a record of outstanding work
- When senior management allows bullying, it escalates and staff get powerful messages that they will be next if they stand up to it or do not support the bully.
- Clearly, witnesses are discouraged by the fear of retaliation and job loss.
- World’s best practice is required in investigations and this is not what victims are getting. From experience, it is closer to world’s worst practice making justice virtually impossible.
- From this, the message is sent that bullies will get away with it and victims will have a near impossible task in having the law which should be protecting them do so.
- “Investigations” paid for by the employer (especially a government organisation) can be done by people with no training or expertise in bullying and may be to serve the interests of the employer.

From experience, a firm did work under “an arrangement” with the employer and were paid \$230,000. Compelling or tricking a bullied employee into such “investigations” can be to take advantage of their injured and terrified state, and desperation for the bullying to stop.

From experience, it can exacerbate injuries greatly (eg by tape recording the victim during interrogations as if they were a criminal) and be used in many unethical ways against the victim.

It is barely conceivable that this could be happening in a modern democracy like Australia.

- From experience, a senior system doctor commented, “You had the greatest workload for a decade. This was to give you the message.” Even a senior person crucial to the outcome of a bullying case did not understand what bullying was in terms of using work as a weapon.

Further, by his logic, the victims of a genocide would be responsible for not “getting the message” and not mind-reading the intention of others.

There is no hope of justice and Australia is not taking bullying seriously as long as such ignorance prevails.

1.4 The present legal model means justice is thwarted, delayed and denied

WorkCover is known to use top tier law firms and top QCs for simple cases (See Point 2.7). Most cases should not even go to court and only do so because they are automatically rejected. If there were a competent, expert bullying authority to resolve them, courts would not have to be involved unless there were extreme complications.

As it is, victims are forced to drop a valid case as they cannot match WorkCover’s QCs or even afford the legal fees. Genuine cases which exceed the set bullying criteria are consequently dropped.

Common law cases often take a decade or more to even get to court, only to be dropped due to WorkCover using a prohibitively expensive QC. In these cases, two sets of lawyers have been paid for a decade, plus the medical, psychological, bureaucratic and other auxiliary personnel. Yet, the victim ends up with nothing, not even help for a serious injury.

Thus, there is no justice at all. The state’s resources are effectively defending the perpetrators at the expense of the victim, as would embolden bullies and increase the conduct that the law is supposed to prevent.

1.5 The present adversarial legal model is the core problem (along with lack of expertise throughout the system) because it reduces justice to money, resources and a crack legal team

An injured, possibly unemployed person is pitted against the combined might of an employer, WorkSafe and a multinational insurer.

At present, the entire focus of the employer and the insurer is on avoiding liability, no matter how unfairly or with what dirty tricks, and no matter how much more damage is done to the victim.

Concern for the victim seems nowhere to be found in this entire process.

Far from preventing or deterring bullying, great further damage and injustice is being done to victims who find anti-bullying policies and laws are meaningless.

In fact, the system serves to protect the empowered parties against the victim's rights, no matter how wrongfully the empowered parties have behaved in terms of bullying.

By the time courts become involved, the damage is well and truly done to the individual, the workplace and beyond. There is no cure for bullying. Everything rests on prevention and early intervention. The present system fails that on all counts.

1.6 The present legal model and mental health: a young woman's horrific journey

In her excellent book, *Out of the Well*, Lisa Eskinazi documents her horrific experience of school bullying and the subsequent passage she had as a very young woman through the legal system.

Lisa recounts:

- Trying to hang herself (p.55)
- Being sent by the defence (the Victorian Department of Education) to several doctors who were impolite and gruelling in questions about personal matters and sex life (p.84)
- During the court case, being overcome and crying loudly in a vestibule. A QC for the defence (Education Department) walked straight past, ignoring her obvious distress. A security guard alerted support personnel from the Court Network. (p 90)
- The court case took two years. (p. 91)
- She describes it as nerve-wracking, and far from healing, she reports that she broke down, feeling hardly satisfied by winning the case. (p.91)

This book provides good insight into the way bullying is handled in our system. It is recommended reading for the human toll taken by bullying and the uphill battle for justice.

- Should the bullying defence cases be fought with such vigour by the government?
- How can this sit with policies on mental health?
- Is this a gainful way for taxpayers' money to be spent (ie on QCs to fight a bullying case for two years)?
- When the Government so trenchantly fights the victim and defends the perpetrators, what message is sent (notwithstanding the fact that the victim eventually won)?
- Would anyone want to go through two years in a court, or want members of their family to, as the only way to gain justice, facing an immense legal bill if there is defeat?
- What toll would be taken on an entire family by the ordeal Lisa went through?
- How many people could afford to not worry about the legal costs of a loss, given the defence use of QCs and the victim's liability to pay costs if defeated, which remain even if the victim's own lawyers are no win, no pay?
- Is this really the best Victoria and Australia can do when a person has been so badly bullied and mistreated within the government's jurisdiction?

Part II The Victorian Government: Ambiguous Messages on Bullying

- Ambiguous messages sent from government about workplace bullying, with extremely high bullying rates in state employment. See instances below.
- Successful bullying is modelled when WorkSafe and other parties do not get these matters right.
- Honours and awards may be issued to senior personnel presiding over organisations within which people's lives have been destroyed by bullying and/or bullying has been poorly managed. This is devastating for victims.
- State governments seem interested in shifting costs to the Commonwealth by rejecting WorkCover claims and forcing people onto benefits. The Victorian Government vigorously competes with injured workers for money from WorkCover.
- Governments use double talk, condemning bullying on the one hand and contradicting this through their actions.
- See also Points 4.1.1 and 4.1.2 regarding high levels of bullying in teaching

2.1 Adult Multicultural Education Services – AMES: Auditor General

While WorkSafe outlaws bullying, the Auditor General documents bullying in another arm of the Victorian Government (Adult Multicultural Education Services, AMES) as follows, with bold added here:

“Termination payment outside entitlement

...The investigation found the CEO had **engaged in bullying conduct** and recommended a mediation or conciliation process between the CEO and the complainants. ...

...The \$269 000 termination payment comprised a **\$223 000 compensation payment**, a **\$23 000 bonus, pay** and leave entitlements.

The AMES employment contract reflects section 35 of the *Public Administration Act 2004* (PAA) which **does not allow for compensation payments on termination**. The compensation payment to the CEO represented an amount in excess of his annual remuneration package, and it is not clear how this payment complies with either AMES policy or the PAA.

There was **no performance assessment on file to support the bonus payment**. Documentation identifying and supporting the reasons for termination were also not on file.”

<http://fraud.govspace.gov.au/files/2010/12/Governance-and-Fraud-Control-within-Selected-Adult-Education-Agencies.pdf> (Page 27)

Thus, in 2006, AMES, a Victorian government agency:

- Found a CEO of about one year “had engaged in bullying conduct”:
- Paid this CEO “compensation” on termination although the specified Act “does not allow” it. The compensation was \$223,000.
- Paid this CEO “a bonus” of “23,000” without a performance assessment to support this and despite finding he had “engaged in bullying conduct”

This coexists with WorkSafe’s prohibition on bullying, sending ambiguous messages.

2.2 80,000 Victorian public servants bullied a year

Herald Sun, 25 May, 2010 80,000 public sector workers hit by bullying

“MORE than 80,000 police, teachers, nurses and other Victorian public servants confront bullies in their workplace each year.

A leaked report reveals intimidation and abuse in state departments and agencies is getting worse under the Brumby Government, with more than a third of workers now affected annually.

*A Department of Environment and Sustainability worker committed suicide last month after two years of alleged verbal bullying by a manager. WorkCover is investigating.
...”*

<http://www.heraldsun.com.au/news/public-servants-hit-by-bullying-each-year/story-e6frf7jo-1225870798566>

Although this was printed in the newspaper, there was no report of a follow-up by government or WorkSafe.

It makes it more difficult to comprehend that no charges have been laid under bullying laws which have existed for a decade.

2.3 **Bullying rampant in Victorian public service**

The Age, 24 April, 2011, Bullying rampant in public service

“BULLYING appears to be rife in the Victorian public service.

One in five workers claims to have experienced it and one in three claims to have witnessed it.

Suggesting that the Baillieu government's much-publicised crackdown on workplace bullying may need to begin in its own bureaucracy, figures show Victorian public servants are almost 25 per cent more likely to be bullied than their interstate colleagues or private sector workers.

A survey of almost 19,000 bureaucrats commissioned by the State Services Authority found 21 per cent had experienced some form of bullying in 2010, including abuse, exclusion, harassment, impossible assignments, intimidation and deliberately changing rosters.

This compares with 17 per cent for the federal public service, and an average of 17 per cent for private industry. More than a third, or 34 per cent, of those surveyed said they had witnessed bullying.

The report, which found particularly high rates of bullying among education and healthcare workers, follows new laws introduced to State Parliament this month that could result in serious offenders being jailed for up to 10 years.

It also follows a report in The Sunday Age that staff at WorkSafe, the agency charged with protecting Victorian workers from workplace bullying, have accused their own bosses of bullying. An independent investigator has been appointed to examine the charges.

Despite the relatively high level of bullying, only 22 per cent of bullied public servants said they had made a formal complaint. The report blames the fear of negative consequences for the low levels of reporting. "One of the reasons [for the low rate of formal complaints] may be that employees have relatively low levels of confidence in dispute resolution mechanisms in their organisations," the report said.

Community and Public Sector Union state secretary Karen Batt said the findings were troubling.

"A lot of it stems from work overload, excessive demands, under-resourcing," Ms Batt said. "The government is the employer, as well as the regulator, and it does need to look at the resourcing of programs that are required to deliver services to the state."

Ms Batt, who warned of a "climate of fear" developing at WorkSafe, said a government plan to slash 1 per cent of non-payroll costs for government departments could potentially make the problem worse by putting public servants under greater strain.

Finance Minister Gordon Rich-Phillips said the government expected all agencies to provide a safe workplace.

The most common public sector bullying was "intimidation", followed by verbal abuse, exclusion and psychological harassment.

Read more: <http://www.theage.com.au/victoria/bullying-rampant-in-public-service-20110410-1d9f7.html#ixzz1zX2C60si>

2.4 Melbourne City Council, June, 2012

Herald Sun, 26 June, 2012 Exit interview show Melbourne City Council bullies staff

"MELBOURNE City Council is a hotbed of bullying, incompetence and low morale, its former employees say.

Exit interviews of staff members seen by the Herald Sun under Freedom of Information reveal some employees have even walked out of their jobs because they felt bullied and harassed at work. ...

The ASU's Lita Gillies said workers' concerns were often disregarded.

"Anyone who complains is either walked out or bullied out of the place," she said...."

<http://www.heraldsun.com.au/news/more-news/exit-interviews-show-melbourne-city-council-bullies-staff/story-fn7x8me2-1226408322718>

2.5 Bullying at WorkSafe Victoria, with staff sacked for reporting it

The Age, 24 Oct, 2011

"A FORMER WorkSafe employee, who was sacked hours after she lodged a compensation claim for bullying, is suing the workplace safety authority. ...

Last month, an investigation by The Age revealed allegations that WorkSafe had a culture of widespread bullying, sparking calls for an independent inquiry.

There were accusations of a toxic environment, with staff complaining of being bullied by their bosses and a culture of fear.

This year's staff survey at WorkSafe was one of the worst for years and described as "disappointing" by chief executive Greg Tweedly.

Senior WorkSafe staff know of eight bullying-related complaints that are before, or heading to, Fair Work Australia.

One case involving a bullying complaint, reported by The Age, showed the human resources department discussed a "creative option" of offering a redundancy to a complainant. ..."

Read more: <http://www.theage.com.au/victoria/another-bullying-claim-at-agency-20111023-1mem6.html#ixzz1z0IDy4gB>

2.6 WorkCover Victoria: the most profitable for state coffers in

Australia

"WorkCover in Victoria is the most profitable system of workers compensation in Australia. It makes a profit of more than \$1 billion a year and pays more than \$700 million a year into state government coffers. Since 2004 it's cut employers premiums by 45% saving them \$2 billion. Despite WorkCover's profits and its gifts to employers, it still fails to provide quality care for injured workers."

<http://www.fixworkcover.org/resources/Discrimination.pdf>

2.7 Baillieu Government raids WorkCover Dec, 2011

The Age, 16 Dec, 2011

"...almost \$500 million will be ripped out of Victoria's workplace insurance scheme in a desperate bid by the Baillieu government to balance its books."

Read more: <http://www.theage.com.au/victoria/baillieu-slashes-jobs-slugs-motorists-20111215-1owzf.html#ixzz1yzsjb700>

2.8 The use of QCs and SCs by WorkCover to fight victims

The Age, WorkCover barrister bill \$38 million, 28 July, 2004

"The Victorian WorkCover Authority has been accused of mis-spending millions of dollars to employ senior barristers to act against injured workers in court cases ... [with] nearly \$38 million on barristers, including almost \$18 million on QCs and SCs, in the three years to May. ...

Victorian Trades Hall assistant secretary Nathan Niven said yesterday that he was shocked by the spending on counsel and mystified by the proportion that had gone to QCs.

"We are not talking High Court international law stuff here. ...

... personal injury specialist Harry Nowicki accused the authority of briefing senior counsel in relatively simple cases, saying it appeared that the authority did so to intimidate injured workers.

"We think it was a policy (introduced) to intimidate plaintiffs and their representatives," said Mr Nowicki, a senior partner with Nowicki Carbone & Co. ...

<http://www.theage.com.au/articles/2004/07/27/1090693963154.html?from=storylhs>

2.8 Brumby Government: Actions on bullying contradict words

In the wake of Brodie Panlock's tragic death, former Premier John Brumby and then WorkCover Minister Tim Holding condemned bullying:

"Premier John Brumby branded workplace bullies lowly cowards who would not be tolerated....

WorkSafe Minister Tim Holding said Victorians must speak out on bullying and stand up for each other.

"This is something that everyone needs to take responsibility for and it should be stopped in its tracks," he said."

(From: *Team of special investigators preparing blitz on workplaces to weed out bullies*, Herald Sun, 12 Feb, 2010)

The Brumby Government was simultaneously proceeding with legislation to raise the bar against victims of bullying accessing WorkCover support. The then Baillieu Opposition supported this.

The following letter was printed in the Sunday Age on 3 Jan, 2010 is salient:

Counting the true cost of broken workers

THANKS to Anthony LaMontagne and his team, we finally have some truth about the legions of broken workers for whom WorkCover avoids taking responsibility.

LaMontagne's research reveals that WorkCover avoids the claims of 29 out of 30 workers who suffer depression from job strain. Injured workers who are locked out of the system face poverty and life-long reliance on the public purse. Those whose claims are accepted quickly lose 25 per cent of their income, and face persistent stress within an adversarial system. In many cases, WorkCover fails to rehabilitate them and eventually they, too, are ejected from the system and become dependent on the public purse. Broken workers are the detritus of industry and commerce, yet it is the individual worker, their family, their community and the broader society that end up paying the real costs of workplace injury.

Shame on WorkCover for its treatment of injured workers. Shame on the State Government for planning to make the situation worse. There is neither justice nor integrity for injured workers within this system. WorkCover's raison d'etre appears to be to provide a legal framework for the very profitable industry that now flourishes from the deaths and injuries occurring in Victorian workplaces.

PAULINE POPE, Brunswick

<http://www.theage.com.au/news/opinion/letters/stress-is-not-the-whole-problem/2010/01/02/1261982413676.html?page=2>

2.8 Victorian Government's Use of Private Investigators to "Discipline" Public Servants

The Age, Private Eyes to Spy on State Staff, 18 May, 2004

- The Bracks Labor Government put out a \$1 million contract for private investigators to provide "discipline management services" on 11,000 public servants
- The article cites various concerns that these "services" and its methodology
- Private investigator use is reported here to have started under the Kennett Liberal Government which was otherwise into vigorous cost-cutting
- From experience, were used to supposedly investigate bullying at my state sector workplace, but had no apparent training or qualifications to do so, with significant subsequent injustice
- With these services paid for by the Government, there is surely a serious conflict of interest (as well as an apparent lack of qualifications and expertise) when they are used to "investigate" bullying in the Government's own workplaces.
- There are no checks and balances on this work or its quality
- From experience, a private investigator firm which supposedly investigated bullying maintained documents in their office, and would not correct those records which were manifestly incorrect. Rather, the response was that the correct details which had been supplied by me would be attached to the document in question. How are private firms allowed to maintain these records of bullying investigations concerning Victorian citizens, with no apparent control on quality, accuracy or disinterestedness?

2.9 Ministers Silent on Work Bullying

The Age, Ministers Silent on Work Bullying, 24 October, 2004

- This article reports Victorian ministers stopped commenting on bullying in their departments
- It recounts The Age's report of the week before that six bullying cases in two departments and one agency had cost the Government a million dollars and increased WorkCover premiums
- The article in 2.8, above, describes the use of private investigators to "discipline" public servants and this article describes ministers falling silent on bullying. It can only be wondered if reporting bullying was reconfigured as "a discipline issue" for private investigators to pursue. This would allow a bullying matter to disappear, reconstituted with the victim at fault, not the perpetrator.

Part III The culture of a workplace with rampant bullying

From experience, a bullying culture is made possible by:

- Governments giving power and resources to organisations without ongoing oversight or checks and balances to prevent abuse of power, and with accountability lacking or non-existent.

Overwhelmingly, the opportunity to abuse power leads to bullying, which continues to escalate as long as the opportunity continues.

- The Kennett Government gave such power when corporatising the Victorian public sector, which now has 80,000 bullied employees a year according to the media (Point 2.2)

Without the conditions for power abuse, bullying could not occur.

Workplace cultural factors include:

- Poor management at all levels.
- An overall lack of respect by management for people, merit, fairness, safety and procedures.
- A laissez-faire culture of disregarding the rules, policies and procedures.
- An arrogant attitude of entitlement, of being able to get away with it
- Management behaving badly eg infighting, bullying at senior levels.
- A club culture of entrenched management personnel in decision-making roles in the same organisation for decades, who know the system inside out.
- Non-meritocratic promotion and employment processes; a culture of cronyism and networks
- Elevation of like-minded people whose interest is in domination and power. Power-fixation in the work culture with actual work sidelined in importance.
- A lack of true leadership and inclusive, fair management.
- A culture of favouritism for some, with other employees ostracised.
- A culture of favoured people being able to do as they please without accountability.
- Managers who publicly show they personally like some staff and dislike other staff (eg not even greeting them), humiliating and excluding them.

- Unfair, irrational evaluation processes by which “normal” business criteria are subverted to align with cronyism and denial of due credit to deserving staff.
- A cultic, narcissistic environment where the staff’s energies are drawn on to give attention to management. Staff are “evaluated” by their relationship with managers not their abilities and work input or business criteria: success and failure are not related to work quality.
- Unfair distribution of work so favoured staff receive the easiest and higher status work, and the ostracised get the most arduous, unpleasant work.
- Constant, unnecessary generation of tension and politics by management.
- A culture where things don’t add up; lack of cause and effect eg a person with an objectively outstandingly good work record is given no credit and bullied.
- Never giving credit to some people no matter how good their work and vigilant fault picking; a lack of balance and hyper-critical and negative feedback. Other staff see and know it is safe to pick on that person.
- Tolerance by management of sledging and malicious gossip.
- No regard to the consequences for other people, especially of bullying or unfair loss of employment.
- A culture where “getting away with it” is modelled as mattering and is admired with, by comparison, a low value on integrity and fairness.
- The work is emotionally intense, taking a lot of personal resources so hardworking staff do not have the time or the energy to be alert to “office politics.”
- While workplace policies mandate politeness and respect, rudeness from managers includes ignoring staff if they personally dislike them, **visibly excluding them, and then this is twisted to describe the excluded staff as not team players!** These staff then have to prove their innocence of that charge, which derives from the manager’s own conduct.
- Dealing with reports of bullying by denial, avoidance and full on adversarial tactics and attacks against the victim rather than seeking out a collaborative, expert, win-win outcome.

- The indifference of senior management (and the government if a government employer is involved) to all of this, leaving the bullying culture to escalate.
- The willingness to use brutal measures to ensure liability is avoided for bullying. This might include fake redundancy for several staff to hide the bullied staff member amongst others.
- The willingness to waste vast amounts of money forcing victims to leave, no matter how unjustly or with what damage.
- The distortions of such workplaces are most evident when compared to a normal, healthy, accountable workplace which respects people and has high ethical standards.

Part IV **High Rates of Bullying in Teaching and Personal Experience of Bullying in the Adult Migrant Education Sector**

4.1 **High levels of bullying documented in teaching and training**

Teaching and training have notoriously high levels of workplace bullying. Yet, governments do not act to remedy this: this silence sends its own message.

Good management is pre-requisite to safe workplaces and good teaching outcomes. Unlike Australia, other countries have psychological assessment, strict educational standards, and management training for school leaders. This is needed here.

There are some of many reasons why adult education is likely to have the highest levels of bullying, even higher than in school teaching.

Workplace abuse thrives when the venue is hidden from public view. Adult education is sealed from public perusal as there are not even parents to provide some vigilance. It receives little media attention or scrutiny.

Migrant students are unfamiliar with the local system and mores, and often disoriented.

Boards seem to be distant and do not connect with teachers, only management.

Funding across the government sector seems to flow irrespective of evidence of bullying.

4.1.1 **University of New England Research, 2007**

Researchers found:

- 99.6% of the 802 teachers they surveyed had experienced adult staffroom bullying, defined as “repeated and persistent negative acts towards one or more individual(s) which involve a persistent power imbalance and create a hostile work environment.”
- Over 50% of targets reported serious damage to their physical and/or mental health.
- The most persistent bullies were the school executive staff, followed by the principal. The typical target was a teacher.

http://www.schoolbullies.org.au/InvestigationOfStaffBullying_ExecSummary.pdf

4.1.2 WorkSafe Victoria: Teaching and training are the worst offenders

Herald Sun, 6 Dec, 2009, Teachers trapped by class bullying

“A WorkSafe study has found occupational bullying is on the rise, with one in five workers suffering some form of intimidation or abuse.

And those in the education and training sector are the worst offenders, with 39 per cent of staff reporting they have been repeatedly bullied - double the state average.”

<http://www.heraldsun.com.au/news/teachers-trapped-by-class-bullying/story-e6frf7jo-1225807308639>

4.1.3 Particularly high rates of bullying among Victorian Health and Education Workers

As noted in Point 2.3, a survey in 2010 of 19,000 Victorian public servants:

“...found particularly high rates of bullying among education and healthcare workers...”

Read more: <http://www.theage.com.au/victoria/bullying-rampant-in-public-service-20110410-1d9f7.html#ixzz1zX4KdN00>

4.1.4 \$50,000 departure packages for “stressed, burnt out, disillusioned” teachers as long as all outstanding WorkCover claims are settled

The Bracks-Brumby Government offered \$50,000 departure packages for teachers, bringing derision in the media as instanced by a cartoon by Shelley Knoll-Miller in The Age of 29 December, 2009 showing childish-looking teachers gleefully jumping overboard.

The media reports themselves were often full of derision for teachers, describing this initiative as “to get rid of” “washed up,” “bored” or “disengaged” teachers. Nowhere was the quality of management or bullying mentioned.

For those who looked closely at the Government’s offer, conditions of a package included:

- The settlement of all outstanding WorkCover claims
- Demonstration of a shortage of contemporary teaching skills

It is reasonable to conjecture that this was a way of moving teachers who had been bullied out of teaching. The requirement that they say they lacked “contemporary teaching skills” (but had been in the classroom for 10 years, which no teacher without skills could maintain) seems to align with any bullying being due to the supposed lack of skills, thus an exclusion.

Thus, the package may shut down a WorkCover claim and remove the bullied teacher – a neat equation from a short-sighted perspective as it functions to protect and embolden perpetrators and ensures higher levels of bullying.

The full story can only be known by those who managed this scheme. It remains anomalous that teaching, with its high rates of bullying, is the profession periodically offered departure packages, particularly under such conditions as this.

4.2 Personal experience of bullying in the adult migrant education sector

Teaching for the state government, I witnessed bullying of other staff, or vicarious bullying. This was stressful and shocking to experience.

Some years later, I ended up being bullied out of my health, my job and everything I had ever studied for with deeply damaging impact on people around me.

Fuller details are being provided in a confidential component to this submission.

The following are factors in my experience which may assist in this not happening to other people.

In my work, I made substantial achievements:

- An outstanding teaching record attested by documents from legions of students and positive management appraisal
- Two nominations for Australian of the Year for services to education
- 20 years of extremely hard work with, for the final decade, an extreme workload of teaching and non-teaching duties in excess of that of all comparable staff
- Working thousands of extra, unpaid hours to get a massive workload done

In 20 years, I never had a student complaint and I never had any disciplinary action or warning from the employer.

Although I taught adults, their opinion and feedback on their teachers was not taken into account. A senior manager looked through a folio of extremely positive feedback with hundreds of students' names and said to me, "Well, that's nice for you but that is all it is."

No amount of skill, hard work or high level achievement mattered.

A colleague said to me, "You were probably one of the best teachers they ever had but [Manager's name] didn't like you. It's as simple as that. It just goes to show how much damage one hostile manager can do."

That sums up bullying in a nutshell. It is bad management from beginning to end.

It is the galling that the entire government edifice falls in behind this, hanging the target out to dry as the person of least resources who can be expediently jettisoned as a quick "solution."

4.2 Lack of workforce education on bullying facilitates its spread

I had not been bullied at school or in over a decade's employment in the public and private sector before entering teaching. My work record was excellent, as was my health on entering adult education. I had never been on any form of welfare support from the government. I had always worked and studied, and often worked two jobs and did volunteer work as well. My life was productive and self-reliant.

I did not know what bullying was when this started. The failure of governments, employers and unions to educate the workforce on what bullying is and what to do about means great damage is done in the confusion and turmoil as the target spends hours, weeks and years trying to understand what is going on.

It cannot be understood as bullying is irrational but this is where I see health being destroyed and lives being lost as it is torturous to have to try to work something irrational.

Initially, I thought it was strange, rude and nasty behaviour intrinsic to one person in a powerful position who had strong dislikes of many staff, especially talented females.

I thought it was an aberration as I had never seen this before in any workplace. I had worked for good employers and been a good employee. I had never, ever seen the type of conduct that occurred in the adult education workplace.

In retrospect, it is very clear that it was a pattern of virulent bullying.

But at the time, you do not have bearings or guidelines; you are not clairvoyant so cannot possibly know what is happening or what will happen.

It never occurred to me that those running the organisation and the government would allow this to blow out as it did.

I was good at my work, earning an outstanding teaching record.

The manager who disliked me along with many other teachers, especially the females, would bring students to my door who were complaining about their teachers and ask me to accept them as a transfer so the problem stopped. I always willingly did so and always had a large class as a consequence. This person recognised my teaching skills and used them when confronted by complaining students but never in a formal assessment was credit given for this.

Likewise, when I completed a Master of Education degree, the same person scoffed, "People do that sort of thing for glory don't they."

He would also pointedly ignore the teachers he didn't like, greeting someone you were standing with and ignoring you. If you took the initiative and greeted him, he would ignore it or grunt. Management's ignoring of people who they did not personally like occurred throughout this organisation's culture: it was "normal" management conduct and it sent powerful messages as to who was in favour and who was going to have little support from management. In its own way, it made people targets for bullying as it defined some people as being of less or no value.

4.3 Overseas research on bullying in teaching

Overseas university research on bullying in teaching has located three levels of severity of mistreatment:

Level 1 includes moderate management aggression, discounting the teacher's needs and feelings, isolating tactics, withholding opportunities, denying due credit, and favouring other staff.

Level 2 includes spying, sabotaging the teacher's work, private and public criticism, and overloading with disproportionate workloads.

Level 3, or severe mistreatment of teachers includes explosive aggression, unfair evaluations, blocking advancement, and unfairly forcing the teacher out of their job.

This American university research comes from the public domain.

All of these forms of mistreatment occurred in some form in the bullying I experienced.

Notably, the Level 3 mistreatment was marked with very unfair evaluation on repeated occasions, with unfair loss of employment due to grossly unfair evaluation

and lack of due process – a whammy of unfair and unreasonable treatment to which WorkCover seemed to be a party.

There is clearly something radically wrong with the WorkSafe and WorkCover system when there seems to be a stock standard response of rejecting bullying claims, no matter how valid or how catastrophic the injustice is to the victim.

As noted, the concern seems to be with knocking claimants out and evading liability by legal manoeuvres. This is what costs genuine people everything: they need the system to work well, to be streamlined and fair, and to get them back to work quickly.

Whole families are destroyed by this, yet it is undertaken so casually and thereafter there is stonewally.

4.4 WorkSafe denies evidence of bullying

A letter to me dated 6 April, 2010 to me from Mr Stan Krpan, Acting Executive Director, Health and Safety, WorkSafe Victoria states:

Unfortunately, based upon the enquiries made and the information provided to date by both parties in this matter the WorkSafe inspectors have been unable to substantiate the allegations of workplace bullying that you have cited. Upon review, there will be no further enquiry or action by WorkSafe regarding the bullying allegations you have raised.

- The full letter is available but as it names the employer, it cannot be provided for public release.
- Despite WorkSafe's assertion, I could easily find this substantiation in a witness statement from the report from the employer-paid investigation:

"They did this to [my name] because she was an easy target. ...

"He [the witness] also saw aggression, point scoring, rudeness and childishness, but would not say out and out abusiveness but it was there, probably subliminal." ... [In] case, they chose her because she was an easy target," ... "some female staff would come out of [the Principal's] office crying," ... the "Principal had 'favourites' among the staff," ... "there were two or three teachers who would consume alcohol during a working day," ... "[he] would not say that [Principal] turned a blind eye to regular alcohol affected work, he would have been stupid not to be aware of it."

The impression is that WorkSafe knocks back everything then leaves it up to an injured person to try to sort it out.

This is not a workable policy or fair work on bullying. An injured person needs WorkSafe to do its work expertly and thoroughly.

4.5 The failure of WorkCover to interview nominated and crucial witnesses

In my two WorkCover matters with the same employer, the investigators failed to interview key witnesses before the claims were rejected.

How can bullying be substantiated when nominated witnesses are not interviewed?

4.6 Bullying is clear in patterns of treatment

- WorkSafe seems to demand witnesses to the bullying, apparently not understanding what is clearly stated in overseas and Australian research: that evidence of bullying is in patterns of treatment.
- In my case, there were clear patterns of:
 - Excessive teaching and non-teaching workload for a decade, demonstrable by timetables which their investigators did not check
 - Distribution of classes, as referred to above, so a highly experienced teacher is given the lowest level, junior classes and/or the most inconvenient, unattractive classes while other staff never experience this treatment which humiliates the person in front of their peers
 - Disproportionate exposure to highly traumatised, needs intensive clients, beyond that experience by other teachers with lesser loads
 - Being forced to do paperwork for all shared classes, doing the work for which those teachers were paid

- Unfair treatment given an objectively attested record of outstanding teaching, culminating in the unfair and forced loss of employment without any credible, verified reason to this day

4.7 Difficulty in obtaining witnesses : lack of understanding of white collar bullying

As noted, the Australian workforce is not educated on what workplace bullying is and what to do about it. There has been no community education campaign.

Such bullying cases as do appear in the media have a strong component of physical abuse.

Where is the education campaign on psychological and emotional abuse so people know what to look for and to convey as witnesses?

WorkSafe seems to use the “lack of substantiation” as an excuse, perhaps knowing how hard it is to get witnesses.

But WorkSafe has the pre-requisite responsibility to educate witnesses so that informed statements can be given.

If WorkSafe does not educate the community on white collar bullying, how can it rely on witness statements?

It is most unfair to discount valid claims for lack of witnesses when people do not even understand what this forum of bullying entails, especially in niche contexts like **education workplaces.**

These workplaces use “under the radar” bullying which looks quite normal but is very destructive eg excessive workload, unfair evaluation, withholding of credit for outstanding work performance and so on.

It is unclear what further bullying could have been done to damage my life other than assault or murder, yet WorkCover seemed to by-pass all the hallmarks of bullying.

4.8 Difficulty in obtaining witnesses : Fear of retaliation

People came to me and said they could see what was happening and they were really sorry; it was so unfair and I did not deserve it but ... they were afraid to speak up or they would be next and they had a mortgage ...

Bullying distorts a normal workplace into a fraught, dysfunctional environment of heightened fear and malice. People fear being next. Some people become malicious to try to ensure others are next, not themselves.

Bullying distorts the whole environment so much that witness statements come out of a badly fractured environment, if at all. That is why expert investigators are needed.

4.9 How bullying changes the dynamic of an entire workplace and shifts all risk to the victim

As soon as a person is bullied, the whole dynamic changes in that workplace.

For one, he/she is suddenly carrying all the risk. The perpetrator started it but the victim has to prove:

- what happened
- that they didn't deserve it
- that it didn't result from their personal life
- etc

The victim's work comes under sustained attack if they report bullying because poor work performance is a legal defence.

So even if their work was outstanding, this fact is lost in the volley of false criticism. The victim is suffering from stress-induced illness, yet is left to get through ongoing attacks as best he/she can. This is such a betrayal of mental health policy and justice.

So the victim also has to prove their work is good, instead of being able to rely on objective, thorough investigators who will see through this.

What in fact happens is their work record is destroyed because a defensive employer will continue to insist their work was no good to justify the bullying, so they will then face problems getting another job.

Bullying can therefore cost a person their health, their work record and the value of their qualifications. It can do this because of the inadequate and destructive way it is handled under Australian law.

As stated previously, bullying is never justified because it is abuse. It is in no way possible to confuse bullying abuse with management practices.

4.10 Isolating the victim and then twisting this to, "She's not a team player"

- The tradition of the leper, the pariah or the untouchable is evoked when someone is bullied. It becomes a stigma which negates their humanity to many people. They start to treat the victim differently too, as less than human.

- People will avoid being seen with the victim for fear that this may anger the perpetrator; that they may be regarded by the perpetrator as betraying him/her and be bullied next.
- **So the perpetrator's actions take on self-fulfilling effects. The victim may not have done anything whatsoever other than have the misfortune to be in the wrong place at the wrong time, to be "targeted" by the perpetrator, but like a bad virus, there is a multiplier effect which serves the perpetrator well.** A competent, professional investigation would prevent this, but that is not what we are getting in my experience.
- The victim is excluded and shunned due to the example set by the perpetrator in bullying the victim. Then the victim is described in negative terms to investigators:
 - Isolates herself from her peers
 - Is not a team player, preferring not to join in
 - Doesn't seem to get on with her peers

That is, the result of the bullying and the rejection and expulsion which is part of the bullying are blamed on the victim as if they arose spontaneously from the ether. Again, skilled investigators would see through this.

This demonstrates the evil at the heart of bullying: utter falsehoods are created with the direct intention of avoiding responsibility for bad conduct, with the collateral damage of seriously harming the well-being and employment security of an innocent person.

- Analyses of genocides and the witch-hunts show that no matter how unjust the treatment or how violent, a proportion of people who are spared but embedded in the context will go along with it, saying the victim deserved it, seemingly as a way of keeping in good with the perpetrator and of self-preservation.
- **Thus, bullying distorts beyond recognition the dynamics of a workplace and the way the victim is perceived. Although the victim may be exactly the same as always, they are radically devalued by the imposed stigma and this is how people start to react to them, quickly evolving into mobbing, or a popular uprising of pack bullying against the person.**

4.11 The development of bullying into mobbing

Mobbing is not well understood in Australia, unlike in Europe and America. The following is taken from the work of Queensland academic, Dr Linda Shallcross, who is advancing understanding of mobbing especially in public sector workplaces:

[http://www.lindas.internetbasedfamily.com/f/shallcross_et_al_\(2010\)_nzjhrm_10\(1\)_27-37_.pdf](http://www.lindas.internetbasedfamily.com/f/shallcross_et_al_(2010)_nzjhrm_10(1)_27-37_.pdf)

Mobbing factors, as synthesized from the literature, are listed in Table 1.

Table 1: Twelve Mobbing Factors

1. Systematic collusion, or ganging up by groups of employees to isolate, discredit, or humiliate a target employee.
2. The collusion is done with malicious intent to cause harm to the target.
3. The behaviour is frequent and enduring often occurring over a period of months and years.
4. The power imbalance is most often not that obtained through formal hierarchical employment relationships, as occurs between a supervisor and a subordinate, and tends to be more powerful although informal in nature.
5. Perpetrators can direct abuse towards targets at any level in the organisation. i.e. perpetrators can target their supervisors and managers and their co-workers as well as those that they supervise.
6. Women are especially at risk from psychological passive forms of aggression from other women, particularly in women-dominated workplaces.
7. Targets are often trusting, co-operative, conscientious, and high achievers, loyal to the organization and who identify strongly with their work.
8. There is an identifiable pattern that commences with a minor conflict that escalates.
9. Management is unlikely to recognise the behaviour and tends to side with the group against the target and sometimes instigates or condones the behaviour.

10. The group and/or organization portray the victimised person, or target, as the one at fault.

11. The behaviour causes the targets expulsion or elimination from the workplace.

12. The target is severely damaged resulting in psychological disorders, Post Traumatic Stress Disorder (PTSD), premature death, suicide and/or homicide.

Sources: Davenport et.al. 1999; Einarsen et al., 2003; Leymann, 1996; Namie & Namie, 2000; O'Moore, Lynch & Nic-Daeid, 2003; Salin, 2002.

In addition to identifying the mobbing factors, the extent to which the participants were psychologically damaged was assessed according to the three degrees of mobbing, that is, either first, second or third degree harm (Davenport et al., 1999).”

First degree: Victim manages to resist, escapes at an early stage, or is fully rehabilitated in the original workplace or elsewhere

Second degree: Victim cannot resist or escape immediately and suffers temporary or prolonged mental and/or physical disability and has difficulty reentering the workforce

Third degree: Victim is unable to reenter the workforce and suffers serious, long-lasting mental or physical disability.

2) At the mercy of the mob

<http://arts.uwaterloo.ca/~kwesthue/ohs-canada.htm>

3) Workplace mobbing and response in the Australian public sector

http://websearch.usq.edu.au/search?sa.x=11&sa.y=4&q=Workplace+mobbing%3A+Experiences+in+the+public+sector&entqr=0&output=xml_no_dtd&sort=date%3AD%3AL%3Ad1&client=default_frontend&ud=1&oe=UTF-8&ie=UTF-8&proxystylesheet=default_frontend&site=default_collection

Quote:

“Workplace Mobbing

This paper discusses the counterproductive behaviour of ‘workplace mobbing’ where gossip, rumour, innuendo, and malicious accusations are reported to unfairly target

and discredit targeted workers. The discussion is based on an Australian study of reports from public sector employees who self identified as targets of workplace mobbing. The behaviours are typically covert and are sometimes instigated and perpetuated by management. In focusing on three themes that emerged from the interview study, the paper discusses the sometimes toxic nature of public sector culture, mobbing behaviours and workplace expulsion.”

- Australians need education on mobbing behaviour and its serious consequences.
- At present, in Australian workplaces, bullying can take off as:
 - Something relentlessly pushed by the ring leader until others join in, and/or
 - A blood sport
 - A bonding exercise, giving something for people to talk about

That is, it rapidly becomes mobbing.

Yet, our society, along with WorkSafe and the legal system, do not have familiarity with this crucial concept.

How can this be when it is so well understood overseas?

The lack of understanding here predisposes Australian workplaces to mobbing.

4.12 Doctors and the health impact of bullying

Drs Gary and Ruth Namie are American psychologists who have extensively researched workplace bullying. In 2000, they found health effects include:

- Reduced immunity to infection
- Stress headaches
- High blood pressure
- Digestive problems

Other researchers reported:

“ that teachers, suffering at the hands of abusive principals, experienced these and a number of other physical and psychological problems discussed by Namie and Namie. Like psychological and emotional problems, such problems were typically chronic; they began with the onset of mistreatment and usually ended when the mistreatment terminated. In a few cases, problems persisted for several months and even several years later. The seriousness of these problems appears to be related to the longevity of teachers’ mistreatment, at least in part. Roughly two-thirds of the

teachers we studied sought medical treatment for their problems. The most frequently identified physical and physiological problems were chronic sleep disorders (eg insomnia, nightmares, obsessive thinking), chronic fatigue, stomachaches, nausea, weight gain or loss, neck and back pain, and headaches or migraines. ...”

Examples of other severe physical and physiological problems teachers experienced included diarrhea, high blood pressure, blurred vision, nausea or vomiting, respiratory infections, infections, hives, vertigo, heart palpitations, gum disease, auditory impairment, panic attacks, chest pains, and frequent colds and allergies.”

(Blasé and Blasé, 2007)

4.13 Experience with doctors

- Given the seriousness of many of these illnesses, it would be expected that Australian doctors would be alert to the constellation of conditions that victims of bullying present with, but apparently not.
- Of all the private and WorkCover-paid doctors I saw, only a couple showed any understanding of bullying and its injuries. Only one showed a clear, informed understanding of bullying, having seen the same in other teachers and nurses.
- Three of the WorkCover system doctors had such rude and hostile approaches, and had clearly no understanding of bullying, that the session caused great distress. A request to the Registration Board to have all doctors trained in bullying injuries was rejected.
- When a person’s welfare is put into the hands of these doctors, they need to be up to speed and to have fair attitudes. How can a system work otherwise?

4.14 Offensive Questions and comments by WorkCover-paid doctors

System doctors asked irrelevant, gender-specific questions like, “Have you ever been pregnant?”

They asked irrelevant questions like, “Where is your partner from?” and invasive voyeuristic questions of no relevance to a workplace injury.

Most of these could not have been asked of men with similar negative impact. It seems that if a well-educated woman is bullied out of her health, she is fair game for offensive questions by doctors who should know better.

4.15 A senior system doctor's comments and questions

- In supposedly assessing the degree of injury, a senior doctor asked, “Do you colour your hair?” “Do you colour it yourself or go to a salon?” To trivialise such an important matter is arguably a form of abuse of itself.
- Invasive, degrading and irrelevant questions were asked on private matters.
- At no time did this medical assessment ask about symptoms and when I tried to talk about them, this was shut down.
- Comment after comment showed no understanding of bullying. This doctor said that an excessive workload for a decade is to give the person “the message.”
- He also said that I could go and work in a call centre – with 20 years’ education, but apparently did not see this as the result of a serious injury.
- On top of all the confusion that is generated around bullying, this was enough to drive a person to despair as the whole system seemed to function with such a lack of understanding of bullying. It just beggared belief to experience this in the system which was supposed to help and which made crucial determinations about your future.

4.16 Doctor resistance to dealing with WorkCover

One family doctor apparently did not want to have any involvement with WorkCover. This is a most serious problem for victims as everything depends on medical records and reports.

A person does not find out until it is too late that a doctor does not want the hassle of a difficult system which is said to take up too much doctor’s time with paperwork and

not pay on time. **The patient is penalised for WorkCover's reputation and the doctor's unwillingness to do the work demanded by this system. Either way, it is grossly unfair.**

Part V

The perennial question, “So why didn’t you just leave?”

The question should be, “Why did nobody act to prevent this bullying and redress its manifestly unfair and unjust effects on the victim?”

This is a perennial question showing a complete lack of understanding of bullying.

I understand very well why a person in this situation stays, as I did myself. From the learning curve, I can say it is a question which may have different answers at different points in time.

- Lack of knowledge - if you cannot smell the danger and do not speak the language of the stalking aggressor, not even knowing that you are, for reasons unknown, caught in the crosshairs, how can you hope to protect yourself?
- Nobody is clairvoyant or a mindreader - this is the first and most formidable barrier to everything, including self-preservation.
- **It is impossible to plan for something you do not even know exists.** That is why education on bullying is so crucial.
- **Without even an informed handle, it is simply impossible for a person to make a decision along such lines as, “This is bullying. Research shows it can cost you your health, your career and your life. I will therefore leave.”**
- Even if the danger been apparent, it would never have occurred to me that the system would be so spectacularly unable to defend the innocent against the perpetrator. I gave it so much credit for, as I knew Australia, it was a basically fair, honest place where justice prevailed.

As time moves on, the situation becomes more confusing.

- Denial of communication and explanations mean the target cannot know what is going on even in the present, let alone what will eventuate in the future. **He/she has access to the least information, and cannot mind-read perpetrators’ thinking.**
- I loved my work and was extremely successful in the classroom. To relinquish that was a loss I was not willing to contemplate especially as I was not acting

wrongfully. It simply did not make sense that an able employee should be forced to resign because of some behaving badly.

- Why should the skilled person who has invested heavily in skills training and qualifications, and who is hardworking and good at their job, just give up and resign because others are doing the wrong thing? Lest we forget, the target is not misusing the workplace to discharge bullying impulses and pent up hostility.
- I threw myself harder into the work.
- The world economy was in turmoil. To leave secure employment was foolish.
- It is hard enough to maintain basic life functions under conditions of overwhelming stress. Large life decisions like applying for a job are virtually impossible, nor is it sensible to consider them under great stress.
- Presenting for job interviews is an inconceivable demand, and the stress of a new job would be without a good break in between.
- **At this point, the person needs and relies strongly upon the WorkSafe system to do what they say they will do, that is help you recover and resume work. I had so much capacity to bounce back to health if only there had been support, validation and rest so my system could simply recover.**
- The fatal blow is when WorkSafe shows another face and starts to say and do exactly the opposite of what its own policies and statements say will happen. It is the underbelly one discovers at the worst possible time, and when help is most vital to prevent unnecessary flow-on problems.
- The person does not leave at this point as they are so unwell and the survival instinct is to fight the injustice with whatever strength remains, including not relinquishing the job to which one is meritocratically entitled and to which so much hard work has been contributed. In my case, with retirement imminent within half a decade, there are immensely serious factors involved.

All up, how is it ever reasonable or acceptable that the target of violence, at work or home, has to sacrifice their livelihood and their home to appease aggression and potentially criminal misconduct? When did this become a remotely conceivable, let alone an acceptable, option in Australia?

Allegorically, the land can be covered with shoe leather as an enormous undertaking so people can go barefoot; or people can take responsibility and wear shoes. Where targets have to flee perpetrators, the land is being covered with shoe leather. Massive resources will have to be poured into distorting facts and levying great pressure so the perpetrator(s) escape liability and the target is fallaciously framed and blamed, with as many costs as possible shifted onto the taxpayer by the negligent employer.

A far more effective and intelligent solution is for people to wear shoes, taking responsibility for acting lawfully, decently and ethically. An effective WorkSafe model is need for that.

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The question of, “Why didn’t you leave?” is unworthy of being in our lexicon. It is asked by people who should know better in my experience, including psychologists.

While it may express genuine naivety and lack of understanding of bullying in many people, it is nevertheless always a victimizing question.

It puts an onus on the person in the least empowered position which is not justified. People need a job in order to eat and avoid homelessness. That is one good reason that the person lowest on the hierarchy will value their job.

The question should be, “Why did nobody act to prevent this bullying and redress its manifestly unfair and unjust effects on the victim?”

Conclusion

The inadequacy of the Australian model of investigating workplace bullying

This model inflicts further injury and injustice, often stripping the victim of their dignity and rights. It is not founded on an informed understanding of bullying which could lead to its eradication.

On the contrary, this system protects the perpetrators and obstructs the victims in all the ways described above.

It wastes massive amounts of money on lawyers and litigation but it seems very few, if any, victims of bullying get any help at all.

The Ombudsman told me they would only investigate if there was injustice! The assertion was that what happened to me was not unjust. When the watchdogs do not understand bullying, there is no watchdog on a system which doesn't understand it or doesn't want to, leaving the person stranded.

This little better than no law as the person is just led up the garden path into a territory where they lose it all and are abandoned, but they are the people the laws and policies were supposed to protect.

We don't know how many lives are lost due to this atrocious treatment of victims of bullying but in 2004, Uniting Church grief counsellor, John Bottomley, found an average of nine work-related suicides a year in coronial records.

How many accidents and car accidents happen as a result of bullying? We can't know what this pain costs the community, least of all in health impairment and family breakdown on-costs.

Research has found that bullies' brains light up with pleasure as their victims suffer

Human beings are generous and empathetic to victims of nature's furies, but notoriously squeamish in the face of human evil. We ought not to be. Head-in-the-sand does not work for bullying any more than it worked in other atrocities of power abuse, from the Holocaust to domestic violence. Silence is always, always consent.

After Brodie Panlock's tragic workplace bullying induced-suicide, the then WorkCover Minister, Tim Holding, called on Victorians to speak out and report workplace bullying to WorkSafe. How can people report what they are not educated to identify and understand? Not to mention the lack of protection against retaliation.

From experience, bullied teachers are forced to rely on investigators and doctors with no training in bullying, let alone in education workplaces. "If we don't know about it, it doesn't exist" is the formidably impenetrable, system-wide barrier.

We are toying with serious matters of health, of life and death. Keystone Kops is just not funny.

Australia's approach is backward, flawed, avoidant of helping the victim, and virtually a picnic for the legal system, bureaucrats and medical personnel attached to the system.

The help does not get to victim it is supposed to help, who has to jostle with multi-national insurers who want to keep their money, and the state government which receives the revenue from WorkCover premiums.

A new approach is needed so that Australia upgrades to the best systems overseas for the eradication of bullying by detoxifying the workplace system, from management down.

There is profound need for:

- Expert, fully independent investigators who are well-trained to world's best standards in bullying in its overt and under the radar forms
- A fully independent body like Fair Work Australia to investigate and resolve bullying on a level playing field so that top tier law firms and their QCs cannot use legal tactics to deny the victim a fair outcome and restorative health support
- Eradication of the bullying which occurs throughout this system, in medical examinations, courts and so on. It is layer upon layer of abuse and keeping Australia in the Dark Ages, with billions lost on productivity and enormous social costs.
- An education campaign on white collar bullying to eradicate ignorance and create a culture of awareness
- Profession-specific training in bullying awareness. Teachers and their managers would then be aware, and thus could be held responsible.
- An inquiry into all the mishandled claims which have ruined people's lives to this point. That includes accountability for state governments which think is acceptable or even smart to force the people bullied into ill health in their jurisdiction onto Commonwealth benefits. This robbing all of Australia.
- There is no cure for bullying. No law is going to cure the damage or the pain as the damage is well and truly done to the victim and the workplace before courts become involved.
- Prevention is all there is and WorkSafe and its fellow travellers are doing nothing to promote prevention while they seem to focus on expedient sacrificing of the victim.

- It would be better to have no law than laws which seem to protect the perpetrator via their far greater resources of money, legal personnel and power, as we seem to have. A law which proves a deceptive or unenforced sham is catastrophic in bullying circumstances. If the law has to be enforced by going to court every time, there is clearly no respect for the spirit of that law and the courts will be clogged to eternity.
- We have a model which doesn't work and it is wrecking people's lives.

Conclusion

Reflections on Work Bullying and its Destructiveness

“In order to escape accountability ..., the perpetrator does everything in his power to promote forgetting. Secrecy and silence are the perpetrator’s first line of defence. If secrecy fails, the perpetrator attacks the credibility of his victim. If he cannot silence her absolutely, he tries to make sure that no one listens. To this end, he marshals an impressive array of arguments, from the most blatant denial to the most sophisticated and elegant rationalization. After every atrocity one can expect to hear the same predictable apologies: it never happened; the victim lies; the victim exaggerates; the victim brought it on herself; and in any case it is time to forget the past and move on. The more powerful the perpetrator, the greater is his prerogative to name and define reality, and the more completely his arguments prevail.”

Judith Herman, MD, *Trauma and Recovery*, 1997,

I can certainly see how people are driven to suicide by workplace bullying as the process is handled so badly in Australia, mirroring the worst aspects of historical approaches to rape and domestic violence, the other crimes of power. Specifically, the perpetrator is too able to easily get away with it because disproportionate power can be deployed to frame and blame the victim, inflicting further injury, injustice and abuse in the process. The absurdly asymmetrical adversarial battle forced onto an already injured person is inhumane, amateurish in the failure to understand bullying and serves to embolden bullies while effectively punishing and crushing their victim.

The victim has to survive the violence in the workplace, and the tremendous burn out this causes, only to then face what amounts to layer upon layer upon layer of abuse in the system which is supposed to help. One thing is said in policies and when the person most greatly entrusts to these, another thing is done in practice. While governments allow this to happen, they are paying lip service to mental health and failing to prevent the suicides which result from workplace bullying.

Victims of bullying find they have to fight to *prove their innocence* of the crime committed *against* them. The victim has to bear accusations that they should have left the workplace to avoid the bullying – not that the perpetrator should not have engaged in bullying, as would be compatible with the law. By the same absurd, offensive logic, victims of genocide are responsible for not fleeing while the perpetrator’s role is all but disregarded. By the same logic, the perpetrator of domestic abuse remains in the home while the victim has to flee for her/his life.

The message is clear: perpetrators are protected and the victim will be blamed if they do not get out of the way fast enough. This is not a responsible policy, it is dangerous.

The victim’s family and personal life are put under the microscope again and again as if, absurdly, if the victim is prodded, examined, inspected, investigated enough, the

truth of the bullying will emerge. It is a fatuous process of gratuitous, cruel and pointless vivisection to establish what about the prey *caused* the predator to attack it, and what about the prey can be blamed for the injury resulting from that attack.

It is not rational, it is not logical, it is not humane and it is certainly not just. It is, however, more than enough to harm the victim greatly.

There is no comparable examination of the perpetrator(s). There is no mental health examination; no examination of their family and personal background; no examination of their work performance. By the same logic, when there is an assault, police should be micro-investigating the victim to work out why they were attacked and what about them was responsible for the attack. In crimes of property, assault and murder, police seek out the guilty perpetrator and investigate properly and competently.

Why in crimes of power, such as bullying, is the victim the focus? It seems to be because the easiest defence is to denigrate, discredit and maul the victim even further using the disproportionate power of the perpetrator. That is, bullying is not being treated as a serious crime. It is being treated as something to get away with anyway you can, and in that, there is modelling and rewarding of successful bullying that completely undermines anti-bullying laws, making them a joke.

The entire, intense focus on the victim builds the case that the victim is the guilty party and subverts the victim's right to innocence and her right to the protection of the law without further diversionary and gratuitous humiliation and degradation.

It is almost inconceivable that a law which is supposed to protect victims is turned back on them as they are the disempowered party and can be further bullied around by power games and ploys in perpetuity at the mercy of a merciless, crazy-making system. That system is supremely wasteful of money and human capital, cheating the society of fairness.

On 14 June, 2011, the Herald Sun reported that Victoria Police had failed in its attempt to blame an officer's breakdown on his divorce. This is a perfect case in point and makes a mockery of mental health precepts. When there is a clear case of workplace bullying, it is brutally inhumane to subject an already injured person to gruelling courtroom accusations of a personal nature, especially when it is well-known that bullying at work is a key factor in family breakdown. Workplace bullying affects and destroys families. Yet, our adversarial system puts a person through the pain of reliving that in order to try to blame the victim in any way possible.

Adversarial law is the first problem and needs to be replaced with an inquisitorial, conciliatory model of expert personnel which finds the facts on a level playing field free of vested interests and free of bruising courtroom tactics.

To pit an injured person against the combined might of the government, its agency WorkCover and a multi-national insurer defies logic *if* the intention is to provide justice and to eliminate bullying. If the intention is to ensure bullying cases fail

and/or are vastly under-reported, while perpetrators are protected, it is going to produce those outcomes.

The very fact that the victim is unfortunate enough to be bullied has life-changing repercussions as the more powerful perpetrator simply has to malign her and her work, escalating to a character assassination, and gather “evidence” that she “deserved it.” In workplaces made dysfunctional and fraught by bullying, everyone is affected and productivity is destroyed. Bystanders behave in the interests of their own survival. As was seen in the concentration camps, “identification with the aggressor” is seen as a means of survival. For the victim, this means people are willing to see her/him sacrificed and justice sacrificed in order that they avoid being next. When a system comes to this, it is failing everyone’s interests and it is certainly failing to render justice.

In summary, workplace bullying represents the worst that there is in human nature and it brings out the worst in people.

Bystanders are simply trying to earn a living and will either not give evidence for the victim, or will support the perpetrator, because the situation is a reign of terror and they are terrified of being next.

The amateur and dangerous way bullying is handled is at fault. It is sure to cost lives as there is reliance on witness statements, failing to understand that people will not speak up for fear of retaliation. Also, bullying is in patterns of treatment that do not require witnesses but expert, competent, completely impartial investigators.

Bullying is a crime of power and the absurdly dangerous, amateurish processes a victim is forced through are open to further abuse, further use of vastly disproportionate power against her/him and further injurious mistreatment.

The present laws are a dangerous sham, giving the false impression of support, protection and redress but the victim then has the horrific experience of finding these policies are meaningless. In fact, they are enacted against the victim.

The authorities which administer them do not even seem to understand bullying, let alone in contexts such as education workplaces as opposed to apprentice workshops.

The entire focus seems to be ensuring there is no liability for the perpetrator and their multinational insurer. This is achieved by the dirtiest of dirty tricks which disproportionate supplies of power and money can marshal. The entire focus is thus on fighting the victim and overwhelming her to the point that she abandons any hope of help or justice. This destroys the victim’s health and can be catastrophic for him/her and their family yet nowhere in this system is any concern evident for the damage done to a person who policies state will be protected.

At every step, there is further abuse, degradation and injurious treatment. For too many people, this is not a policy but a meat grinder that takes them from productive workforce engagement to avoidable ill health and welfare dependency and suicide.