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Submission No 2 to the House Standing Committee on Education and Employment, Inquiry into Workplace Bullying, 29 June 2012.

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

The prevalence of workplace bullying (mobbing) is well documented elsewhere.[1,2,3,4] A partial account of the five year episode of workplace bullying that I was involved in is attached.[5]

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.

Workplace bullying needs to be understood in terms of the normal human behaviour called Mobbing.[6,7,8] Workplace Bullying often involves a number of people including senior staff who must either actively or passively acquiesce to the group behaviour.

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[1] Diana Kelly, *Reviewing Workplace Bullying: Strengthening Approaches to a Complex Problem Phenomenon* (2005) <http://ro.uow.edu.au/artspapers/21/>.
[2] Tim Field, *Bullying: surveys, facts, figures and costs* (2005) <http://www.bullyonline.org/workbully/costs.htm>.
[3] Tim Field, *UK National Workplace Bullying and Advice Line History and Statistics* (2004) <http://www.bullyonline.org/workbully/worbal.htm>.
[4] Gregory Lyon SC and Garry Livermore, The Regulation of Workplace Bullying (2007) 12- 13 [34]-[42] <http://www.worksafe.vic.gov.au/wps/wcm/connect/8a18b1004071e3019ec4dee1fb554c40/Workplace+Bullying.pdf?MOD=AJPERES>
[5]

[6] Heinz Leymann, *Introduction to the concept of Mobbing* <http://www.leymann.se/English/11110E.HTM>.
[7] Tim Field, *What is Mobbing?* <http://www.bullyonline.org/workbully/mobbing.htm>.
[8] Linda Shallcross, *Workplace Mobbing: Expulsion, Exclusion and transformation* (2008) <http://www.lindas.internetbasedfamily.com/f/SHALLCROSS_LINDA1.pdf>.

The target (victim) is seen and promoted as an outsider or a danger to the group. It becomes dangerous for any member of staff to show any support for the target, lest they become the next target. Former colleagues desert the target. More staff and junior staff are recruited into the process. Everyone is empowered by the authority of senior managers to treat the target in ways that would not usually be considered appropriate.[9,10]

, like , has a 'Zero Tolerance' Policy to Bullying. But in practice there is almost complete tolerance to bullying.[11] This is only possible with active or at least passive acquiescence by senior managers and Human Resources (HR). There is no process by which Senior Managers and HR are held accountable. Internal investigations are undertaken by the managers themselves and there is no external appeal process. Senior Managers and HR can claim that 'All matters have been dealt with in accordance with procedural fairness and Policy'[12] while ignoring the substance of any claim. The Performance Management process can be used as a blunt weapon by HR because the process is one of Mobbing in which senior managers must be active or complicit and there is no external appeal or accountability.

Bullying cannot occur unless there is a least passive acquiescence by senior managers. Senior managers, such as the Director of Human Resources and the CEO, should be given a personal and actionable duty of care to prevent injury to staff from Workplace Bullying.

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

In my opinion the current regulatory frameworks provide very little deterrence against workplace bullying. Arnold documents only 14 significant cases over 12 years in

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[9] Stanley Milgram, Behavioral Study of Obedience. 67 *Journal of Abnormal and Social Psychology* (1963) *371–378.*

[10] Kendra Cherry, *The Milgrim Obedience Study* (2012) <http://psychology.about.com/od/historyofpsychology/a/milgram.htm>.
"Later experiments conducted by Milgram indicated that the presence of rebellious peers dramatically reduced obedience levels. When other people refused to go along with the experimenters orders, 36 out of 40 participants refused to deliver the maximum shocks."

[11]

[12]

Australia as a whole.[13] Only one of thirty four prosecutions by WorkSafe Victoria over the first 6 months in 2012 was for workplace bullying.[14] WorkSafe Victoria was reported to have successfully prosecuted 11 incidents of bullying over 6 years to 2005.[15] Further those episodes of bullying all involved physical violence which is easier to prosecute than other forms of bullying. The number of prosecutions is remarkably few given the reported incidence of Workplace Bullying. Squelch and Guthrie in their excellent account of the Australian Legal Framework for Workplace Bullying agree that 'there are few workplace bullying prosecutions under workplace health and safety laws in Australia'.[16]

A recurring theme in the literature is the lack of legislative regulation of bullying, and what regulation there is resides under various disparate regimes including "occupational health and safety, worker's compensation ... and industrial relations".[17] Diana Kelly quotes Blazey 'regretfully there is no specific remedy for bullying either through statute or common law"[18]

A number of countries have attempted to implement anti-bullying laws.[19] There is little evidence that the laws are effective. The very low prosecution rates for workplace bullying in Australian jurisdictions relative to the prevalence of bullying suggest that current Australian laws are ineffective.

In my opinion there is a need for effective stand alone legislation to regulate workplace bullying specifically. Laws that indirectly sanction workplace bullying as an occupational health and safety issue or as a form of stalking appear to be ineffective.

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[13] Bruce Arnold, *Australian Bullying Law* (December 2008) <http://www.caslon.com.au/cyberbullyingnote6.htm>.

[14] *Prosecution Result Summaries* (19 June 2012) WorkSafe Victorian WorkCover Authority. <http://www1.worksafe.vic.gov.au/vwa/vwa097-002.nsf/content/search>.

[15] Gregory Lyon SC and Garry Livermore, The Regulation of Workplace Bullying (2007) 73-76 <http://www.worksafe.vic.gov.au/wps/wcm/connect/8a18b1004071e3019ec4dee1fb554c40/Workplace+Bullying.pdf?MOD=AJPERES>.

[16] Squelch, Joan, and Robert Guthrie. "The Australian Legal framework for workplace bullying." *Comparative Labor Law & Policy Journal* 32 (2010): 15-54. <http://espace.library.curtin.edu.au/R?func=dbin_jump_full&object_id=153100>

[17] Squelch, Joan, and Robert Guthrie. "The Australian Legal framework for workplace bullying." *Comparative Labor Law & Policy Journal* 32 (2010): 15-54. <http://espace.library.curtin.edu.au/R?func=dbin_jump_full&object_id=153100>.

[18] Diana Kelly, *Reviewing Workplace Bullying: Strengthening Approaches to a Complex Problem Phenomenon* (2005) <http://ro.uow.edu.au/artspapers/21/>, quoting P Blazey, Dignity at Work, *Plaintiff*, 2003, December, 60, pp.27-30.

[19] Tim Field, *Links to Bullying Resources in Australia, Canada, Finland, France, Germany, Ireland, Sweden and USA* (2005) < http://www.bullyonline.org/workbully/grieve.htm>.

Definition of Workplace Bullying

The defining features of bullying and mobbing are, I suggest,

1. Bullying is a pattern of behaviour, and
2. the various acts of the pattern of behaviour impinge on a target person, and
3. a reasonable person would find the various acts to be violative in the circumstances, though each act may not appear significant of itself, and
4. Mobbing is bullying in which more than one perpetrator is involved in the pattern of behaviour.

The strength of this definition is that it captures the essence simply, is in behavioural terms and describes a pattern, does not imply a state of mind nor an intention which are both difficult if not impossible to prove, the various acts are not defined or limited, the outcome for the victim is not defined, there are no artificial time limits and the elements of the definition do not fall within the expertise of a particular body of knowledge. Any reasonable person can observe or note the various acts, or some of them, and discern that they form a pattern of behaviour that is violative in the circumstances and so fulfils the definition of bullying or mobbing.

Such legislation would need to address a number of issues:

1. There would need to be provisions to prevent false accusations of bullying. There may need to be penalties for wilful false allegations (as distinct from merely unsubstantiated allegations of bullying).

2. The target is often portrayed as the perpetrator of bullying.

3. There needs to be an independent body to investigate bullying. Independence from the organisation is important because often Human Resources and senior management are part of the mobbing. In fact without their passive acquiescence bullying could not occur. To prevent a swamping of such a body perhaps it should be a body to which one can appeal if the organisation fails to act appropriately.

4. A successful anti-bullying law would be unsustainable under the current law where the government and councils (ultimately the taxpayers) are vicariously liable for damages. WorkCover in NSW is already A$ 3 billion in debt due to vicarious liability payouts. Senior managers in organisations such as the Director of Human Resources and the CEO or General Manager should be made personally liable through a duty of care to protect workers from bulling.

The senior managers would need to put in place adequate monitoring systems to alert them to bullying in the organisation. Instead of a debt flowing from vicarious liability there would be a surplus flowing from fines imposed for bullying.

5. Costs of compensation for workplace bullying would be unsustainable. As far as possible the funding for compensation for workplace bullying should be funded by penalties for bullying. The taxpayer should not have to pay the compensation for the effects of bullying caused by individuals. The individuals should themselves be liable for their actions.

6. Milgram's experiments showed that bystanders are very important to the process. A bystander who spoke out against offensive behaviour was effective in stopping the behaviour.[20]

7. All staff should have a duty of care to report bullying or alleged bullying to Human Resources (HR) or the CEO or General Manager. A breach of that duty of care should be subject to a penalty.

8. All staff are potential bystanders. All staff need to be encouraged to speak out against bullying (mobbing). They will also require protection. Making all staff mandatory reporters of bullying may give them adequate protection.

9. Educational material and guidelines need to include the importance of the bystander's role.

10. Merely following a policy or protocol should not be enough to discharge a duty of care. The facts of the case should be properly considered.

11. Except for acts of violence (assault) there should in the first instance be a defined series of warning and being put on notice for bullying (mobbing) behaviour. Both the bullies and target should be counselled and provided with information on bullying. It may be that the alleged bully is unaware that their behaviour is causing distress.

12. A further act of bullying or mobbing after the defined series or warnings should be subject to a fine. Bullying (mobbing) is a pattern of behaviour. The pattern is exposed by the series of warnings.

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[20] Stanley Milgram, *Obedience to authority: An experimental view* (Harpercollins 1st ed, 1974); Kendra Cherry, *The Milgram Obedience Experiment* (2012) <http://psychology.about.com/od/historyofpsychology/a/milgram.htm>; 'Later experiments conducted by Milgram indicated that the presence of rebellious peers dramatically reduced obedience levels. When other people refused to go along with the experimenters orders, 36 out of 40 participants refused to deliver the maximum shocks'. ;

13. If a fine is imposed on a bully the director of HR and the CEO should be investigated and if found to have breached their duty of care should be subject to a fine. All staff would have a duty of care to report all bullying or mobbing to HR and the CEO so either a member of the former or the later would have breached a duty of care.

14. There should be a published guideline for investigators. It may be similar to that published in Sweden.[21] The guidelines could be referred to in the legislation. The Guidelines should note that after prolonged bullying or mobbing the target's behaviour may have deteriorated and may no longer be exemplary.[22] Investigation needs to determine the originating facts. Bullies often allege that the target is a bully.

15. There needs to be a realisation that bullies are not different from anyone else and are no more evil than anyone else. They are ordinary humans acting in a behaviourally appropriate manner. Mobbing (Workplace Bullying) is a normal human behaviour. But like other normal behaviours it requires regulation for the benefit of society.

16. As Milgram said:

> Ordinary people, simply doing their jobs, and without any particular hostility on their part, can become agents in a terrible destructive process. Moreover, even when the destructive effects of their work become patently clear, and they are asked to carry out actions incompatible with fundamental standards of morality, relatively few people have the resources needed to resist authority.[23]

17. Because of this natural tendency to be obedient to authority senior executive and HR managers, as the authority, play a pivotal role in Workplace Bullying (Mobbing). It is the reason that legislation should ascribe an actionable duty of care on the director of HR and the CEO or General Manager.

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[21] Ordinance of the National Board of Occupational Safety and Health containing Provisions on measures against Victimization at Work, together with General Recommendations on the Implementation of the Provisions. (21st September 1993) Issued by the National Board of Occupational Safety and Health pursuant to Section 18 of the Work Environment Ordinance (SFS 1977:1166) (Sweden) <http://www.bullyonline.org/action/victwork.htm>.

[22] Ibid ; '[T]he root cause is unsatisfactory work situations in which individual employees, in their anxiety or hopelessness, find cause for more and more overtly displaying their displeasure and acting in a way which can harm or provoke others around them.'

[23] Stanley Milgram, *Obedience to authority: An experimental view* (Harpercollins 1st ed, 1974); Kendra Cherry, *The Milgram Obedience Experiment* (2012) <http://psychology.about.com/od/historyofpsychology/a/milgram.htm>.

18. Having a policy or procedure should not be considered proof that bullying is being adequately addressed.

19. The NSW Bullying hotline appeared to refer callers to their organisations anti-bullying Policies. Policies which on the face of it had already failed.

20. Gary Namie points out that laws preventing harassment and discrimination protect only 25% of the population (those of the opposite sex and various minority groups).[24] Strangely, then, it is legal to harass and discriminate against 75% of the population.

21. The Performance Management process can be used as a blunt weapon by HR because the process is one of Mobbing in which senior managers are active or complicit and there is no external appeal or accountability. Legislation should allow (but not force) the respondent to insist that disciplinary or performance management proceedings be held in public. That would prevent the enforced secrecy, disguised as confidentiality, under which managers currently operate. Respondents who genuinely had issues that needed to be resolved need not request an open public process.

22. Bullying cannot occur unless it is at least tacitly accepted or encouraged by management or management acquiesces to it. Therefore senior management must be given a duty of care that is actionable by those who have been bullied.

23. Grievance type procedures are not appropriate for dealing with bullying.[25] In addition to the reasons outlined by Tim Field, most grievance procedures 'draw a line under' the grievance at the end of the process. This is a drawback when trying to show workplace bullying (mobbing) which is a pattern of behaviour. One cannot demonstrate a 'pattern of behaviour' if previous episodes have had a 'line drawn under them' by previous grievance procedures.

24. Collegiate loyalty and information are openly shared by managers. This contrasts with Targets who act alone and who are expected to maintain confidentiality (enforced secrecy) during disciplinary and performance

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[24] Gary Namie, 2003 Report on Abusive Workplaces (October 2003) Workplace Bullying Institude.
[25] Tim Field, *Grievance Procedures and Bullying* (2005) <http://www.bullyonline.org/workbully/grieve.htm>.

management proceedings. The experiments of Philip Zimbardo[26] demonstrates the process by which the 'authorities' are collegiate and collaborate[27] while the targets are isolated, unable to speak out and end up turning on and distrusting each other.[28] In my opinion the Zimbardo Prison Experiment demonstrated the behaviour of Mobbing. Importantly it was an uninvolved bystander who spoke out against the atrocious behaviour and had the experiment stopped.[29]

25. Unions, like ASMOF, are under-funded and under-resourced to deal with workplace bullying. Unions will not be able to help until the issues are better defined legally.

26. Workplace Bullying (Mobbing) should not be defined by the length of time the behaviour has been evident. It should be defined as a 'pattern of behaviour'. It is the pattern, not the length of time that is important.

27. Tim Field has pointed out that '[t]he acid test of any legislation is "would it have worked in previous cases?"'[30]

28. Aiding, abetting and contributing to workplace bullying should be punished in the same way as bullying itself.

29. If one keeps doing what one did one will keep getting what one got. Anti-bullying laws to date have not been effective. There needs to be a new innovative approach.

30. Unions like ASMOF are also active politically. Experience in the UK suggests that this may be a conflict of interest when it comes to representing their members who have been bullied. Supporting a victim of bullying may damage the relationship the Union has with management and government in its political role. One solution may be for the Unions to form two arms, a political arm and an industrial arm which are functionally independent and distinct. The political arm's reputation with management and government would then be

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[26] Philip Zimbardo, *Stanford Prison Experiment* (2012) <http://www.prisonexp.org/>
[27] Philip Zimbardo, *Stanford Prison Experiment* (2012) < http://www.prisonexp.org/psychology/19>
[28] Philip Zimbardo, *Stanford Prison Experiment* (2012) < http://www.prisonexp.org/psychology/20>
[29] Philip Zimbardo, *Stanford Prison Experiment* (2012) < http://www.prisonexp.org/psychology/38>; 'Filled with outrage, she said, "It's terrible what you are doing to these boys!" Out of 50 or more outsiders who had seen our prison, she was the only one who ever questioned its morality. Once she countered the power of the situation, however, it became clear that the study should be ended.'
[30] Tim Field, *Grievance Procedures and Bullying* (2005) <http://www.bullyonline.org/workbully/grieve.htm>.

protected from action, including anti-bullying action, taken by the industrial arm of the Union.

31. HR and the employer are not stakeholders in exposing bullying and helping the victim. It is usually in the best interest of the employer and therefore HR to deny and coverup bullying. Bullying may even be one of the main techniques used by HR.

32. It is probably best not to name each specific bullying behaviour because naming each excludes the others by default. It may be necessary to list some bullying behaviours in Guidelines, but care should be taken to stress that the list is not exclusive. The techniques used in bullying are only limited by the initiative and imagination of the bully.

33. Lists of bullying behaviours will necessarily always be incomplete. More that need including in guidelines are: passing untrue negative assessments or opinions up the management line. Performance assessments (appraisals) or opinions passed up the management line which are negative and untrue or about minor matters that would not usually warrant mention. Complaints about a person which are negative but are also true of others who are not mentioned. Complaints (about bullying) in which the documentation is probative but found by management to be unsubstantiated. A pattern of not replying to correspondence or queries.

Submission No 1 to the House Standing Committee on Education and Employment, Inquiry into Workplace Bullying, 29 June 2012.

Whistleblowing and Bullying at Hospital

The Scandal[1]

In late 1999, was appointed director of the neonatal unit at . From the first week it was obvious to me that lacked clinical competence. Within a year it had become an open secret in the neonatal unit at that was incompetent and that doctors and nurses had to intervene to protect babies from harm. As a doctor at the hospital, I attempted to alert the administration and its predecessors) to what I believed were the dangers faced by severely premature babies and sick term babies in the neonatal unit.

In 2001 from was asked to perform an external review of the unit.[2] I told that the main problem in the unit was lack of competence. report stated, "Primary nurses expressed uncertainty as to who they should turn to when … they were genuinely concerned at clinical decisions and standards of care." The obvious person they should turn to was , the director of the neonatal service. They were intimating that they had concerns about his decisions and standards of care and as he was director there was no one else they could turn to.

It appeared to me that maintained control by labelling any perceived criticism as uncivil behaviour, by chairing and editing the minutes of all management, audit and peer review meetings, by chairing the committee that reviewed deaths and harm to patients, by favouring those who supported him, and

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[2] An unsatisfactory report in which significant issues of incompetence were divulged by staff but not appropriately investigated. Perhaps Professors helping Professors.

by having the full support of Human Resources, governance and the executive of .

From 1999 to 2009, I notified the hospital administration about problems in the management of many babies in the neonatal unit. Many doctors and nurses expressed similar concerns.

An example (the case of Baby G)

The unit protocol for exchange transfusions required the use of packed cells from the blood bank. insisted on using whole blood instead, although it is very time consuming for the blood bank to obtain. In 2004, the director of the blood bank and I separately wrote to advising him that packed cells (and not whole blood) should be used to avoid delays in initiating what is often an emergency treatment. This email exchange was intended to be both educational and a warning about the dangers of insisting that only whole blood could be used. Instead the email was used to target me in disciplinary proceedings as an example of my "intolerable behaviour and open criticism of colleagues."

In 2008 insisted on waiting 8 hours for whole blood before performing an emergency exchange transfusion for jaundice which had already reached a level of 850 in a newborn baby, Baby G. There is an increasing likelihood of severe brain damage the higher and the longer the jaundice level is above 340. The baby suffered severe brain damage, mental retardation, cerebral palsy, seizures, deafness and blindness. In my opinion, the severity of Baby G's condition was preventable by earlier exchange transfusion.

This example of incompetence alone is likely to cost the Australian Taxpayer millions of dollars when the parents sue. The emotional and financial cost of looking after such a disabled child for life will be enormous.

Problems in speaking out

There were many other occasions on which clinicians tried to correct less dramatic errors or lack of competent clinical judgement on ward-rounds, in peer review meetings,[3] in patient management meetings[4] and by direct email to .[5]

[3] Peer reviewed concerns over the years 2001 to 2009 regarding babies managed are detailed in

[4] Senior Consultants in the neonatal unit documented their concerns regarding management of babies over the years 2001 to 2009.

[5] One such email was complained of in the first reprisal performance review and the Obstetrician .

insisted that some consultants bill Medicare in a way that they felt was fraudulent. accepted a "gift" from a doctor who was applying for an appointment as a fellow in the unit. was to be the chairman of the interview committee. Under pressure from staff who were concerned that it was a bribe, he eventually returned the gift.

It appeared to me that the supported the professor, who is superficially charming, and exacted reprisals against any consultant or nurse who dared to speak out. One nurse who spoke out about the professor's lack of practical skills in resuscitating newborn babies left the workforce less than 24 hours after attending a meeting led by neonatal head nurse . Many nurses and doctors said much the same thing to me: "I have a career, children and a mortgage to consider and I am not willing to speak up." They saw what happened to anyone who spoke up and it scared them enough to silence them permanently. The greatest danger they faced was appearing to side with someone who made trouble for those who have power.

Reprisals (bullying) for speaking out

Between 2004 and 2010, I was subjected to three performance improvement plans[6], three disciplinary investigations[7], three performance investigations and two psychiatric evaluations. The complaints on all occasions were either fabricated or minor. On each occasion when the complaints were shown to be untruthful the proceedings were simply abandoned. There was no closure.

In 2008 there was an external review of the unit by , a paediatrician from , and a nurse, , which fully vindicated my concerns about care of the babies in the neonatal

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[8] Report from Independent Reviewers from and to Director of Clinical Governance, December 2008; Although the Report fully vindicated my concerns about it was an unsatisfactory report. It understated incompetence (perhaps Professors helping Professors), It ignored the agreed terms of reference, it repeated gossip and untested opinions without investigation, it dismissed bullying out of hand despite the facts and despite finding a culture of bullying to be endemic in the unit, it reached prejudiced conclusions without evidence and did not honour an agreed right of reply. In collaboration with (including , and) advised that could still treat babies in Special Care and on the wards (perhaps Professors helping Professors), a situation that would clearly have been untenable. I vigorously opposed the plan and was thereafter not allowed to treat any baby anywhere, but from then on insisted on personally censoring all my emails and communications in order to silence me blowing the whistle on their inappropriate management of incompetence.

unit.[9] found that lacked clinical skill and should not be allowed to manage any baby in the unit.[10] The removed clinical privileges[11], though allowing him to remain as director of the unit and to continue to experiment on babies in the unit until his contract ran out. The other Consultants in the unit were forced to do all shifts and night and weekend on call duty.

The and the , chaired by , did not act on concerns[12,13] that babies were being experimented on by after his clinical privileges were removed.[14] The babies' parents were not fully informed, as they should have been according to National Health and Medical research Guidelines, of the professor's reduced status, nor were they informed that the District refused to allow him to practise medically.[15]

appointed in spite of being forewarned about his lack of competence by two consultants already employed in the neonatal unit at .

There needs to be an investigation into how was appointed. Who vetted his application and why was due diligence ineffective? How was given satisfactory progress reports for his first three years at (as required by his contract)? How was allowed to continue to treat babies for eight years after and Area staff were alerted to serious concerns

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[10] The final result after I opposed the District's ruling that would continue to treat babies in Special Care and on the wards despite the finding that he lacked clinical competence.

[11] Arguably the only moral decision made by a senior manager during the whole debacle.

[12] Letter from to , 2 October 2008.

[13] Letter from and to The , 16 February 2009.

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Guidelines patients (in this case parents) should be fully informed of any significant change in the research in which they have agreed to participate if that information was of a type likely to change their consent. The removal of the Principle Investigator's clinical privileges would be information of that type.

regarding his competence? Why was allowed to continue research on babies after his clinical privileges were removed?

Workplace bullying (Mobbing)

The workplace bullying outlined above is a typical example. It was not unique in and its predecessors. Unfortunately workplace bullying is simply a normal human behaviour. The behaviour is known as Mobbing,[16,17] shared by animals and birds and humans. Mobbing is usually an excellent protection for a group of individuals as it is the behaviour by which members of a group are called together to mutually fend off and rid the group of an enemy or predator. Sometimes, however, the perceived enemy is a member of the group that the group now wants rejected. The group acts together under the authority of a leader to mob the victim until the victim is ejected. This behaviour is innate and called mobbing.[18] Mobbing seems to be a difficult concept and in the workplace the preferred term appears to be: workplace bullying. In humans an authority figure plays an important role in mobbing, and therefore workplace bullying, because the group takes its cues from the authority figure. Milgram[19] showed that humans will behave immorally if influenced by someone they consider a figure of authority. Importantly further variations of this seminal experiment have shown the important role that the bystander can play in terminating immoral behaviour.[20]

Workplace Bullying is synonymous with, or at least very frequently takes the form of, Workplace Mobbing. Frequently the underlying cause is the fear of exposure of the bullies by the victim. The bullies have something to hide and they fear the victim has, or will, expose them. Workplace Bullying is therefore associated with Whistleblowing or the fear that the victim may blow the whistle on the bully or bullies. The bullying is then a reprisal or a pre-emptive strike. Thus bullying, mobbing, whistleblowing and reprisals are closely linked in practice.

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[16] Heinz Leymann, *Introduction to the concept of Mobbing* <http://www.leymann.se/English/11110E.HTM>.

[17] Tim Field, *What is Mobbing?* <http://www.bullyonline.org/workbully/mobbing.htm>.

[18] Linda Shallcross, *Workplace Mobbing: Expulsion, Exclusion and transformation* (2008) <http://www.lindas.internetbasedfamily.com/f/SHALLCROSS_LINDA1.pdf>.

[19] Stanley Milgram, Behavioral Study of Obedience. 67 *Journal of Abnormal and Social Psychology* (1963) *371–378.*

[20] Kendra Cherry, *The Milgram Obedience Experiment* (2012) <http://psychology.about.com/od/historyofpsychology/a/milgram.htm>.
"Later experiments conducted by Milgram indicated that the presence of rebellious peers dramatically reduced obedience levels. When other people refused to go along with the experimenters orders, 36 out of 40 participants refused to deliver the maximum shocks."

In my case sought to punish me and silence me for exposing the fact that he was incompetent and that babies in the neonatal unit at were being harmed in his care.

The managers of (or more correctly the managers of its predecessor the former) were recruited into the mobbing by their fellow manager, , and because they too feared exposure of their incompetence in employing , exposure of their failed vetting process, exposure of the failed process by which should have been properly assessed annually for the first three years of his employment and exposure for their failing to adequately intervene when incompetence was brought to their attention from as early as 2001.

Once senior managers and HR were involved in the process they brought authority to bear and this authority empowered junior staff (doctors and nurses) to act immorally[21] in concert with the perception that I was 'on the outer' and could be attacked in ways that would usually not be allowed. Authoritative senior managers must at least passively acquiesce to the behaviour for bullying to exist.

Only a Judicial or Parliamentary enquiry could determine where the faults lay in the employment of, and lack of governance of, by and the

My case at is not unique.

, a senior nurse, was terminated for allegedly writing some twenty or so letters blowing the whistle on concerns at .[22] I understand he denies writing the letters. The point is that someone wrote the letters and whoever wrote them was concerned about practices at that needed to be addressed.

There is a least one other senior nurse and one physician who have been terminated or suspended from in the past few years. I hope they make a submission to your Committee.

Some suggestions regarding the regulation of Workplace Bullying are attached.[23]

[21] Kendra Cherry, citation 17 above; Stanley Milgram citation 16 above.

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[23]