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Submission to the House Standing Committee on Education and Employment
Review into Bullying in the Workplace, 2012

PART A - INFORMATION

It is my submission to the Committee that the Public School in NSW at which I am employed exists as a perfect example of the extent of workplace bullying within the NSW Department of Education and Community (DEC). I assert this in spite – and because - of the fact that a State Government Minister recently stated in Parliament that there is no evidence of bullying in these NSW workplaces.

For the Australian Government to be able to harmonise work health and safety laws and support Safe Work Australia in the development of an appropriate Code of Practice which will address and prevent workplace bullying, it must first understand and accept the prevalence of workplace bullying within the NSW DEC and the methodology by which the perpetrators of this behaviour are not only protected but in fact enabled and supported. Workplace bullies can use *the system*. At the highest level, our Governments must then recognise and denounce the behaviour of workplace bullying. Finally it must ensure that the victims of workplace bullying are afforded the duty of care to which they are entitled; they must afford them the level of protection to the full extent of the law to which they should be entitled, but which to date does not exist.

In studying the history of workplace bullying within our school workplace, (as detailed in the Appendices to this submission), the Committee will be presented with evidence of how the DEC allows, enables and protects the perpetrators of workplace bullying in a culture where the victims are afforded no real right to procedural fairness, duty of care or protection from these illegal behaviours. Currently, the workers targeted cannot necessarily find assistance in such matters either *within* the school, or from officers representing their employer *above*.

I will attempt to address these issues in the context of the terms of reference of this Review.

- the prevalence of workplace bullying in Australia and the experience of victims of workplace bullying;

In the past five years, the total documented number of teachers who have experienced workplace bullying which resulted in them being unable to return to our school is six. These teachers, predominately males, all maintain that they have been targeted by the same core group of DEC employees in substantially the same manner. Every one of the victims has been denied duty of care and their right to procedural fairness. All have been emotionally and psychologically damaged, some to the extent of the risk of suicide. The behaviours that brought this about form patterns that fit the descriptions adopted in many Northern Hemisphere countries of a form of bullying which is called '*workplace mobbing'*.

Workplace Mobbing is described in the literature in ways such as follows:

> *Workplace mobbing* is an emotional assault… one individual gathers others to participate in continuous malevolent actions to harm, control or force another person out of the workplace… the victim feels increasingly helpless when the organisation does not put a stop to the behaviour or may plan or condone it. It consist of 1) conflict (often left unresolved); 2) aggressive acts (persistent, humiliating assaults on the credibility or

competence of the target; 3) management involvement (no support but rather more acts leading to isolation; 4) branding the target as difficult, at fault, or mentally ill; and 5) expulsion through forced resignation or dismissal. With the central role that work plays for individuals in our society, the emotional injury is severe and extracts a significant economic and emotional cost on victims, families, organisations, and society.

The pattern of *Workplace Mobbing* indicates that those at high risk are most likely:

+ High achievers
+ Enthusiastic (those who volunteer)
+ Those with integrity
+ Those with ethical standards
+ Promoters of human rights, dignity and respect

- 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;

At our school the culture of workplace bullying, including *workplace mobbing*, is so entrenched that the NSW DEC Code of Conduct is used to support the perpetrators instead of the victims. Through to the highest levels, the DEC have been negligent in failing to recognise and address the extensive incidence of workplace bullying and in their efforts to avoid liability have become complicit in the damage sustained by the victims, even adding to and exacerbating it.

- 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;

There are currently no education programs or support services within NSW DEC in regards to workplace bullying. The culture of victimising the victims is perpetuated because there is no fundamental awareness within the workplace of what constitutes workplace bullying and no clear policy in place which employees can have faith in if they are the victims of such behaviours. In our school, reporting workplace bullying in accordance with the DEC Complaints Handling Policy simply results in further victimisation because those who receive the reports have a history of colluding with those being accused of the bullying. Only when serious forms of bullying such as *workplace mobbing*, recognised internationally for decades now, are legitimised in Australian law, opportunities to raise awareness in the community can be taken and education and support services can start to adapt.

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

The only co-ordination that currently exists between stakeholders in our experience has been collusion in order to deny liability. As we have provided evidence of workplace bullying, denial of procedural fairness has been evident at all levels of NSW DEC through all available avenues of complaint. These denials extend to the workplace insurer who has been proven to issue declinatures of liability despite clear evidence and despite the advice of medical professionals. The efforts of governments, regulators, health service providers and

other stakeholders in addressing and preventing workplace bullying can only be coordinated when there are agreed names, definitions and descriptors by which the various forms of workplace bullying are identified, including *scapegoating* and new forms such as *workplace mobbing*.

- 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 NSW DEC has been proven to follow a policy of denying liability for injuries caused by workplace bullying, even in instances where the Workers Compensation Commission has recorded a ruling of liability. While the NSW DEC acts as if it is above the jurisdiction of such agencies, the only suitable method of protection is an external authority with the power to enforce the rights and remedies that surround workplace bullying practices. A series of laws that are regulated and enforced by the legal system of NSW is the only way in which our government can send a consistent message to all employers, including NSW DEC, that the practice of workplace bullying will not be allowed, enabled, protected or left unpunished. Agencies must work toward definitions for workplace bullying and to gazette internationally agreed definitions where possible.

Such laws must work together synergistically to curb *real* bullying by *real* bullies in *real* Australian workplaces such as ours including newly recognized, newly identified or newly named forms such as *workplace mobbing*… They must:

(a) make all forms of bullying illegal in the workplace, and in so doing identify, describe and name those behaviours, then mandate substantial fines and/or jail terms for the perpetrators.

(b) punish employers who ignore complaints about bullying in the workplace and compel the employer to investigate, to act, and to do so in a timely and honest fashion.

(c) deter people from making false and vexatious complaints about bullying in their workplace by imposing substantial penalties for those who do so.

(d) Include provision for the establishment of a separate investigatory body, tasked with conducting independent investigations and given the authority to administer the laws as described above.

- whether the existing regulatory frameworks provide a sufficient deterrent against workplace bullying;

There are no existing regulatory frameworks that provide any deterrent against workplace bullying. Our school is a clear example of how any form of regulation that is at the discretion and control of the employer is prone to being manipulated and abused to the benefit of the perpetrators. Employees are subjected to ongoing forms of bullying behaviours even when they have been granted a protected disclosure status by the DEC's own investigative body, EPAC (Employee Performance And Conduct). Regulatory frameworks are only as effective as the agreements the stakeholders have regarding the

names, definitions and descriptors by which the various forms of workplace bullying are identified, including as *workplace mobbing.*

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

The only appropriate way to ensure bullying cultures and behaviours are not transferred from one workplace to another is to enact legislation which makes all forms of workplace bullying illegal, and to ensure that such legislation is consistently enforced without waiver of the associated penalties. Educate all stakeholders with regard to the names, definitions and descriptors by which the various forms of workplace bullying are to identified, including *workplace mobbing*. Then educate them as to the punishments that apply to breaching laws prohibiting such behaviours. A national register of convicted bullies such as described below would deter bullies and mitigate against any sort of *lemon dance* of bullying individuals.

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

There needs to be some serious protection put in place for the victims of workplace bullying until such time as their cases are heard and resolved. This protection must extend to other workers in order to prevent the transference of bullies from one school to another as a means of resolving a complaint of workplace bullying. A register of convicted bullies should be established with a perpetrator's name remaining on that register until he or she is cleared by the independent body following completion of a set of re-education courses and subjection to extended, direct, close supervision.

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Review into Bullying in the Workplace, 2012

PART B – RECOMMENDATIONS

Six of us have been severely injured by Bullying in the one workplace.

In the space of four years, six of us were injured, four of us very seriously, by bullying behaviours in our workplace. I was neither the first nor the last of this series of workers harassed at work and subsequently further injured by our employer's response to all of our attempts to obtain official acknowledgement of, and reasonable response to, this situation. To curb such behaviour, we need the Australian House of Representatives Standing Committee Review into Bullying in the Workplace **to recommend that the Australian Parliament ratify a set of laws**, and we need this legislation urgently. In fact our stories illustrate that these can be matters of life and death.

Our stories show how an employer's *Players* – those individuals *above* the workers within the *system* beyond our workplace – rather than support **workers who have submitted reports of alleged bullying, can add to the bullying and the injuries**. Such failures and refusals to act appropriately at levels *above* the workplace have demonstrably **exacerbated the injuries** of those who in good faith requested and waited patiently for action; for whatever reason, rather than reject the harassing behaviour, those officials repeatedly and callously turned away the very people who approached them seeking assistance and protection from it. Considered side by side, one after the other our stories reveal patterns of behaviour that overwhelmingly illustrate the truth of these claims.

Recent research such as published in "Bullying of Staff in Schools" (Riley, Duncan & Edwards, May 2012), published with a Foreword by General Peter Cosgrove, indicates that our experiences have been far from unrepresentative, and that this is currently a very pertinent and heightening issue across Australian workplaces. These work colleagues and I, to the extent that our injuries will currently allow, believe it is important for us to describe for you what happened in our workplace, as well as attempt to describe what took place in terms of patterns of responses from *above* our workplace, from the various levels and official entities of our employer. We can describe what we experienced of the lack of protection in place in our workplace, and then our employer's inadequate and even counterproductive responses to our allegations – these responses being more than unhelpful in their nature, in their extent and in their timing.

I have come to a realisation that this is not how things had to be. It is the core of my submission to the Committee that our Federal Parliament can help Australian workplaces by creating a wise suite of laws, each of which is designed to work in synergy with the others for the purpose of:

1. Mitigating against the sorts of bullying by which my colleagues and I were so seriously injured in our workplace; and then
2. Mitigating against workers' injuries being added to or exacerbated by our employer's responses to allegations such as ours.

The relevance of our situation

Your Review into Bullying in Workplaces would be powerfully informed if it was to monitor our employer's response to our allegations of extensive patterns of Bullying within our Workplace. Such monitoring would show something of:

1. The patterns of injuries within one school incurred by six teachers, of whom all but one are male, caused by workplace bullying in that school across a mere four years, and resulting in all of them being forced from the school, either transferred, resigned, or too sick to teach anywhere;

2. The extent of discrimination that is possible against workers who work within *paradigms* which differ from some established 'norm' established in that workplace, and the range and extent of the injuries which can be caused by such discriminatory treatment;

3. How bad things can get if workplace bullies continue bullying with impunity, without appropriate monitoring;

4. How bad things can get in the absence of accessible opportunities for those targeted by the bullies to be able to register complaints, and without opportunities similarly to feel they will be substantively protected from reprisal as a result of 'blowing the whistle';

5. How the injuries incurred can be exacerbated or even multiplied by authorities from Assistant Principals through to bureaucrats and other Departmental *Players* who work at levels '*above'* the school;

6. How a large employer such as a Department of Education can respond both inadequately and inappropriately to patterns of injuries caused to classroom teachers, thereby;

7. The lengths to which these bullied, injured teachers can have to go in order to have their employer and other agencies take seriously their allegations of injurious bullying; and

8. The exacerbation and 'layering up' of workers' injuries which have been caused by the incapacities of their employer's systems and other agencies to bring to bear objectivity, procedural fairness, due process and natural justice for these injured workers, let alone in a timely fashion.

Of course, Constitutional limitations preclude such an investigation by your Committee, but that doesn't stop me from asserting that **such an investigation by a body suitably authorised and empowered to do so is necessary.** Furthermore, I hope that doesn't stop you from watching what unfolds in that school over the coming weeks and months as you conduct your review and our Departmental Officials *simultaneously* unfold their hopefully substantive plans for remediation and rehabilitation in that place. We have been asking them to "please fix our school", so **let's watch that space** to see whether they do or not, how they go about it, and what they think *fixing* it might *look* like. Hopefully this will inform and guide remediation and rehabilitation of such workplace situations into the future.

A Powerfully Synergistic Suite of Laws

In order to inform your recommendations regarding the legislation needed to curb workplace bullying, our experiences have brought us to the point of offering you some suggestions. I envisage the best way forward lies in a suite of laws, carefully formulated to work together synergistically to mitigate against *real* bullying by *real* bullies in *real* Australian workplaces such as ours.

I envisage this suite of laws comprising at least the following three:

Law #1: A Law Prohibiting False Complaints
Law #2: A Law to Identify and Prohibit Bullying in Workplaces
Law #3: A Law to Hold Employers Accountable

Law #1: A Law Prohibiting False Complaints

A law that deters people from making false and vexatious complaints about bullying in their workplace.

Such a law would be designed carefully to institute penalties for making complaints for improper reasons. It would spell out what is meant by 'improper' in this context. Such a law would make more manageable for investigators the number of complaints of bullying in workplaces, doing so by acting as a very real and powerful deterrent to those who might consider such actions in order to further their own causes or agendas.

Without both Law #2 prohibiting workplace bullying and Law #3 (both following), Law #1 prohibiting false complaints would clearly be open to abuse. For example, deploying this law in isolation, an unscrupulous or desperate employer could use it to ignore all complainants with allegations of workplace bullying and intimidate them into not lodging their allegations at all. Yes, people would be educated to get the message that it is no longer risk-free to lodge vexatious complaints – that it can no longer be done with impunity, but employees injured by workplace bullying would not feel safe to report their allegations for fear that they would be treated just as if their claims were vexatious. As my experience illustrates, it is exceedingly difficult to get people in authority to believe you when they have no incentive in law to do anything other than ignore your complaints ant deflect you.

Law #2: A Law to Identify and Prohibit Bullying in Workplaces

A law that makes certain forms of bullying illegal in the workplace, and which in so doing identifies, describes and names those behaviours, then mandates fines and/or jail terms for the perpetrators according to where a particular bullying behaviour sits on the *scale of severity* which this law would mandate.

Such a law would be designed to describe carefully a range of behaviours that Australian and International Research have shown to cause serious injuries to workers. Using current research into workplace bullying, both national and international, it would create a *scale of severity of workplace bullying behaviours,* which could be open to the additions of other behaviours into the future. Knowing Law #1 prohibiting false complaints would also be in

place to complement it, in such ways this law could be carefully designed to make it possible for employers and support agencies to act to protect employees.

Without both Law #1 prohibiting false complaints and Law #3 holding employers accountable, Law #2 prohibiting workplace bullying would clearly be open to abuse. Deploying this law in isolation would, for example, result in a flood of new vexatious complaints about forms of bullying which is now made illegal. Bullied employees could still be in the same position I've found myself because, although now named and defined, bullying would still not be something that required mandatory and immediate reporting by the employer. Conceivably, unscrupulous or desperate employers would have internal investigations that never intended to do anything other than deny all allegations, knowing that the complainant had no other avenue to aim for, such as through the courts … or to qualify for Mr O'Farrell's new, ramped up Worker's Compensation Laws ... unless injured severely enough.

Launching Law #1 prohibiting false complaints simultaneously with Law #2 prohibiting workplace bullying and Law #3 holding employers accountable would mitigate against opening such a Pandora's Box by educating workers as to a whole lot of new ways that they could mistreat each other.

Law #3: A Law to Hold Employers Accountable

A law that punishes employers for ignoring complaints about bullying in the workplace and compels the employer to investigate, to act, and to do so in a timely fashion. This law should also insist that a separate investigatory body be put in place, tasked with conducting independent investigations parallel to the first.

Acting in tandem with Law #1 prohibiting false complaints and Law #2 prohibiting workplace bullying, Law #3 holding employers accountable could be designed carefully to deter employers from, for whatever reason, choosing to presume that an employee's allegations of workplace bullying are false or vexatious, and then also to deter them from placing the onus of proof entirely upon that worker. This has my experience; from the first moment, my employer placed on me *the whole onus of proof*. That has exacerbated my injuries.

As things stand, there is no facility in the course of complaint handling procedures for response from or cross-examination by anyone representing the injured worker who alleges workplace bullying. I had to push very hard to be given my right to even respond to the internal Investigator's finding that so many of my allegations were "Unable to be Substantiated". With this law in place, workers would be protected from any exacerbation of their injuries as a result of the duress they are put under currently in having to prove allegations of bullying which by their very nature are often carried out in a manner that does not leave documentary evidence readily accessible to the complainant.

Without both Law #1 prohibiting false complaints and Law #2 prohibiting workplace bullying, Law #3 holding employers accountable would clearly be open to abuse. For example, deploying this law in isolation would result in a whole lot more work for investigators and insurance companies because complaints about all sorts of things - including the malicious, vexatious and frivolous - would increase in number and the duplication of investigatory bodies would mean there would be up to twice the number of people and hours involved.

Bullied employees would *still* be in the same position I've been in because the injurious behaviour to which I was subjected would *still* not be on a list of things listed for mandatory (and immediate) reporting by the employer.

According to this argument, all three of these laws must be legislated simultaneously and must have *teeth*; they must provide for substantial fines and/or jail terms as punishment for breaches. The sanctions legislated must be large enough to have the desired deterrent effect. The fines for employers would have to be substantial enough for example, to be too large to defray by deciding that the potential financial loss from a claim would outweigh that of the fine. If any one of the three laws is left out or allowed to be ineffective, the others will become useless or even counterproductive.

***What if* any one of these laws does not operate effectively?**

Without Law #1 prohibiting false complaints doing what it would have been designed to do effectively within this suite of laws - preventing false and vexatious complaints - the other two laws would not be able to curb the sorts of bullying in the workplace which injured so many of my colleagues and I in this one ordinary school workplace and one after the other in such a short period of time.

Importantly, without Law #1 prohibiting false complaints, the volume of allegations expected to be handled by our Department of Education investigatory entities is unmanageable. Faced with an unmanageable caseload, and in the absence of both of the other two laws, our employer treated our allegations as if they were false or vexatious, and appears willing to do so until and unless we the workers, injured though we are, can somehow prove our veracity to a standard which is excessive for any reasonable person to achieve, let alone an injured worker. It is all the more difficult for investigators to take allegations as seriously as they ought, if the sheer volume of allegations is beyond the resources available to investigate as fully as the complaints would warrant.

Law #1 prohibiting false complaints would protect workers, including teachers like us, from vexatious and frivolous complaints made by mischievous and malicious individuals whose agenda is to create havoc for the targeted worker, and will do so for their own vindictive reasons, just because they can!

Amongst the elements that the stories of my bullied, injured work colleagues and I have in common, the most striking is that each worker has been left for months and even years now feeling our allegations were **treated with contempt**. Our reports have been either ignored or met at every turn with derision and disdain, to such an extent that **we are sooner or later left with no-where left to turn**. We need laws that will prevent good teachers from having to feel that way; they themselves would never wish such feelings on those who are in their care, their students. Is it any wonder that in the absence of such laws these workers can often feel keenly that there is no way forward for them, that as a result they become so sick that they can no longer work, and even that they have no option but to capitulate and even resign.

Without Law #2 prohibiting workplace bullying doing what it would have been designed to do effectively within this suite of laws - identifying, describing and prohibiting workplace bullying - the other two laws would not be able to curb the sorts of bullying in the workplace which injured so many of my colleagues and I in this one ordinary school workplace and one after the other in such a short period of time.

Without a law like Law #2 prohibiting workplace bullying, there is no agreed or shared understanding of what constitutes serious bullying behaviour, and therefore of what sorts of workplace behaviours can and should be monitored or curbed to ensure that injuries to workers like us are curtailed or avoided. Importantly, if a law like Victoria's Brodie's law had been in place in our State, my colleagues and I would not have been so badly injured; perhaps we would have not been injured at all. Without a thoughtfully agreed, shared understanding that what was done to us constitutes workplace bullying behaviour and that it can be severely damaging – the fact that we found such behaviour injurious to our workplace performance, health and well-being was of no consequence. That is why we need such laws.

Without accessible ways of identifying illegalities in the behaviours of my Supervisor and each of the other members of the school leadership within our workplace, **the fact that I found my treatment at their hands offensive, humiliating, threatening and intimidating was of no consequence**. That was my experience. New laws could protect workers from such a disastrous scenario.

Without Law #3 holding employers accountable doing what it would have been designed to do effectively within this suite – compelling employers to act; punishing and therefore deterring employers from failing to address workplace bullying - the other two laws would not be able to curb the sorts of bullying in the workplace which injured so many of my colleagues and I in this one ordinary school workplace and one after the other in such a short period of time.

Even if Law #1 prohibiting false complaints held the number of complaints being submitted at a much lower level, helping investigators take them more seriously as a result, and even if the Law #2 prohibiting workplace bullying is successful in curtailing behaviours which injure the workers have been named, described, and legislated against, without Law #3, employers would still be in a position to put their resources into deflecting allegations and complainants, ignoring complainants' needs, and then *covering up* their actions in doing so.

Without a law like Law #3 holding employers accountable, designed carefully to deter employers from, for whatever reason, choosing to do nothing other than ignore and deflect our allegations would be the moral imperative, and the Departmental *Players* would have no reason not to withhold the support to which such a law would make bullied workers entitled. Sadly, in these times of economic rationalism, this sort of reason for action all too readily evaporates. Similarly, without such a law, employers are able to delay and stall until the majority of complainants give up. In our cases, these were exactly the things that transpired; in each case, our employer employed delaying tactics, stalled us again and again, and some of us *gave in* to that very severe temptation to *give up*.

My experience illustrates the need for such a suite of Laws.

How these laws would have made a difference to us

In some of our stories, including my own, the bullies within our school workplace invited and *groomed* strategic parents and students. They gave them tacit approval or license to behave maliciously, deliberately *grooming* them toward making their own false, vexatious, purposely exaggerated, twisted and frivolous allegations against teachers. To suit the bullies' personal agendas, they perpetrated such acts of deliberate maladministration *because they could*; they had experienced more than once in the past that this sort of thing could be done with impunity, and who knows how or whether they ever had to justify such actions to their own consciences, let alone their 'superiors', after that?

Such *grooming* and other examples of maladministration for the purposes of spurious personal agendas are, in some ways, not the most central issue in our cases. Although they are peripheral, they do serve to illustrate how bad things can become in a workplace. They show that would-be bullies can comfortably bring to fruition their clever machinations, even when good people are hurt by them, justifying such behaviour at least on the basis that no-one has told them that what they have been doing is in some way wrong. One wonders whether they have understood our what our employer has to say on such issues in its *Code of Conduct* documents. **In future, the suite of laws we propose would stop such things from happening.**

My story has been one of trying for the last eighteen months to prove to a range of relevant authorities that I have been telling nothing but the truth. How does one go about doing that? Well-documented are the myriad ways my family and I attempted to do just that. We followed every step of my employer's Complaints Handling Procedure. We struggled to prepare grievances, requests for reviews and higher-level investigations, and to refute the continual dismissal of my allegations that kept coming back to us despite the documentary evidence that supported my claims. Basically, we had to wrestle with each level of bureaucracy to encourage it to do what the Code of Conduct and Complaints Handling Policies spelt out. To try to achieve this, we approached almost every authority we have been able to think of, and we believe you might consider the story of that quest to be illustrative of the types of very difficult terrain into which the lack of legislation around these issues places injured workers like us. **In future, the suite of laws we propose would stop such things from being necessary.**

More than eight months after I went off work, ostensibly *on* Workcover, my Employer's Insurer delivered to me its *declinature*; it had taken a long time, but they declined my application for Workcover. The word *declinature* was new vocabulary for me. To date, my employer has not really acknowledged that my injuries were caused by unreasonable action on the part of any Departmental entity, and it currently remains to be seen whether and in what ways my employer and its Insurer will comply with the Worker's Compensation decision that found in my favour and – at least on paper - *overturned* my *declinature* more than five months after it was imposed (26th April, 2012). **This suite of laws would stop such things from happening in future.**

Without the help of family, friends and a range of excellent medical practitioners, I would certainly be in an even worse situation. We didn't have our first glimmer of hope until a Barrister presented our case to the Workers Compensation Commission, proving to the Arbitrator's satisfaction that I am injured, and that these injuries were the result of *unreasonable action by my employer.* Without their help in that, and without the resultant glimpse of a more positive future, I would be in a far worse condition. I have come to believe

that if a suite of laws such as I am putting forward here had been in place, these lengthy and expensive processes would have been avoided, and I would be feeling a lot more healthy, than I am right now. I sit here alone, wondering whether and why I am bothering, but if 99% of this is through perspiration, another 99% is the product of exasperation. I hope the Committee members will empathise. **This suite of laws would stop such things from happening in future.**

Since the beginning, my allegations have not changed. I have told the truth all along about the adversarial behaviours within my workplace and beyond that have caused and then exacerbated my injuries. My employer has chosen at every opportunity to ignore my allegations of workplace bullying - to disregard and deflect them as 'hearsay', as fanciful nonsense, or as lies and exaggerations. This happened at our Department's District level, as well as at the Regional level, and then in the way my allegations were handled the NSW DEC Employee Performance and Conduct Unit (EPAC), the supposedly independent and objective arbiter of our Department of Education's Complaints Handling Policy. The latest letter I have received from one of the Departmental *Players,* our Regional Director, stated that the aforementioned Workers Compensation Commission decision in my favour was "not on the basis of (my) allegations". If it was nothing to do with my allegations, leaving me wondering on what basis the declinature was overturned by the Workers Compensation Commission just makes me feel more and more sick as time goes on; it reinforces the feeling I have of the fickleness and arbitrariness of a set of systems which are, at best, dysfunctional. **This suite of laws would stop such things from happening in future.**

My allegations of workplace bullying were submitted through our Department of Education's official Complaints Handling Procedure as formal grievances against three Assistant Principals, One Principal and one School Education Director. Despite that protocol requiring the process to be completed in ten working days, I was forced to wait more than three months for any indication at all of the Department's findings; delay and stalling tactics are quintessential to this employer's modis operandi, and this, just as much as anything else, adds insult and injury to original injuries. **The suite of laws we propose in this document would stop such things from happening in future.**

Of the 26 particulars that the investigator had responded to, two were upheld, two were dismissed and 22 were assessed as "unable to be substantiated". Not once during this process was I approached for further information or clarification that might allow the investigator to properly and fully assess these particulars in order to determine something more definitive than "unable to be substantiated". No further course of action was proposed by my employer in regards to resolving these outstanding complaints. My employer's solution was to invite me to accept a transfer to another school. Expressions such as "turning a blind eye" and "sweeping under the carpet" come to mind to describe these reprehensible behaviours. **The suite of laws we propose in this document would stop such things from happening in future.**

Whilst waiting for the findings of the investigation, I came into possession of several pieces of new information and documentary evidence that further supported my allegations. Once the Findings were released, I included these documents in my request for a Review of those findings, the last avenue available to me under my employer's Complaints Handling Procedures, and was astounded to find that after a further three month delay I was issued a response which upheld all of the original findings. To be clear about this: I was able to provide documentary evidence that I had been bullied and that the bullies had sworn to statements for both our employer and the insurer which contradicted each other on key

elements of their defence, and yet this new investigation was still unable or unwilling to admit that my employer had been wrong. Was this because to do so would expose the Department to enormous liability, or was it because it is deemed imperative to protect the reputations and superannuation of key *Players*, and the higher the *Player,* the greater the layers of protection? One must conclude that these proceedings, conducted at substantial expense to the taxpayer, had a predetermined outcome before they even began. It did not matter how much evidence I was able to provide because my employer knew that I had exhausted all avenues of their complaints handling process and that their word would be final. **The suite of laws we propose in this document would stop such things from happening in future.**

In light of the new evidence I was able to provide the new investigator, this outcome can only be interpreted as meaning: All the onus was on me, the worker, unassisted by any other authority and irrespective of my injuries, to *prove* that I was telling the truth. Surely laws can be put in place to stop such abuses and excesses? **The suite of laws we propose in this document would stop such things from happening in future.**

Without a law like Law #3 in place holding employers accountable, my employer was in a position to choose to expend further enormous resources into deflecting my allegations – into trying to deflect my family and I from our course as the complainants. Without this law in place the Departmental *Players* were comfortable to exercise their option of ignoring the worker, deflecting his allegations, disregarding the spirit of *good faith* with which he might keep trying to follow through, and then of *playing cover-up* to conceal their actions along the way; *sabotage by subterfuge* again. Consequently my story is one of my employer deploying many, many strategic deflection tactics, denials, lies, half-truths and much *spin*, many of these often very intimidating in nature, especially in their cumulative effect on me and on those closest to me.

Without a suite of laws like this in place, these *Players* could afford themselves that luxury. Unfortunately for me, all of this has demonstrably added to and exacerbated my original injuries. I have not yet reached quite the same point as some of my similarly injured colleagues, but ahead of me is the possibility that I too will be confronted by one of my employer's Insurance Company's tremendously adversarial Psychiatrists, whose brief is to find something that will get them all *off the hook* by 'proving' that I am not injured, or at least not injured 'enough'. **The suite of laws we propose in this document would stop such things from happening in future.**

The Ministers of Education of successive State Governments, Labor and Liberal, each wrote to me at particular points during this saga to say there was nothing more they could do. They suggested that all I can do now is approach the State Ombudsman or The Human Rights Commission. To give them their due, with the laws as they are, a State Minister of Education probably has no more power at the moment than would a Federal Committee like yours to instigate an independent investigation into any of our allegations, though I did ask specifically for independent investigations through our local State Member. The Ministers of Education could only base their assessments of my integrity and the veracity of my allegations on the information they were supplied by my employer; in the absence of laws such as I have described, the reality is that my employer was able to successfully withhold much information from the Minister and thus exercise with impunity its vested interest in avoiding accountability. **The suite of laws we propose in this document would stop such things from happening in future.**

With regard to the **new workplace laws being rushed through Parliament in our State** even as I write this Submission – it remains to be seen whether, or by how much, such things will further ramp up the distress which my family and I have experienced through all of this. Like each of the work colleagues injured by this workplace and then further injured by the way we have subsequently been treated by our employer, I feel emotionally and psychologically bludgeoned. The assessments of each of my treating Doctors support all of these assertions. In light of legislative change with Workcover, I am anxious that this will get even worse now.

"Please fix our laws so we can fix our school!"

At all times since my experience with workplace bullying began I have told the truth about what has been done to me, including at every meeting I have had at every level of our NSW Department of Education's bureaucracy. I have pleaded with every Departmental *Player* with whom I came in contact, "Please fix our school."

Now I write to you, our Federal politicians and plead with you, **"Please fix our laws so we can fix our school!"** Workers like us in schools like ours need a wise suite of laws put in place so that we can be protected, and so that we can do our jobs as well as we would aspire – so that, in our case as educators, we can see our schools become more of all the good things they can become – for the sake of Australian children, and so that they can have everything they need to aspire and strive to be and do more and more of all they can.

To do that, young Australians need to see their teachers modeling the very best of *paradigms* for them, and it is out of that *paradigm* that the laws those teachers need must come. Children can tell when their teachers are being bullied. They need us adults to respond to the need to set things up around them so that they see the right *paradigm* of behaviours modeled, and my submission argues that teachers can't do that without at least the suite of laws I have attempted to describe.

As long as a system is permitted to set up or be set up and used as a hegemonic tool, and individuals and groups are permitted to think of it as some faceless entity out there for which they have to take no responsibility but on which they can lay all the blame for their decisions, we have a recipe for disaster after disaster. We have a creature of our own making that will continue to lurch from crisis to crisis until who know when.

We need laws that will help us rise above the magnitude of that truth, to rise above that lowest common denominator, and to help us to help ourselves to be more of all we can be. We need to educate the working public about this issue, but we also need laws; that is because my sad personal experiences of bullying described here have shown me that many of us just don't get it … many people in positions of authority and power just don't get it … and perhaps some never will.

That is why we need these laws; we need them to cater for that contingency. We need our democratic system to step in here. We need it to stop employers such as Departments of Education from setting up and perpetuating their own hegemony, in this case by not only allowing bullies to maintain their own hegemonies within schools, but by in effect helping them. Bullies hide their hegemonies within the wider system's hegemony, and my experience of trying to oppose bullying has shown me that no pressure that we have been able to apply has been able to change that, so hopefully laws can. We need our Democratic

systems to step in here and do something to show they are above all that, or otherwise *the little guy* like me who is not a *Player* will continue to be treated with contempt in subjugation to others' hegemonic devices.

In Conclusion

My injured colleagues and I have collected thousands of pages of evidence. We have testimonies, Statutory Declarations, descriptions, analyses, medical records, our employer's Insurance Company files, and Workers Compensation Commission Certificates verifying our stories.

In order to give you context, what I have included as an Appendix is a précis of my own story, outlining in summary what I have been trying to have my Employer acknowledge to be the truth. My employer is a massive Government Department and has a very special inertia that perhaps only Federal authority can have any chance of overcoming.

In the Appendices of this submission I have included a document entitled "The *Paradigm* Shift Needed" which I wrote attempting to elucidate the enormous *paradigm shift* that I believe is needed in schools like mine as well as in a Department of Education like ours. Here in the body of this submission I would like simply to acknowledge that in the absence of enough people of good will, such a positive *paradigm shift* may never happen. This will apply to any workplace, employer structure, or Government Department. In a Democracy, as a *fail-safe*, what we can fall back upon is the hope that legislation can be enacted to protect those people of good will and superior *paradigm* that want to do their part in bringing about positive change in their own workplace or somewhere in the work organization *above* it.

In the case of workers who are teachers like us, in workplaces like ours, even working amidst the complexities of a huge institution like our Department of Education, we need these *fail-safes* if we are to *feel safe* in being reflexive practitioners who through their praxis seek to empower the next generation with the best of all possible sets of values, attitudes, knowledge, skills and understandings. In summary, it is those teacher workers who want to be the best they can be for the students in their care who deserve to have equal to the very best of legislative protection our governments can provide, but it has not yet been happening. The recommendations you make to our Federal Government may well be our last best hope.

There are many teaching colleagues who know what we are trying to do in making a Submission to your Committee, and regularly volunteer their opinion that it is a waste of time. In the same vein, from the very outset I was warned that it is insane to think we will ever find justice. In a sense, justice is not what this is about; what it is really about is for us to choose *to be the change we want for the world,* and to attract as many people as possible along with us on the attempt. Certainly the very best of teachers have in common that this is what they wish for their students, and therefore it is what they strive to model for them.

What is best for Aussie kids in our schools is that teacher who aspires and adheres to that best *paradigm* and praxis, simply doing what they do well, altruistically, and for the children in their care. In turn, what is best for those teachers are leaders, administrators and other bureaucrats who understand and value this in them - who *get it* - and who thus do their part to support those teachers and to protect them from being *unsupported* or *undermined*. But

in the absence of enough of that support, and in the face of the potential there is for *paradigm* clashes such as when small cadres of powerful people inadvertently or deliberately withhold their support of those teachers' dispositions to do that, what is needed is politicians with enough vision, strength and daring to facilitate legislation that will **protect those teachers who do represent and celebrate together that life *paradigm* which is best for kids**. That *paradigm* is the best for kids because it is best for all of us, and it must be protected everywhere it is found, not least in our schools and classrooms. That's why we need new legislation immediately; we need to protect all workers from workplace bullying, and not least those teachers who will prepare the next generation of adults to do the right thing in the future world of work.

All we are really asking for is a good old Aussie *fair go*: **a *fair go*** for ourselves as workers, and thence **a *fair go*** for the children we teach, not only as they learn at school, but also as they themselves enter *the world of work* in their near futures.