

29 June 2012

## Inquiry into workplace bullying

### Terms of Reference

Workplace bullying can have a profound effect on all aspects of a person's health as well as their work and family life. It also has significant flow-on effects for the community and the economy, with the Productivity Commission estimating the total cost of workplace bullying in Australia at between \$6 billion and \$36 billion annually.

The terms of reference for the inquiry will focus on:

- [the prevalence of workplace bullying in Australia and the experience of victims of workplace bullying;](#)

In April 2008, my [then] employer \_\_\_\_\_ was found guilty of unlawful discrimination.

Despite the Court order, \_\_\_\_\_ never reinstated me to my profession as a Medical Laboratory Scientist.

My employment ceased on the 16 December 2011, after a 13 year battle; three years after the Tribunal ordered me to be reinstated 6 years after I was stood down on full pay.

Medical Laboratory Science is a skill, a profession I enjoyed that was not "a job just to earn money".

\_\_\_\_\_ bullying following the finding of unlawful discrimination was worse than the two years leading up to the Discrimination Tribunal Hearing.

At the time of the Court Order I had been stood down on full pay for two years.

Professor \_\_\_\_\_, who has dual roles as a Manager and Doctor, was my Line Manager to my position within his Laboratory.

Professor \_\_\_\_\_ is the one constant \_\_\_\_\_ Manager pivotal to the decision making and personally responsible for bullying me from my profession and the repeated findings of misconduct against \_\_\_\_\_.

For this reason I have used Professor \_\_\_\_\_ name rather than \_\_\_\_\_, because Professor \_\_\_\_\_ is \_\_\_\_\_.

Professor \_\_\_\_\_ had not spoken to me about my Grievance or afforded me a right of reply to the allegations he stood me down, allegations which if valid warrant disciplinary action and dismissal.

Professor \_\_\_\_\_ refusal to reinstate me according to the Court Order left me stood down on full pay.

\_\_\_\_\_ had 30 days to appeal the return to work order, if they did not want to reinstate me.

Included in the Tribunals order to reinstate me was the Tribunals specific refusal of \_\_\_\_\_ request for an additional Psychiatric report.

In a twofold despicable contempt of the Court order two years after \_\_\_\_\_ was ordered to reinstate me \_\_\_\_\_ directed me to a Psychiatrists appointment with advice I faced dismissal if I did not attend or specifically tried to tape the Psychiatrist.

\_\_\_\_\_ subsequently alleged misconduct and suspended my pay indefinitely leaving me without an income and no access to Centrelink.

It is only unlawful to tape someone if you don't advise them. Professor \_\_\_\_\_ had hired the Psychiatrist to treat me badly and that was the reason for not wanting the Psychiatrist's behaviour recorded.

Professor \_\_\_\_\_ has no respect for life, apart from that attached to furthering his personal medical career.

Every decision Professor \_\_\_\_\_ made in his role as Manager over my employment was contrary to ACT Health Management and OH&S Guidelines and as such made \_\_\_\_\_ liable for a COMCARE stress claim but not liable for a suicide.

Each decision Professor \_\_\_\_\_ made is well documented to cause suicide; it is why the decisions he made are in conflict with OH&S and Management guidelines. Professor \_\_\_\_\_ knew the directive to attend an appointment with a Psychiatrist with advice I faced dismissal if I taped it or did not attend would result in a suicide/ suicide attempt; though he would have been responsible he would not have been liable.

Professor \_\_\_\_\_ was wielding a double edged sword, given he knew whilst the directive would cause me to attempt to kill myself, but as a Doctor he personally would have obtained a Psychiatrists report to absolve him of the consequences of his decisions.

Professor \_\_\_\_\_ couldn't dismiss me if I was dead, and that seemed the only way to avoid dismissal.

As such Professor \_\_\_\_\_ is as guilty of industrial manslaughter, just as guilty as people like Ms Anu Singh, Mr Dixon King and Mr Reinhold Steurer people who get away with murder because of Psychiatrists.

In allowing the bullying to continue and doing nothing, Dr \_\_\_\_\_ is as guilty of industrial manslaughter as Professor \_\_\_\_\_.

My suicide note expressed my anger towards Dr \_\_\_\_\_ as much as Professor \_\_\_\_\_ and the other staff involved.

My suicide attempt failed and I took my case to FWA in August 2011. Commissioner Deegan ordered \_\_\_\_\_ offer me a settlement.

\_\_\_\_\_ continued to threaten me with dismissal if I did not take the redundancy. The dismissal would most likely to have been considered unjust and harsh, but the Judge may have considered my refusal of a redundancy stupid.

The settlement covered my outstanding legal fees that's it. I still lost my profession, my livelihood and my life. I have nothing.

My legal fees were approximately \$ 160 000, of which only \$ 45 000 was reimbursed and despite the return to work order Professor \_\_\_\_\_ still succeeded in bullying me from my profession.

\_\_\_\_\_ were able to use the legal system as another means to bully me, draining me financially.

I am only alive because it is difficult to kill yourself.

If Professor \_\_\_\_\_ had killed me 13 years ago, that would have been kinder than the nightmare he personally created for my life; Professor \_\_\_\_\_ did effectively kill me, he destroyed my life. He took my livelihood away from me.

For over 6 years I had no job security, couldn't go on holidays, could not upgrade my home, invest in my future and incurred constant legal fees going over material ACT Health's internal process are set up to address, and the Tribunal did address.

I loved working in Pathology, I lost that so have no other interest and am drawing of my pension.

Professor [redacted] refusal to initiate disciplinary action and dismissal on the basis of the performance of my duties as a Medical Laboratory Scientist, 6 years ago, allegations which if valid are grounds for disciplinary action and dismissal; but cutting my salary and initiating dismissal for the reasons he did, speaks for itself.

Professor [redacted] falsified the allegations of misconduct to illicit a Psychiatric report to dismiss me without validating the allegations of misconduct and non-performance.

Psychiatrist [redacted], who provided [redacted] with a report in 2006, is Dr [redacted] mother [according to my Doctor (GP)]

[redacted] requests for reports were unlawful under the certified Agreement and the reports invalid because the facts on which they are based fallacious.

- [the role of workplace cultures in preventing and responding to bullying and the capacity for workplace-based policies and procedures to influence the incidence and seriousness of workplace bullying;](#)

[redacted] did not implement the ACT Health Discrimination and Workplace bullying policy.

Implementation of the Procedures as set out in ACT Health's Discrimination and Workplace Bullying policies, Natural Justice, Grievance procedure and the Certified Agreement would have prevented the loss of my profession and job.

Professor [redacted] refusal to follow the processes in place to prevent bullying was part of the bullying.

- [the adequacy of existing education and support services to prevent and respond to workplace bullying and whether there are further opportunities to raise awareness of workplace bullying such as community forums;](#)

[redacted] staff were well informed of the processes in place to protect me from being bullied from my profession.

In the same week I lodged my Grievance, all [redacted] staff were required to attend seminars on ACT Health's Discrimination and Bullying Policy and were advised that they would be personally liable if they did not follow Grievance Procedure and under ACT Health's policy, Managers who

were found to have engaged in unlawful discriminatory behaviour faced criminal charges.

Professor [redacted] and his staff have the same duty of care to me as an employee, as they do to patients, but not the same accountability.

If Professor [redacted] and his staff, in their roles as Health Professionals breached protocol in patient Management they would have been personally liable for the consequences and open to civil action.

Professor [redacted] and his staff, are very well aware that they can get away with bullying because the system protected them and they are not personally accountable.

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

The systems in place to prevent me being bullied from my profession are useless.

COMCARE, Dr [redacted] /2007, The Discrimination Tribunal and FWA have repeatedly found [redacted] guilty of misconduct, but no action was taken against staff.

Dr [redacted] first identified me as being treated badly in **June 2007**, as if [redacted] decision to stand me down was a one of event with no further consequences.

In 2009, I asked Dr [redacted] to refer [redacted] staff to DPP for prosecution for perjury and unlawful discrimination but she refused.

Dr [redacted] blatant refusal to acknowledge the depravity and sheer evilness of Professor [redacted] and his staffs behaviour for the criminal activity it shows the disregard for the lives she has a specific mandate to protect and demonstrates a self-serving contempt for the lives of others.

Every other Government Watchdog assists the victim they identify as being treated badly and see offenders brought to justice.

I asked Dr [redacted] for help three times following the finding of unlawful discrimination and she did nothing.

Dr [redacted] knew Professor [redacted] was in contempt of court, I was without an income the bullying and threats were continuing and she did nothing.

Following the return to work order I asked Dr [redacted], Ms Gallagher, Ms Vicki Dunn, Ms Nicola Roxon [then minister for Health], Mr Kevin Rudd [then]

Prime Minister, and the Ombudsmen [then Mr John McMillan] and Mr Andrew Kefford (Minister for Public Administration) for an inquiry into my case.

A copy of the letter to the [then] Prime Minister (Hon Kevin Rudd) is attached. I did not receive a reply.

The Office of Public Administration held an inquiry into \_\_\_\_\_ case ensuring her legal fees were paid and has initiated an inquiry into Bullying in the CIT.

At the time \_\_\_\_\_ stood me down there were two other cases of staff being bullied, Dr \_\_\_\_\_ and Dr \_\_\_\_\_.

Nobody helped me.

A complaint to the Office of Justice and Community Safety, Workplace Health & Safety was lodged requesting investigate the documentation and refer my case to DPP.

Professor \_\_\_\_\_ treated me worse than a dog. The RSPCA would never allow an animal to be treated the way Dr \_\_\_\_\_ allowed Professor \_\_\_\_\_ to continue bullying me until he succeeded bullying me from me from my Profession.

- [whether there are regulatory, administrative or cross-jurisdictional and international legal and policy gaps that should be addressed in the interests of enhancing protection against and providing an early response to workplace bullying, including through appropriate complaint mechanisms;](#)

The total lack of accountability of staff and organisations involved, the staff in \_\_\_\_\_ from Dr \_\_\_\_\_ to Mrs \_\_\_\_\_, and Dr \_\_\_\_\_ as a regulatory body needs to be addressed.

Professor \_\_\_\_\_ and his staff have the same duty of care to me as an employee, as they do to patients, but not the same accountability.

If Professor \_\_\_\_\_ and his staff, in their roles as Health Professionals breached protocol in patient Management they would have been personally liable for the consequences and open to civil action.

Dr \_\_\_\_\_, should have taken my case to Court on my behalf and referred staff to DPP for prosecution for perjury and unlawful discrimination.

The Government needs to ensure that the Human Rights Office does takes on cases on behalf of employees identified as being discriminated against and refer cases to DPP for prosecution.

The Grievance Procedure is set up to prevent workplace bullying.  
refusal to follow the mechanisms in place to prevent workplace bullying was part of the bullying.

I submitted my Grievance to Dr [redacted] then ACT Health Chief Executive Officer, in October 2005, three months before [redacted] stood me down,

Under Dr [redacted] Grievance procedure, he was supposed to speak to me and finalise a report within 3 weeks.

Dr [redacted] did not speak to me about my Grievance, and I only found out 3 months after I had been stood down through a FOI request that a report had been finalised without me knowing.

Professor [redacted] staff wrote a Poor Performance Report, which at the Tribunal Hearing he first denied authoring and then could not name the people he spoke to to prepare the report.

I asked Dr [redacted], numerous times in writing both before and after I was stood down, to hold a meeting to resolve my Grievance and the Work Performance Report and he did nothing.

If Dr [redacted] wanted to prevent workplace bullying he would have followed his own guidelines.

[whether the existing regulatory frameworks provide a sufficient deterrent against workplace bullying;](#)

The existing regulatory framework does not provide any deterrent against workplace bullying.

Under the Certified Agreement I was stood down under, Professor [redacted] had 7 days in which to investigate and reinstate [or dismiss] me.

Whilst [redacted] stood me down on full pay, there was nothing I could do.

A year after I was stood down I submitted a complaint to Dr [redacted], Dr [redacted] knew I was stood down on full pay which is obviously wrong but did nothing to help me.

Two years after I was stood down I took my case to the Discrimination Tribunal and the process worse than useless. I had to pay my own legal costs, when [redacted] were clearly in the wrong.

All \_\_\_\_\_ staff who gave evidence at the Discrimination Tribunal provided false statements to the Court, two of them \_\_\_\_\_ were caught lying under oath and no action was taken.

The Tribunal established Professor \_\_\_\_\_ had not held a meeting to verify the allegations made against me, \_\_\_\_\_ barrister treated me worse than a criminal, and the Tribunal still quoted the allegations made against me as if they had been verified.

Professor \_\_\_\_\_ refusal to initiate disciplinary action and dismissal on the basis of the performance of my duties as a Medical Laboratory Scientist, 6 years ago, allegations which if valid are grounds for disciplinary action and dismissal; but cutting my salary for the reasons he did again, speaks for itself.

Failure to follow due process is sufficient to determine liability in legal proceedings.

Professor \_\_\_\_\_ failure to follow Grievance procedure and afford me a right of reply to the allegations made against me, would have assured I was reinstated in a case of unfair dismissal.

The process of **unfair dismissal** should have protected me from being bullied from my profession, but Professor \_\_\_\_\_ created a problem by not initiating Disciplinary action and dismissal, on the grounds of the performance of my duties as a Medical laboratory Scientist 6 years earlier, he couldn't, because he falsified the allegations of misconduct.

Six years after he stood me down, Professor \_\_\_\_\_ advised he would dismiss me just because dismissing me had no consequence to Professor \_\_\_\_\_ and others; relying on me initiating an unfair dismissal case, going over the same material we went through at the Tribunal hearing and relying on a Judge considering the dismissal unjust and harsh, but my refusal of a redundancy stupid.

**COMCARE** didn't provide a deterrent to prevent bullying within ACT Pathology because COMCARE does not provide for Managers to be personally accountable.

COMCARE can also force an officer to take a redundancy, despite the stress claim being caused by willful breaching of OH&S and management guidelines.

COMCARE becomes a means for \_\_\_\_\_ to achieve their purpose of bullying me from my profession.

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I am hoping DPP will study my case and look at implementing changes in the way psychiatric evidence is provided in court proceedings.

- the most appropriate ways of ensuring bullying culture or behaviours are not transferred from one workplace to another; and

The only way to prevent workplace bullying is to ensure Managers, including Dr , Professor , Professor , Ms are held personally accountable for breaching Management Guidelines.

- possible improvements to the national evidence base on workplace bullying.

The Senate should support an inquiry into my case, and particularly support my requests for Dr and/or the Office of Justice and Community Safety, Workplace Health & Safety to refer my case for DPP.

That would set a precedent so that Managers know they will be held personally accountable for not following their basic Management Guidelines for Grievance Procedure and OH&S guidelines for stress Management.