

Committee Chair – Amanda Rishworth MP and respected committee members
I thank you for the chance to make this submission and would be most willing to provide further information, submission or speak in person if required in an attempt to rid our workplaces of the scourge that is workplace bullying.

The following document contains extracts originally used as submissions to Worksafe, Fairwork, the SDU Union and the Australian Human Rights Organisation.

These extracts while both bringing clarity to my scenario lead into the experiences in contacting these organisations and furthermore highlighting loopholes that exist allowing workplace bullying to run rampant in an unregulated environment.

While legislation and sentiment surrounding workplace bullying is strong currently there is not a specific body with the authority to reprimand an organisation and rehabilitate it, alongside taking care of the victim of workplace bullying.

The following is a summary of experiences with the above listed organisations, their available course of action taken and limitations.

Worksafe: In my experience in having made a submission to Worksafe regarding workplace bullying it was apparent that while Worksafe has a mandate to investigate workplace bullying it only stretches as far as where criminal activity has taken place, where an employee has been physically injured in the course of workplace bullying.

Fairwork: Specifically filing of unfair dismissal. My submission for unfair dismissal due to termination of employment for exercising my workplace right in reporting workplace bullying simply resulted in a 90 minute phone conciliation of which an employee who has no desire to address the issue of bullying can simply plead ignorance and declare they have no authority to resolve the matter and therefore the matter goes no further.

The employer has no further obligation beyond this point and legal action against the employer is the only remaining option.

To this end fairwork's handling of an unfair dismissal due to workplace bullying can simply be a waste of time as there is no compulsion to actually reach a resolution and no authority for fairwork to take action even if it is clearly established that workplace bullying took place and the exercising of a workplace right in speaking up about it resulted in an employees termination.

Australian Human Rights Organisation: While the response from this organisation was the most sincere if the workplace bullying was not rooted in discriminatory behaviour then their ability to respond is practically non existent.

SDU Union: While not in a position to take action upon an organisation or practically assist an employee suffering or having had their employment terminated for speaking up about workplace bullying the response of this union and I believe unions in general was very proactive.

Specifically the unions willingness to look objectively at a case and if it saw merit go into a business to make their members aware of the bullying was admirable and the most tangible response achieved from any organisation that advertises a sympathy and ability to deal with workplace bullying.

As you can see while workplace bullying is well defined and legislated against, along with a great deal of community and political sentiment none of it equates to any tangible response from any of the above organisations to make an organisation deal with the bully, train and rehabilitate the workplace and assist the victim, especially if the victim has had their employment terminated by exercising a workplace right in speaking up about the workplace bullying.

I believe while workplace bullying is well defined without a specific organisation having a mandate to act based upon those definitions a large loophole has been left for an employer to protect a bully and a culture of workplace bullying.

An organisation that has the ability to cover up the actions of a bully and nurture an environment of workplace bullying, while also being able to terminate a staff members employment for exercising a workplace right leaves an incredible liability in terms of the health and safety of all who work for that organisation.

Just as if a workplace accident were to occur or even in the event of a near miss workplace bullying should be an event that needs to be reported to Worksafe by the employer. If this were not reported and Worksafe received a submission with an accusation of workplace bullying then the workplace would be liable for similar fines as if they had not reported a workplace accident / incident.

Essentially workplace bullying that does not involve physical injury or a criminal aspect is still a largely unchecked problem in the workplace. Non mandatory reporting of workplace bullying coupled with organisations that have no mandate to investigate and punish a company for workplace bullying further leaves these organisations to cover up and sack staff at will, ensuring a bully or culture of bullying is allowed to fester.

Why am I so passionate about seeing the eradication of workplace bullying?

My background was in Information Technology, an industry know for it's high pace, leading edge and 24/7 mentality. Essentially if you aren't prepared to put

in the hard yards in such an industry you'll end up behind the times and not much use in the industry.

As it turned out I was very successful in Information Technology, rising from a junior technician to directly supporting Information Technology Managers, to being the Information Technology manager for the largest weekly newspaper. This further led to me taking charge of the production department for this newspaper. A role which actually saw me oversee production, but also the IT Department to which I previously headed up. In these roles I had to manage staff, deal with deadlines and as such incredible degrees of pressure and varied situations, from technical, to problem solving to human relations, both staff and customers.

When I decided it was time to take a step back from the cutting edge of Information Technology, spending some time in Telecommunications and more recently the much slower paced environment of retail it was a very intentional step in pursuit of a slower paced lifestyle, but despite all my previous qualifications and skills nothing could have prepared me for the life changing effects of workplace bullying.

I would have placed myself in a good position to be able to handle all the possibilities and problems that could possibly have been thrown at me in a supermarket retail environment and the mental capacity and fortitude to match, however I was shocked as to how significant the effect of workplace bullying can have on an individual, even one as well prepared and experienced as myself.

Below is the original document submitted to Worksafe, Fairwork, the Australian Human Rights organisation and the SDA Union.

Thank you for your time and being prepared to ensure our workplaces are rid of the scourge of workplace bullying.

Name:

Title [*if applicable*] Mr [] Mrs [] Ms [] Other [] specify:

Address:

Suburb:

State:

Postcode:

Email:

Telephone:

Fax:

Mobile:

BULLYING

I am writing this to make you aware that on 20 February my employment was terminated at specifically because I had spoken to Human Resources and Management regarding a pattern of bullying by Produce Manager

During this meeting Executive Chairman categorically made it clear that the termination of my employment was because I had reported the bullying, accepted there was bullying taking place (as had the acting store manager and HR Manager) and the companies response to resolving the problem was to terminate my services.

For a long period of time the actions of Produce Manager constituted bullying with no direct link to my work performance, which was of a high standard, measured by favourable comments made over that same period by Store Management, Duty Managers, fellow staff, customers and even most recently an acting Store Manager.

Following my appointment to the role of Assistant Produce Manager at the I was required and performed all duties expected of me to or above the standards of the Store and Produce Managers. This included relieving the Produce Manager when he took holidays, or on his rostered days off during the week (Which were a Tuesday and Saturday).

Up to this point I was not required to order stock, even on the Produce Managers days off, however during the second last week of 2010 I did relieve the Produce Manager for the full week due to holidays, during which I performed all the duties expected of the Produce Manager, including ordering at or above the standards expected of the Produce Manager.

Following this and having demonstrated my ability to perform the full duties associated with the role of Produce Manager I was still denied the opportunity to perform the ordering myself, even on the Produce Managers rostered day off.

The Produce Manager came in on his rostered day off to not just perform the ordering himself, but to criticise the work I was doing. As the ordering only happened during the week I was subjected to this criticism weekly from the end of up until my termination in Feb .

During this timeframe I had to continually field questions from the Store Manager, Assistant

Manager, Duty Managers and other staff as to why the Produce Manager felt the need to come in and do the ordering on a Tuesday when they knew I was capable of it. At no point until late (where through correct channels - HR Department) did I say to any of these people that it was to specifically berate my work performance.

It was not until late when the store appointed a new Store Manager, that I spoke up about the bullying I was being subjected to. It had intensified as if the Produce Manager was trying to show how good he was by specifically making an effort to push me down even further.

Once again this berating of my work performance was at odds with comments from the departing Store Manager, the interim Store Manager, fellow Managers, staff, customers and ironically the new Store Manager.

When I raised the issue of the ongoing bullying to the HR Department and at the time acting Store Manager (which was correct procedure) both were responsive in looking at the situation and acknowledged bullying had been taking place. The acting Store Manager went so far as to clarify in my presence and that of the Produce Managers that the Produce Managers actions did constitute bullying.

The HR Manager assured me the matter was to be taken seriously, was to be dealt with and I had nothing to worry about, as bullying was not tolerated in the workplace. Subsequently I was told the Produce Manager had been spoken to and he was made aware workplace bullying was not acceptable, however this was not evident in the continuing day to day activities as nothing changed, in fact I was subsequently cornered by the new Store Manager and Produce Manager and categorically told I was to know my place within the organisation and no matter what the Produce Manager did I was to like it.

Naturally being subjected to this bullying over a period of time, while my work performance never suffered my attitude, enthusiasm and self esteem took a battering, so it was a shock when my employment was terminated and I had to turn around from this battering and find new employment, which required highlighting my positives. This was hard as weekly my direct manager - the Produce Manager had told me there were no positives in my work.

It has taken me this time frame to build up my self confidence and be able to look with any real prospect for new employment and without emotion put together this documentation regarding the bullying I was subjected to in the hope your intervention can end the suffering another staff member has, is or will be exposed to at the hands of an uncaring company, unwilling to deal with the actions of a bullying Produce Manager.

TIMELINE

Below is a timeframe of my employment, significant events, changes of management, complaints to HR and management (submissions and responses), meeting dates and termination date.

22 Nov, -Commenced Employment as Assistant Produce
Manager

Week of 20-24 Dec, - Full time relieved Produce Manager, requiring me to order all stock and perform all Full time Produce Manager's duties

Week of 7-11 Mar, - Full time relieved Produce Manager, requiring me to order all stock and perform all Full time Produce Manager's duties

Weeks of 9-27 May, - Full time relieved Produce Manager, requiring me to order all stock and perform all Full time Produce Manager's duties

4 Jan, - First correspondence regarding bullying to HR Manager - ,
correspondance and *reply* below.

Hi ,

I am writing to you because apart from going to Worksafe Victoria I really don't feel like I anyone else to turn to.

I strongly believe I am the victim of workplace bullying causing me great anxiety and to be constantly concerned about my employment.

Since my employment I have shown a high level of commitment in the form of being reliable, flexible and offering everything I know to maximise profit and minimise waste in the Produce Department whether the advice was actioned or not. Most recently upon the appointment of our new store manager () I shared with him some effective, simple and immediate ideas that increase profit and minimise waste.

Following this shared opportunity to improve the produce department after had a chance to share some of these ideas with the Produce Manager () my hours were immediately reduced.

Naturally I see no coincidence with the two events, I am unsure if feels threatened by my idea, or if simply sharing them with was the catalyst.

I am now afraid to speak up about anything, am concerned for my ongoing employment and it is starting to affect my health eg sleeping.

Working with hasn't always been easy, an attitude shared with me by several staff members and I believe my professionalism has given me a thick skin, however to have my employment threatened by trying to improve the department I work has floored me and as I have said aside from officially reporting this matter I felt it was important procedurally and professionally to make you aware of this situation.

Thanks

Hi

Thank you for making contact with your concern I am currently packing up but [redacted] will come and see you next week can you please get back to me with your hours of work to ensure he comes in when you are there.

Thanks

HR Officer

Tel:

Email:

Web:

6 Jan, [redacted] - Continued correspondance regarding bullying to HR Manager - [redacted], following a phone call from [redacted] requesting the hours I was working in the following week to arrange a meeting in the absence of the Produce Manager.

correspondance below.

Thanks [redacted],

Appreciate the opportunity provided to be able to talk through the issue.

Fortunately I have a few shifts next week as [redacted] has a few days off, they are as follows.

Mon 09/01 - Fruit & Veg Assistant 8:30AM - 12:30PM

Tue 10/01 - Fruit & Veg Assistant 6:00AM - 4:30PM

Wed 11/01 - Fruit & Veg Assistant 6:00AM - 12:00PM

Thu 12/01 - Fruit & Veg Assistant 6:00AM - 12:00PM

Fri 13/01 - Fruit & Veg Assistant 11:00AM - 4:00PM

Thanks

Weeks of 9-13 January, [redacted] - Full time relieved Produce Manager, requiring me to order all stock and perform all Full time Produce Manager's duties. This week was under an acting Store Manager - [redacted]. During this time I was praised for my work by [redacted].

16 Jan, [redacted] - At the commencement of my first shift with Produce Manager returned from holidays I was subjected to a demoralising verbal attack from the Produce Manager. I responded to this verbal attack suggesting anything he has to say should be said in the presence of the acting Store Manager - [redacted]. He submitted to this request and in the presence of the Produce Manager, acting Store Manager and myself a discussion took place. During this discussion the acting Store Manager [redacted] made it clear to the Produce Manager that his actions constituted bullying.

16 Jan, [redacted] - **Correspondance** sent to HR Manager [redacted] regarding the above scenario

Hi [redacted],

Just letting you know after working most of last week to cover [redacted] being away, during which under the instruction of [redacted] we did some major revamping of the Produce department I was subjected to a demoralising verbal spray from [redacted] for my efforts.

I managed to get [redacted] to continue the discussion in the presence of [redacted], who handled the situation very well, however I have been left quite distraight by the situation.

I just feel like I am waiting to be told every little thing that I have done wrong. I spent the whole weekend worrying about [redacted] reaction to the revamp, however I never expect it to be as extreme as it was.

Working for the remainder of the day was very tense and I was terrified of when the next outburst was to occur.

I am only scheduled to work tomorrow for the remainder of the week and [redacted] has the rest of the week off after today as he is having some dental work.

At this point I don't know how I can keep working with someone who refuses to act appropriately and leave me with any dignity in my work environment.

Thanks

17 Jan, [redacted] - After receiving no correspondance in reply to my email to the HR Manager (6 Jan, [redacted] and the above 16 Jan, [redacted]), the HR Manager [redacted] visited the

store a witnessed the Produce Manager being present on his rostered day off. This meeting was to assure me that in regard to bullying the Produce Manager would be spoken to and the issue would be taken care of.

31 Jan, - Is was cornered in the Produce Coolroom by the new Store Manager and Produce Manager and categorically told I was to know my place within the organisation and no matter what the Produce Manager did I was to like it.

13 Feb, - Shaken by this event I sent the following email to the HR Manager -

Wanted to apprise you of a situation which has left me somewhat shaken and has taken me some time to come to terms with.

Tuesday prior to last where I work a full day and comes in early afternoon to order for the next day I was called out the back by and in the presence of it was made perfectly clear to me that way of running the department was the one and only way the department would run. It was also clear any input by myself to the departments running would not be entertained. At one point even said "This is the way I do things, this is the way they will be done." then added "This is how you will work together"

I personally felt in the light of my performance, making notes and ensuring I was already following instructions by to the letter such a meeting was unnecessary and gave me very little hope of ever achieving my brief for having positive input into the department and therefore raising the departments revenue.

Within days the department layout was returned to the way it had been for considerable time. The only alteration being a large stand for snacks and nuts moved which obscures viewing through to the deli.

My roster is also again being altered, causing me further unrest and on 1 occasion, I am going to have to take annual leave because the roster clashes with a weekend I spend with my son. This alternating weekend roster has been working successfully since I started. I wonder if this is another change that appears to be created to see me leave the store.

These recent events, engineered or not have certainly brought me to that point, where the extreme disappointment of considering leaving a position I thoroughly enjoy no longer overcomes the extreme disheartening I feel in just trying to do my job.

This is honestly the first time in my working life where I have been put in a situation where I feel I can no longer do my job effectively because of a fellow staff member.

I would be most grateful if you were able to explore any available hours there may be in the

Thanks for your time, it is with a heavy heart I have written this email and I do not want to come across as just having a grizzle.

15 Feb, - received email from HR Manager as follows

Hi

Can you please give me a call to arrange a meeting this Friday.

Regards

HR Officer

16 Feb, - Meeting was arranged for Monday 20 Feb, to include Executive Chairman

20 Feb, - my employment was terminated at specifically because I had spoken to management regarding a pattern of bullying by Produce Manager

UNFAIR / UNLAWFUL DISMISSAL

The following are answers extracted from my submission to Fair Work Australia

What were the reasons for dismissal, if any, given by your employer?

1. The specific reason given was because I had raised the problem of bullying by a senior manager.

This reason was specified by the Executive Chairman of on a special visit to the store.

2. My termination was to silence me on this issue in preference to dealing with it, and this statement was made to me with an offer of 1 months pay, which I did not accept.

Why was the dismissal unfair?

1. Over most of the period of my employment I was being bullied by a senior manager within the _____ store (_____). I brought this to the attention of the Store Manager and HR Manager as was correct procedure.
2. Subsequent discussion with the Store Manager and HR Manager there was agreement that bullying had taken place and would be dealt with as the company takes these matters seriously.
3. The only reasons given in the meeting where my employment was terminated was because I had raised the issue of bullying and the Executive Chairman for _____ didn't want to hear from me on the matter again.
4. This sent so far as to offer 1 months pay to silence me on the issue, something I did not accept.
5. I was made to shake the hand of the senior manager who had bullied me in that very meeting, something I found very humiliating.
6. Naturally following the sudden and traumatic nature of losing my employment I needed to immediately seek help from friends, family for financial security. I also needed to seek a degree of psychological help to deal with the matter. Finally spending time looking for work was high on the priority list. As such while I was certain my termination was unfair it was not top of my priority to seek unfair dismissal action till I had taken care of the above matters.
7. I am also in discussion with WorkSafe regarding the ongoing bullying and early in the piece I contacted the Fair Work Ombudsman believing I was in contact with Fair Work Australia.

DISCRIMINATION, INAPPROPRIATE REMARKS / JOKES

Throughout my employment at _____ I was witness to a constant supply of discriminatory, derogatory remarks and jokes directed towards most staff members within the supermarket by Produce Manager _____ .

These would range from jokes about a persons physical appearance, ethnicity to making fun of their weight. I found on all occasions such remarks and jokes highly offensive and totally inappropriate.

A comment made directly to myself on one occasion also brought into question attitude and appropriate behavior regarding sexual orientation.

_____ made comment to me making a positive of my work performance and highlighting a positive comment made by another staff member (Duty Manager, _____)

It was not this comment but the way it was said (as follows)

: I think _____ likes you

: What do you mean?

: He's one of those, gay, I think he likes you.

While I do not have any problem with a persons sexual orientation such a comment, both making reference to another staff members sexual orientation and making an assumption of my own I found totally inappropriate and very offensive.

REFERENCES MADE THROUGHOUT THIS DOCUMENT

Store Manager -

New Store Manager -

Acting Store Manager -

Produce Manager -

Executive Chairman

Assistant Store Manager

Duty Managers –

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CONCERNS BY OTHER STAFF

(casual produce staff member) on a recent occasion expressed a concern of reaction to a recent change in the Produce Department. had recently taken holidays and under the direction of acting store manager made some changes to the look of the produce department.

shift was scheduled in between holiday and return. For this reason he was afraid reaction to the change would be blamed on .

Out of this fear I ensured there was a note left for on his return to explain under the direction of the acting store manager the changes were made and he had nothing to do with them.

Prior to my appointment as assistant produce manager a staff member still employed by " " was assistant to the produce manager. He was relocated to assist in the freezer department and storeroom after him and came to verbal blows.

I has spoken to me about how constant criticism of his work brought him to breaking point. The store manager at the time dealt with the situation by moving to another department and failed to discipline .

ON A PERSONAL NOTE

Throughout my working life I've always just got on with my work and done it to the best of my ability. My time with _____ was no different. In fact through comments by management, fellow staff and customers, my work performance was above what was expected.

I have never complained in previous work environments and put up with an extended period of time dealing with the insults, bullying and generally derogatory actions and comments of the Produce Manager, _____.

I did complain to management only after the behavior reached a point where I found it totally unacceptable and was more and more demoralizing. Throughout this time I was seeing a psychologist and unless I spoke up about the situation it was never going to improve.

Never in my wildest dreams or nightmares as it turned out did I think that speaking up to management and human resources about bullying would lead to the termination of my employment.

This experience, being so sudden, unexpected and traumatic has made it difficult and with so little self confidence to effectively look for work. As I began, throughout my working life I've always just wanted to get on with my job to the best of my abilities. Now I just want to be working again. I do miss the produce work at _____ as the job itself was very rewarding

Thank you for your time