

Executive Summary

After moving to Perth in February 2010 I commenced work employed by a Mining Recruitment Agency, working for a Mining Contracting Company. Four months after commencing I started to be sexually harassed and bullied in my workplace by my Supervisor and Leading Hand. I complained to my Site Manager and through him to Mining Contracting Company's Area Projects Manager. Within a week of making these complaints I was dismissed by the Mining Contracting Company, while absent from work on a rostered break. Some three months later I obtained alternative work with a different company. I was ten months into this job when the Leading Hand from my previous site commenced work at my new site. It took less than two week of working with this individual again before I suffered a "dissociative brake", where I lost consciousness whilst driving a loaded 200 tonne dump truck.

I have now spent the last twelve months of my life trying to recover and rehabilitate myself from the mental and emotion trauma I experience on a daily basis, from being bullied and sexually harassed at my previous workplace. Over this time not only have I experienced very real personal pain but have been without any form of salary and incurring considerable medical expenses. Only recently I have received medical clearance to return to work and start all over again.

- My rights under legislation were never explained to me, particularly the statute of limitations for protesting against my treatment, asking for a fair investigation or for commencing any type of legal action.
- The Mining Recruitment Agency deliberately stalled me so I would not take any action within the allotted statute of limitation, by promises of future work.
- I was clearly dismissed after being bullied and sexually harassed, in fact because I was bullied and sexually harassed.
- There was no proper investigation of my claims; the remainder of my crew were on break over the same week as I was immediately prior to my dismissal, so there would have been no opportunity to conduct such investigation.
- My personal details were given out to people outside of work by company officials so the harassment could continue outside work.

I have subsequently approached a number of legal firms who all maintain they cannot help me given the fact that I did not take action within these timeframes. **I believe that it must be mandatory for individuals to have these rights explained to them under these circumstances, if not the statute of limitations should not apply.**

In February 2010 I moved to Perth from Sydney. Within my first three months of living in Perth I had researched the mining industry, attended a Heavy Vehicle Licensing school and received my Heavy Vehicle Licence. I then started looking for a truck driving job and it was not long before I had made contact with a Mining Recruitment Agency. This Agency found me a job with an immediate start and on the job training. It was explained to me that I was employed by this Agency and they would send me out to a company, a Mining Contracting Company, who I would work for on a three month probationary contract. After that time, if the Mining Contracting Company was happy with my performance, they would then offer me full time employment.

The people on site were as very nice, happy to train me and were very encouraging. As part of my employment my Shift Supervisor wrote weekly a progress report that was sent to the Mining Recruitment Agency, so they were able to give me any necessary feedback. They in turn would be able to indicate if the Mining Contracting Company were going to employ me at the end of my probationary period. I was in touch with my Mining Recruitment Agency contact every couple of days while I was getting settled into working away, and as my progress reports began to come back to her she described them as very positive. As her day to day support was no longer necessary she would now contact me every few weeks to check in and see how I was going. I felt reassured by her and that she was there if I needed her and that I could call her whenever I needed to.

Living and working with the same people in such close quarters meant it was easy to make friends quickly with these people. As a female working in this male dominated environment it was not long before I received attention from a male colleague, we became fast friends as many of our interests at work and at home were the same. Ultimately I commenced a relationship with this individual.

On return to work the week following the commencement of the relationship he was promoted to Leading Hand. Within the first week he had divulged all details of any time we had spent together to other colleagues and I began to receive privileges that were usually only given to employees that had been working at this site for much longer. People started saying that I was sleeping my way through the ranks of the organisation. As a result of these things I decided that it was not appropriate of me to continue seeing this colleague on a personal level, so I made it clear that I was not interested in pursuing a possible relationship with this individual. At first he agreed and apologised, acknowledging that he was responsible for giving me privileges at work that I was not yet entitled to. Rumours stopped flying and work went back to normal, however it did not stay that way for long.

The individual started to write letters to me, it made me very uncomfortable, and I turned to the advice of two colleagues, as I was unsure what to do. Following their advice I went and spoke to the individual and told him I was not comfortable with receiving letters and if he was not to stop I would have to take this information to our Supervisor, as I felt it was inappropriate. He indicated that he understood and would stop annoying me.

Within days of this discussion my work environment dramatically changed, my Supervisor, Leading Hand and one other individual began to bully me.

- All of a sudden I was sent to do most of my work of my own, I was separated from the people I usual spent my days with.
- These three would no longer use my name instead would refer to me using the number of the Truck that I was operating.

- Aspects of my work that had never been commented on previously were now being brought up in the morning meetings as major issue and examples to the rest of the crew as things that were no longer going to be tolerated.
- Machinery was normally being used on a rotation so that machines that were old and difficult to operate were driven by different people every day, this suddenly changed to where I had to operate these difficult machines continually.
- I was regularly left at my work site and had to make my own arrangements to get back to camp at the end of the day.
- I was always given the last load (usually shared between the drivers)
- The three were also talking directly to other colleagues in my crew and around camp telling them untrue stories about personal aspect of my life.
- Then they started calling me a nickname and a number of my colleagues informed me that I knew the meaning I would not put up with it. I researched what the nickname meant and discovered that it referred to a celebrity that had a book published about all of her sexual experiences and how she had contracted HIV.

An evident amount of tension also developed within our crew, as a crew we were not performing well or meeting our daily targets. The bulk of the crew no longer wanted to work with these three men. There were two female colleagues that within the course of a week demanded to be transferred to another department, given the treatment we were receiving, and threatened that if that was not made an option to them they would resign.

It was at this stage where I felt an enormous amount of pressure from colleagues, who were bystanders, insisting that I escalate my obvious issues of being bullied and sexually harassed to the attention of someone within management, so it could be addressed. One colleague actually insisted that I had talk to management and drove me to the site office, saying that two crew members had called in sick that day, because they were so angry with the situation. The rest of the crew felt that not only was it unfair but that crew morale and performance were suffering.

As the overall site supervisor was on annual leave at the time, I went to the man that was filling in. As I sat in his office and explained what had been going he appeared relieved and informed me that he was aware that there was some kind of issue going on, but had been waiting until I came forward to instigate any discussion on issues that involved me. He then proceeded to tell me that he had never dealt with anything like this before and that it was outside and his usual duties. Coincidentally that same day the Mining Contracting Company's Area Projects Manager was visiting, and it was decided that we should wait and discuss these issues in detail with him, as he may be in a better position of understanding what the appropriate action to take may be.

Within a few hours I was then talking with the Area Projects Manager and the Relief Site Supervisor, this discussion was led by the Area Projects Manager and he quickly became agitated. The Area Project Manager insisted that I did not have any hard evidence and could not prove that I was even being bullied or harassed in the first place. He then said that the only solution that he could see was for me, the three individuals and him to sit down and talk about how they were supposedly making me feel, or go back to work like normal and collect hard evidence that I was actually being bullied and harassed. I made it clear to him that I was extremely uncomfortable with his idea of sitting in a room with these men with no other females, to hash out these issues. At no stage did he offer me the option of having any sort of representative present, or agree to talk to potential witnesses, despite my suggestion that he needed to talk to other crew members. I also explained to him that it

was not going to be an option for me to go back working as normal to collect hard evidence, as we were to be starting night shift the following day. This would put me in a position where I under direct supervision of two of the people I had complained about, 30km from other female colleagues, the other females on my crew had been moved at their request, leaving me, a 21 year old female, with 12 male workers. Furthermore there was no mobile phone signal or alternate transport. His response was that I was not in a position to be making demands and if I felt that strongly then maybe this is not the workplace for me. After his comments I became extremely upset and we had a short break where I felt the room.

Upon my return within 20 minutes, there was a complete change in the Area Project Manager's attitude. He all of a sudden agreed that it would not be appropriate for me to return to my normal working environment and that the upcoming nightshift environment was not safe for me. As I was still very upset he and the Relief Site Supervisor decided that it was also not safe for me to continue operating heavy machinery that day so they sent me back to camp to have the rest of the day off.

The following day I was informed that I was not going to be working with my usual crew, or the three individuals, for the remainder of my swing. I would stay on day shift and be moved to a completely different location of the mine, with a different crew. I would stay there until my rostered week off. I was told that on my return to work after my weeks break, my claims would be investigated, as the usual staff would be back at that time and they were in a much better position to come to a conclusion about my issues.

On my week off I received a strange phone call from a woman I did not know. She was abusive and I simply hung up my on her. I then received two text messages from the same women threatening me to stay away from her husband and informing me that I had ruined their children's lives by sleeping with her husband. I later found out that my Supervisor from work had contacted a colleague's wife giving her a fabricated story of an affair and my personal contact information, so she could contact me.

On the following Friday, three days before I was due to return to work, I received a phone call from the Mining Recruitment Agency that employed me and had found me my job. They rang to inform me that the Mining Contracting Company no longer needed my services. I was shocked and immediately went to the Mining Recruitment Agency's office with my parents, to discuss in detail the events that lead to me losing my employment.

I told my story of what had happened, while the lady that employed me, my primary contact, and the Manager of the office took a statement and notes. They had not heard any of this and told me that I should have told them what had happened as soon as it did. They then advised me that it was their priority to find me another job as soon as possible and that this was the best course of action. They said that there was no need to talk to anyone else about what had happened. I was given the impression that I would not be able to get another job in the industry if I did seek external guidance.

It quickly became evident that it was not going to be the priority of the Mining Recruitment Agency to find me new employment, they stopped returning my calls and didn't follow up on things they said they would do. They told me that because it was almost the Christmas/New Year's holidays that it was not likely that they would be able to get me into a new job until the second or third month of the new year, and that I would have to just wait.

I decided that it could not hurt if I trying looking for a new job myself and within two weeks I was employed. The Mining Recruitment Agency never contacted me again or made any follow ups like

they said they were going to. In hindsight it is clear they were just stalling me until the statute of limitations for taking legal action had expired. At the time I took no legal advice and was not aware of my rights in regard to bullying or sexual harassment.

I cut my losses and started my new job in December 2010. My whole situation turned around, I was working, had a job I loved and worked with great people that I got on with really well. I knew mining was a very transient industry and it is common to have new staff coming and going all the time, but I was shocked in September of 2011 by the arrival on site of the Leading Hand, who had been bullying and sexually harassing me in my previous workplace.

It took less than two weeks of working with this individual again before I suffered a “dissociative brake”, where I lost consciousness whilst driving a loaded 200 tonne dump truck. This episode was extremely distressing as the outcome of that incident had the potential to be fatal. I was immediately sent home from work as it is my company’s policy after an incident to gain medical clearance before continuing to work with heavy machinery.

I have now spent the last twelve months of my life trying to recover and rehabilitate myself from the mental and emotion trauma I experience on a daily basis as a result of being bullied and sexually harassed at my previous workplace. I have become very disillusioned with the industry following the treatment I received from both the Recruitment and Contracting Companies. Over this time not only have I experienced very real personal pain but have been without any form of salary and incurring considerable medical expenses. Only recently I have received medical clearance to return to work and start all over again.

In summary:

- My rights under legislation were never explained to me, particularly the statute of limitations for protesting against my treatment, asking for a fair investigation or for commencing any type of legal action.
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