

The Totalitarian Practices of Corporate Human Resources

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About this submission

This submission describes the source and characteristics of workplace bullying within the Australian Public Service. It outlines the pivotal role of the corporate human resource (HR), function in relation to workplace bullying.

Most sizeable organisations have a corporate human resource function so it may very well be that this submission contains lessons for other public sector jurisdictions and non-government organisations.

This submission reveals the role HR plays in creating a culture that encourages and enables workplace bullying. It reveals that the very function charged with preventing workplace bullying is compromised.

The core problem is that the processes used to address work place bullying assign destructive roles to the victims of work place bullying. These processes and practices cause psychological damage to individuals.

At the extreme end of the scale these processes and practices involve and legitimise the use of psychiatry to repair the damage done by processes and practices HR is responsible for. In short, what we see in the Australian Public Service is a set of abusive cultural characteristics that perpetuate workplace bullying and destroys lives.

HR focuses on 'ticking the boxes' and many APS agencies minimise the problem by pretending the issue of workplace bullying consists of a set of individual *HR cases*.

This submission shows how 'the system' works and why it works the way it does. It is not a pleasant reality, but one that needs confronting.

The fact of the matter is that the APS needs to get its' house in order. Doing so is a matter of credibility and having the capability to address the scourge of workplace bullying across the nation.

I venture to say that when you read this submission you will see that the processes and practices employed by the APS have more in common with totalitarian states than they do with enlightened democracies. These processes and practices destroy careers, health, marriages and end lives.

The Totalitarian Practices of Corporate Human Resources

Focus

While my submission focuses on institutionalised bullying within the Australian Public Service (APS), many of the observations and conclusions apply equally to other public sector jurisdictions. Indeed, the ubiquity of the corporate human resource¹ (HR), function across most organisations suggests that these observations and conclusion may also hold true for non-government organisations.

My submission relates directly to the following terms of reference:

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

The role of the HR function should not be underestimated due to the pivotal role it plays in relation to workplace bullying and, indeed, employees' experiences of working in the APS.

Within APS agencies the roles of individuals and the functions of business areas are heavily codified. This includes those roles and functions associated with workplace bullying. This codification, taking place as it does within complex hierarchical structures, is important as it reflects organisational culture. However, the codification of roles and functions also creates and perpetuates organisational culture by enabling particular behaviours and practices.

Across APS agencies there are ample administrative processes and procedures for associated workplace bullying. However, despite this administrative effort bullying continues and, if anything, individuals are afraid to disclose bullying, as they are fearful of experiencing further abuse for doing so.

It is my contention that the core reason bullying remains a problem in the APS is that the processes and procedures for dealing with the problem focus on individual 'cases'. They do not take account of the fact that bullying is a sociological phenomenon, not simply an interpersonal or bureaucratic one.

To understand how 'social' bullying is one only has to consider the fact that it is problem in our schools, workplaces and, for example, nursing homes and psychiatric facilities.

Looked at in these terms it is essential that the APS effectively address workplace bullying itself. Doing so is not only a question of credibility. It is also a question of capability.

¹ The term corporate HR is used throughout the document. The term refers to those HR areas that take a strategic leadership role. It does not include such functions as payroll services.

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If the APS does not put its own house in order it is unlikely to be able to develop and implement measures to address workplace bullying in the wider community. And the result of such a failure? Workplace bullying will continue to impose a financial cost on the community, a tragic cost on victims and a capability cost on the APS.

About me

I have worked in the public sector for over thirty years. For the past eleven years I worked in the Northern Territory Public Sector. Previously, I worked in the South Australian Public Sector and Northern Territory Public Sector. I have also worked on whole of public sector projects and, it is this work that has shaped my perspective.

During my career my work has spanned organisational development, human resource development, social and organisational research and the application of Web 2.0 technologies to engagement. In general, much of my work has been associated with change.

The work I undertook within the APS spanned social and organizational research, information technology and communications. During my time with the APS I dealt with hundreds of clients and the work I undertook involved the workforce of the organisation many time over.

At various times during my time with the APS the nature of my work and my professional views resulted in conflict with the corporate sub-culture² of the organisation. This conflict centred on the fact that the technology I was responsible for had an empowering and democratising influence that was at odds with the corporate sub-culture of the APS.

The scope of this conflict spanned the very important issues of organizational culture, innovation and the use of social media and took place over the period 2003 to 2011.

At various times senior staff within the APS attempted to intimidate me due to my views and, at a number of points, my actions in disclosing their conduct. Fortunately, given my career background and expertise I was somewhat successful in dealing with these practices and behaviours. Others are far less fortunate.

Due to the nature of my work over the years I am very aware of the nature and extent of bullying, not just within the APS, but also in the public sector in general. My background in research and corporate HR, has provided me with critical insights into the role of that function.

Through my work in the wider Gov 2.0 community and my contributions to APS Reform I have acquired additional insights into the dynamics and systemic impacts of workplace bullying within the APS.

I decided to leave the APS towards the end of last year as I concluded that more good could be done outside the public service.

² Functional areas within organisations have their own unique cultural attributes. Hence the use of the term sub-culture.

Victims as HR cases

The predominant approach to workplace bullying across the APS is to treat the victims of bullying as *HR cases*³. Typically, when an employee reports bullying the following process occurs:

- Support is provided to the victim to help them understand and manage the situation
- Advice is provided to the alleged perpetrator
- Attempts are made to resolve the situation

In terms of resolution APS agencies typically take an escalatory approach. These approach ranges from resolving the situation via mediation through to taking formal action against the perpetrator.

The above approach works quite well where the bullying is blatant and overt. For example, publicly abusing employees on the basis of their gender or cultural background.

Certainly, the process for dealing with such bullying is not always as quick and decisive as it should be. In part, this is due to the amount of administration (red tape), that agencies have created to manage workplace bullying. Both victims and harassment contact officers complain about 'red tape' preventing early resolution.

What the above suggests is that agencies should, in the first instance, focus on 'nipping problems in the bud'. In practical terms this means:

- Accepting from the outset that the employees claims of being bullied are real.
- Significantly reducing the amount of red tape to enable blatant bullying to be resolved as quickly as possible.

Seeing problems 'nipped in the bud' sends a powerful message to all employees - both the bullied and the bullies.

Current practices reinforce a culture where actual instances of bullying, even successful resolutions, are not openly discussed. Actual instances of workplace bullying are seen as *HR cases* and, by and large, that is where the conversation remains - with corporate human HR.

In short, the victim is labelled an *HR case*. Being labelled an *HR case* may not be problematic for overt and isolated instances of bullying. However, individuals *HR case*, in all its' detail becomes part of the corporate HR record.

HR cases and the genesis of abuse

However, not all bullying is overt. As pointed out by the Australian Public Service Commission,

Some subtle patterns of behaviour are also seen as harassment or bullying, for example:

³ Most agencies have systems in place to record HR cases. The term has effectively become a label that denotes the role of the victims of workplace bullying.

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- ostracism—physical or social isolation; exclusion from work-related activities; not acknowledging or responding to an individual's presence or comments; leaving the room when a person enters
- undermining—persistent and baseless criticism; unwarranted removal of responsibility; ridicule; taunts; hectoring; spreading gossip and rumours (either verbally or by email); including inappropriate remarks in emails about a person sent
- to and/or copied to others; belittling or derogatory remarks or actions that diminish a person's dignity (such as eye-rolling responses)
- sabotage—giving meaningless tasks, confusing and/or contradictory instructions; inappropriately and frequently changing targets and work deadlines; unnecessary disruptions; deliberately withholding important information; deliberately failing to complete tasks or missing deadlines; insisting on petty work requirements.

There is, allegedly, little overt bullying within APS agencies. However, this should hardly be a surprise given the nature of work in the public service and the fact that so much information is provided to staff. After all, the APS has an informed and educated workforce who will quickly report overt bullying.

Rather, bullying within APS agencies takes the subtle form outlined by the APSC. What is interesting about the behaviours listed is that they are precisely the sorts of behaviours that managers are in a position to engage in.

Indeed, having worked in the management development field I hasten to add that micro-management is another pattern of behaviour associated with bullying of this nature.

APS agencies are hierarchical organisations and the roles of individuals within that hierarchical structure are clearly codified. Corporate HR plays a significant role in supporting managers and, as staff know, plays a key role in matters associated with the performance and conduct of employees.

So what happens when employees raise serious business issues with their superiors? What happens if the issues themselves point to deficiencies in management?

There are two very distinct reactions:

- The individual is thanked for doing so and the issues themselves becomes a body of work. (Often for the individual who raised the issue in the first place).
- The individual who raised the issues is subjected to subtle and ongoing bullying.

Unfortunately, the latter is common within APS agencies. The victims of bullying at the hands of managers take one of the following actions:

- Look for another position elsewhere to escape the bully.
- Learn not to raise issues and hope the bullying will blow over.
- Leave the APS.
- Lodge a bullying complaint.

Where an employee lodges a bullying complaint in these circumstances, especially if they have done so before, their role as an *HR* case grows. Typically, the bullying manager swamps the

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employee with emailed work instructions and insists on receiving emailed responses from the target. The bullying manager uses this information to manufacture a case against the victim.

At this point it is worth noting that the targets of this form of bullying, and the practices that go with it, are often dedicated and innovative public servants who highlight issues for the betterment of their workplace and the public service. Unfortunately, they are treated as 'troublemakers'.

The bullying manager engages seeks to manufacture evidence to undermine the victim. They actively support of corporate HR. Conversations take place between the manager and corporate HR. Both parties actively engage in manufacturing a case against the victim.

Eventually, the victim is advised that they have performance or behavioural issues. These allegations are usually false, but assume a life of there own due to the fact they have been manufactured and sanctioned by corporate HR and the bullying manager.

From a systemic perspective the nexus between bullying managers and corporate HR is the point at which this form of bullying is institutionalised. What this means for the victim is that their role as a *HR case* is more clearly defined. The additional attributes attached to the victims role as an *HR case* include:

- Performance problem
- Behavioural problem
- Not a team player
- Trouble maker

The role of corporate HR in this labeling process should not be underestimated. It is they that provide the administrative processes and imprimatur that enable this form of bullying. By doing so they render this form of bullying the norm.

In short, bullying of this nature has become embedded in the very nature of management within the APS. Corporate HR has normalised workplace bullying. The brutality of this human resources regime is hidden in the complexity of the processes associated with it.

Sadly, that brutality is all to real for the victim as there role as serious *HR case* has been confirmed by the bullying manager in collusion with the corporate HR. A role legitimised by the position of power of both the managers and corporate HR.

HR cases and the end of well-being

Not surprisingly the new status of the employee as a *serious HR case* undermines the well-being of the victim of workplace bullying. Typically they are severely stressed and are unable to work as they once did. They have been broken down and lost their sense of self.

What may have started as bullying has, as a result of nexus between management and the corporate human resource function, become insitutionalised abuse. This is a horrific reality that has a lot common with totalitarian regimes.

What happens next can only be described as perverse in the extreme. Having severely damaged the well-being and career of the victim corporate HR then proceeds to seek to implement processes designed to rehabilitate them back into the workplace.

Having broken the individual corporate HR then proceeds to use a range of rehabilitation services repair them. This practice is part of a complex human resource process designed to repair the damage done to the victim by the bullying manager and corporate HR in the first place.

It is worth noting that throughout most of the 'career' of the employee as an *HR case* corporate HR within agencies regularly consults with the Australian Public Service Commission and ComCare. The reason for doing so is to obtain validation for their actions and confirm that the process has been followed. It has little to do with the concern for the welfare of the victim.

Even when the victim returns to work and can function at some level, they are crushed by the experience. They are understandably fearful and comply with whatever is asked of them. It takes them years to recover. If they do at all.

Some victims move on and take the emotional scars of having been an *HR case* with them. This leaves the bullying manager and the corporate HR function that supports them free to move on to the next case. In reality, to the next victim.

But what of individuals who will not accept the systemic abuse or, for that matter, the role of an *HR case*?

HR sponsored psychiatric abuse

The use of psychiatry by totalitarian states to label or certify dissenters who need neither psychiatric restraint or psychiatric treatment is well known. Psychiatry was used against dissenters in the Nazi era, within the former Soviet Union and former Eastern bloc countries.

Regulation 3.2 of the APS Public Service Regulation 1999 allows Agency Heads to direct employees to attend a medical examination.

PUBLIC SERVICE REGULATIONS 1999 - REG 3.2 Direction to attend medical examination (Act s 20)

This regulation applies if an Agency Head believes that the state of health of an APS employee in the Agency:

- a) may be affecting the employee's work performance; or
- b) has caused, or may cause, the employee to have an extended absence from work; or
- c) may be a danger to the employee; or
- d) has caused, or may cause, the employee to be a danger to other employees or members of the public; or
- e) may be affecting the employee's standard of conduct.

Note - Examples of absences that could be treated as extended absences are:

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- a) an absence from work of at least 4 continuous weeks; and
- b) a combined total of absences from work, within a 13 week period, whether based on a single or separate illness or injury, of at least 4 weeks.

Source: Commonwealth Consolidated Regulations

Regulation 3.2 is used to direct employees to undergo a psychiatric assessment.

From my in-depth conversations the dynamic associated with these psychiatric assessments is as follows:

- The agency compels employees to undertake a psychiatric assessment on the basis of advice provided by managers with the support of corporate HR. *More often than not none of these parties is a qualified psychiatrist.*
- These assessments take approximately 40 minutes. *Is this really enough time to make an assessment?*
- The victims of this form of bullying are already severely stressed. *So is the purpose of the assessment to determine the damage done or further undermine the individual by claiming they had a pre-existing psychiatric problem?*

It is worth considering whether the bullying managers are required to undertake psychiatric assessments. Given the fact that this does not appear to be the case one can only conclude that use of psychiatry is, in fact, a hostile action against the victim. In short, that psychiatry is used as a means of further abusing the victim of work place bullying.

The use of psychiatric assessments is heavily coloured by the *HR case* manufactured by bullying managers and the corporate HR function. It is a process that adds to the abuse of individuals by assigning an additional role attribute to the *HR case* - that of a psychiatric patient.

Systemically, these practices perpetuate a system where bullying is masked by management practices. What is very worrying about this practice is that it shares characteristics with Irving Goffman's examination of the social situation of mental patients and other inmates in his book [Asylums](#).

Given the role of the corporate human resource function in constructing *HR cases* and, most important, its' role in relation to rehabilitation it is highly probable that psychiatric assessment are being used to:

- Mask bullying?
- Deal with potential, or actual whistleblowers?
- Manage employees out the door and dodge liability?
- Prop up a doctrine of management infallibility?
- Deal with potential, or actual whistleblowers?

Anecdotal evidence suggests that this is the case. In particular, it suggests that psychiatric assessments are, in fact, being used as a weapon of last resort to deal with employees who are seen as dissenters.

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Individuals who object to bullying, along with potential or actual whistleblowers, are likely to be required to undertake these assessments. The motivation for doing so is simple. Individuals dissent threaten the abusive system itself and, in doing so, they are perceived as challenging the power of corporate HR and management

Abuse at work

Most victims of the form of bullying outlined in this submission eventually find it difficult to articulate what has happened to them. The stress they are subjected to takes a shocking toll on them and their families.

This toll becomes far worse when they are subjected to the abusive regime I have outlined in this submission.

For the past three months I have been working intensively with [redacted] – a senior lawyer with the [redacted]. [redacted] has been subjected to the full force of this abusive regime as a result of her raising serious matters associated with the administration of the tax system.

[redacted] and her colleagues first raised these issues within the [redacted]. From that point on [redacted] has been subjected to bullying. The situation escalated further when [redacted] lodged an official whistleblowing complaint.

In respect of [redacted] formal whistleblowing complaint it is important to note that the issues raised in relation to the administration of the [redacted] were validated by the Inspector

The [redacted] is determined to compel [redacted] to see a psychiatrist to undergo a psychiatric assessment and the full range of practices associated with *HR* cases have been applied to her. The abuse, and that is what it is, is palpable.

Unlike most people who go through this process [redacted] is extremely articulate and, notwithstanding the emotional impacts of abuse of this nature, has created an extremely detailed account of her experiences and the matters of law associated with those experiences.

[redacted] has authorized me to include correspondence from a senior official within the Office in this submission. The correspondence clearly shows ‘the system at work’. As this submission is a public document I have removed the name and title of the senior official from the correspondence to protect their privacy.

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Dear

I refer to your email sent on 22 June 2012 in which you advise that you will not be attending the occupational health assessment on 16 July 2012 and will be returning to work on 12 July 2012.

I acknowledge your advice that you will not be attending the occupational health assessment and am disappointed with your decision as participating in that process will ensure that you are able to return to work as soon as possible.

Regrettably, the cannot allow you to return to work on 12 July 2012 as you, and your representatives, have stated on a number of occasions that you are unable to return to work in the due to ill health.

In accordance with this advice, and the duty of care not to place employees in employment situations which may damage their health or exacerbate any existing health issues, the cannot allow you to return to work until such time as you have undergone an occupational health assessment. As I have previously advised, you will be placed on Personal Leave – Sick from the time your long service leave expires.

I would also like to remind you that your current substantive position is not in the position in the . You were advised of this in a letter from on 24 August 2011.

However, as I indicated in my letter to you of 15 June 2012, I believe it would be inappropriate for you to return to or for you to return to work in another role until such time as the has obtained medical evidence that you are fit to do so, along with any other recommendations to ensure your safe return to work.

Once your fitness to return to work has been confirmed by an occupational health assessment you will be allocated a position in accordance with any medical recommendations and after consultation with yourself.

In conclusion I again advise that the cannot allow you return to work until you have undergone an occupation health assessment and you are not to return to, or attempt to return to, work on 12 July 2012.

In your e-mail of 18 June 2012, you suggested that I give you a call to discuss the way forward. I would be happy to call you to discuss the requirement that you attend an occupation health assessment before being allowed to return to work and any concerns you may have in relation to your attendance that assessment. As you can appreciate, it would not be appropriate for me to discuss any of the matters that are part of your *Claim under the Fair Work Act 2009 alleging contravention of a general protection*.

I look forward to your advice in respect of this proposal.

Yours sincerely

25 June 2012

responded to the correspondence dated 25 June as follows:

I note that you believe it would not be appropriate for you to discuss any of the matters that are part of my claim, however, you believe it is appropriate for the to rely on my claim to stop me from returning to work based on my psychologist's assessment that the conduct has made me ill.

Although, you don't acknowledge that by relying on my psychologist's assessment that you think the conduct actually made me ill.

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It also appears that you have conveniently forgotten that you have apologised for conduct in making me ill. Well, I have not forgotten [name deleted].

[name deleted], has acknowledged in one of his emails to [name deleted], and [name deleted], last year that returning me to [name deleted] has induced my illness. But clearly you don't care about how I feel and the reasons for my illness. You just want to perpetuate the abuse, psychologically, emotionally and now economically.

In any case, the FOI documentation has revealed that [name deleted].is a liar and I have an ongoing permanent position in [name deleted] reporting to [name deleted]. I have great respect for [name deleted],and in that regard I am happy to report to her pending finalisation of the Court case.

Perhaps you all haven't noticed yet that the [name deleted] does not belong to you.

In any case, in the absence of you formalising your actions, I will be returning to work on 12 July 2012 reporting to [name deleted].

You will need to turn your attention [name deleted], with regards to your medical qualifications and the basis of your referral for me to see the psychiatrist at a mental health facility if you want to suspend me from work.

I will be reporting your actions to the police should you attempt to stop me from returning to work.

– 25 June 2012

The occupation health assessment the senior officer is requesting [name deleted] to attend is, in fact a psychiatric assessment. The other point to note is that this is, in fact, not a request at all. The [name deleted] Office is determined to compel [name deleted] to undergo the assessment.

As per my description in the section of this submission entitled HR sponsored psychiatric abuse the [name deleted] Office is using its duty of care and rehabilitation obligations to justify forcing [name deleted] to undergo a psychiatric assessment.

The assessment would be undertaken by a psychiatrist chosen by the [name deleted] Office. Needless to say, the [name deleted] Office has constructed the *HR* case in the first place.

What [name deleted] Office is not making clear in their letter is that it is the bullying [name deleted] has been subjected to, coupled with the abusive regime she is being subjected to that is making her ill. This has been made clear to the [name deleted] Office by other professionals and the very clear message is this – Stop the abuse and provide a safe working environment

In my professional view what is being done here amounts to an attempt, intentional or not, to attach a label to a whistleblower under the auspices of human resources.

From working with [name deleted] what I want to make very clear is that there is a big difference between an inherent psychiatric disorder and the symptoms associated with being placed under stress. In this case by the abusive regime outlined in this submission.

On the 20 June 2012 the senior official wrote to [name deleted] as follows:

See next page

20 June 2012

Dear

I refer to your email dated 18 June 2012.

While I will not address all the issues you have raised in your e-mail, I must advise that the) does not acknowledge or accept that its conduct has made you sick. The also does not accept that my decision to grant you Personal Leave – Sick is evidence of such an acknowledgement.

Rather, my decision to grant you Personal Leave – Sick from the date your current long service leave expires was based solely on your advice, as outlined in my letter of 15 June 2012, that you are unable to return to work due to health issues.

I understand that you have again advised of your inability to return to work due to health issues in your Amended *Claim under the Fair Work Act 2009 alleging a contravention of a general protection* which was filed in the Federal Magistrates Court on 18 June 2012 where you state at paragraph 34 that you have been certified by your medical practitioner as being unfit to work from 7 July 2011 on account of stress and anxiety.

In these circumstances you will remain on Personal Leave – Sick until such time as you have attended an occupational health assessment arranged by the in accordance with the authority contained in the *Public Service Regulations 2009* and the ; Managing Illness and Injury in the workplace policies.

The Australian Public Service Commission has advised that it is appropriate for the to grant you/require you to utilise Personal Leave – Sick in these circumstances.

Accordingly, I again advise you that the cannot allow you to return to work until you have undergone an occupational health assessment and you are not to return to, or attempt to return to, work on 12 July 2012.

We would appreciate if you could confirm that you will be attending the occupational health assessment appointment that we have arranged for you on 16 July 2012.

Yours sincerely

The correspondence dated 20 June clearly shows that the Office is so wedded to the abusive process outlined in this submission that it even refuses to acknowledge the very clear professional advice that such processes and the bullying they support cause stress and anxiety. In short, make them ill.

Again, what the Office is attempting to do is compel to undergo a psychiatric assessment. They seek to justify this on occupational health and safety grounds.

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The correspondence from this senior official within the Australian demonstrate the extent to which workplace bullying has been institutionalised due to behaviours and practices associated with corporate HR.

What should also be noted is the reference to the Australian Public Service Commission (APSC). What this suggests is that the APSC is quite content to 'tick the box' on a process. However, in taking such an approach they become part of the abusive system outlined in this submission.

On the 15 June 2012 the senior official wrote to _____ as follows:

Dear _____

I refer to your email to _____ Last dated 6 June 2012 in which you raise a number of issues in relation to your return to work following your current period of long service leave, which I understand concludes on 28 June 2012.

In your email you advise that if the _____ does not grant you miscellaneous leave with pay pending the finalisation of the proceedings currently before the Federal Magistrates Court of Australia you will be forced to return to work as you have no other sources of income during this period of dispute.

Regrettably, I can not agree to your request to be granted miscellaneous leave with pay until the proceedings currently before the Federal Magistrates Court are concluded as I do not consider that granting leave in these circumstances falls within the provisions of the Enterprise Agreement 2011.

I note that in your email you also state that if the _____ does not grant you miscellaneous leave with pay you will report for duty to _____ office to commence your "permanent position" in the _____ as you consider that reporting to your previous position _____ of the _____ poses a serious risk to your health, safety and wellbeing.

I take this opportunity to advise you that the _____ Office closed over the weekend of 9 and 10 June 2012 as a result of the _____ moving into new accommodation in the _____

I also believe it would be inappropriate for you to return to _____ or for you to return to work in another role until such time as the _____ has obtained medical evidence that you are fit to do so along with any other recommendations to ensure your safe return.

We want to make sure that you are properly cared for as an employee - as you would be aware the _____ has a duty of care to its employees not to place them into employment situations which may damage their health or exacerbate any existing health issues.

In this regard I have been advised that on a number of occasions you or your representatives have stated that you will be unable to return to work for a significant period of time due to health issues, including:

- in paragraph 107 of your *Claim under the Fair Work Act 2009 alleging contravention of a general protection* you have stated as a direct consequence of the _____ conduct you have undergone on-going professional counselling and the opinion has been expressed that any return to work in the foreseeable future is unlikely;
- an article in the _____ on 21 December 2011 reported that you are seeing a counsellor who thinks it will be unlikely you will be able to return to work in the near future; and
- a letter from _____ dated 14 February 2012 advised that in the opinion of your psychologist it will be at least two years before you are able to return to work in comparable and alternative employment.

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Page 1 of the correspondence from the senior official illustrates very clearly the depths of denial characteristic of the abusive regime described in this submission.

Page 2 of this correspondence provides greater detail.

In these circumstances I regret that I am unable to allow you to return to work until such time as you have undergone an occupational health assessment to determine your fitness to return to work and any medical recommendations or restrictions that will assist the to facilitate that return. You will be considered to be on Personal Leave – Sick until the has received the results of the occupational health assessment, however, should you wish to utilise some other form of leave during this period please contact me.

To provide you with further assurance about this approach, the has sought advice from the Australian Public Service Commission who have advised that it is entirely appropriate, in these circumstances, for the to require you to undergo an occupational health assessment prior to returning to the workplace. Again, I emphasise, this is to ensure your health, safety and welfare is assured.

The has previously attempted to clarify your medical status, however to date you have not attended two scheduled occupational health assessments. The has also attempted to engage a rehabilitation provider to assist your return to the workplace however you have not participated. I urge you to work with us to enable your safe return to work.

To facilitate the earliest possible return to work an Occupational Health Assessment has been arranged with a psychiatrist at 1.45pm on 16 July 2012. rooms are at . If this time is not convenient or you wish to discuss any aspects of this assessment please contact by telephone on

To assist you attend the occupational health assessment the will grant you miscellaneous leave with pay for the day of the appointment and reimburse your travel costs of attending the assessment.

Once I have received the results of the occupational health assessment I will contact you to discuss the arrangements for your return to work. This will enable us to consider what role(s) and arrangements are necessary for your safe return to work.

I encourage you to participate in the occupational health assessment and work with the to allow you to return to work as soon as possible. Please confirm by COB on 22 June 2012 that you will attend the appointment with on 16 July 2012.

I also remind you of the availability of our Employee Assistance Program (**EAP**) who can be contacted on and recommend you consider utilising this service if you have not already done so. This EAP program is a confidential process.

Yours sincerely

15 June 2012

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The correspondence sent to _____ during the period 15 June to 25 June 2012 clearly illustrates the determination of the _____ Office to force _____ to undergo a psychiatric assessment.

_____ has been subjected to the abusive corporate HR regime outlined in this submission as a result of her making serious disclosures associated with the administration of the tax system. The _____ confirmed the validity of these concerns.

Certainly, anyone subjected to a regime of this nature is going to experience stress and anxiety. What is most disturbing is that a major APS agency chooses not to see that processes and practices that institutionalise workplace bullying – that they use - cause stress and anxiety.

It is equally worrying that the response of corporate HR to situations such as this is to seek to force the victim to undergo a psychiatric assessment. There are, however, logical reasons for doing so:

- To avoid exposure and litigation.
- To ensure that the abusive regime can continue.
- To label and undermine the victim.
- To ensure that other employees 'get the message'.

It should be noted that the correspondence contained in this submission is the tip of the iceberg. There is much more. A lot of it produced by the _____ Office itself.

I believe that the _____ Office is unique insofar as it documents itself so well. _____ is equally unique as, despite the stress and anxiety she is being subjected to, she has not been 'broken'.

_____ documentation in effect provides a detailed record of what happens when abusive behaviours and practices flourish within organisations. Within APS agencies the locus of this abusive regime is corporate HR.

The long term practice of corporate HR is to mask workplace bullying of this nature by reducing it to individual *HR* cases. The purpose of this submission is to show that the reality is far different and far more disturbing.

Dismantling abuse

What the entire regime reveals is that the human resource function within APS agencies applies practices normally associated with totalitarian regimes. This is clearly shown by their role in creating and managing HR cases as outlined in this submission.

The strategic significance of this is that the human resource function itself is creating and maintaining a culture of bullying within APS agencies.

The political significance of this corporate human resource regime is that its' abusive and systematic nature is on such a scale that it constitutes a violation of human rights. The key sponsors of this violation are, to varying degrees, the corporate human resource function within all APS agencies, the Australian Public Service Commission and ComCare.

That violation is, I believe, not due to any grand conspiracy. Rather it is due to the complex interplay between a range of ideological and organisational preferences and practices across the APS. They are as follows:

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- Severe risk aversion.
- A strong preference for hierarchical organizational structures.
- A blind belief that more management is the answer to everything.
- A lack of trust in staff
- Assigning excessive powers to the corporate human resource function
- An intolerance of dissenting views.
- Attaching a premium to blind compliance

Many of the above preferences are driven by the corporate human resource function. The processes and administrative functions built on these preferences are not simply a reflection of workplace culture. Rather, they shape the culture.

These preferences and practices have created an environment where bullying can and does thrive. Given the role of the corporate human resource function, to address the issue of workplace bullying within the Australian Public Service we need to first dismantle and change these corporate areas.

Recommendations

To address the workplace bullying within the APS and assure the service has the capability to address workplace bullying across Australia I recommend that:

- All processes and procedures associated with workplace bullying be reviewed to ensure they cannot be used to abuse employees (or are abusive in themselves). The review should focus on transforming these processes and procedures so that they are 'user friendly' and focus on early intervention.
- The use of psychiatric assessments be discontinued and the associated powers be removed from Agency Heads.
- A presumption of truth be applied to the reporting of workplace bullying.
- Greater protection be provided to ensure that employees who report bullying are not subjected to adverse administrative actions as a result of doing so.
- That victims of covert and insitutionalised bullying be actively supported by the Australian Public Service Commission. *This support should take the form of direct intervention in the agency concerned.*
- The Public Service Act (1999) be amended to include specific penalties to apply to managers who engage in bullying.
- That people management responsibilities be removed from managers who persist in bullying staff.
- Undertake an APS wide review of Corporate Human Resource areas. *This review should focus on the culture, leadership and practices of those areas.*
- Set parameters for HR case reporting to ensure that this process cannot be used to manufacture a case against employees who are targeted.

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- Responsibility for workplace bullying and whistleblowing be removed from Corporate Human Resource areas. *Agencies should be required to create a Workplace Integrity function with a strong advocacy role.*
- Establish an APS Anti-Bullying Network with a strong advocacy role. *This network should be provide with a social media capability via govspace and be open to the public.*
- The Australian Public Service Commission be resourced to take a more active role in policing the conduct of Corporate Human Resource areas within APS agencies.
- Introduce budgetary penalties for APS agencies that fail to actually address workplace bullying.
- Require APS agencies to give harassment contact officers the power and authority to formally caution workplace bullies.