

Submission to Committee on Education and Employment

Inquiry into Workplace Bullying

Submitted: 29 June 2012

Summary.

My name is . I am 58 years of age, and live in Adelaide, South Australia.
My most recent Job Title was Acting ICT Manager,

I have been unemployable for the past four years. I suffer from Anxiety and Depression, and currently in receipt of Centrelink benefits.

From 1999 to September of 2008 I was a state government employee in the
. Until December 2005 I worked in the Office of the .

From March 2000 until my resignation, I battled sexual harassment, systemic workplace bullying, and significant corruption at the highest level.

With thirty years experience in I.T., I was removed from , the position was declared obsolete, and I was classified as 'excess to requirements'.

I suffered a mental breakdown, received Workcover payments, eventually resigning for the sake of my health.

From my personal and lengthy experience, little has been discussed about the whistleblower and the aftermath for that person. An altruistic person who generally suffers the most when all is said and done.

Background.

I emigrated from Northern Ireland in 1972, aged eighteen. I have worked for the state bureaucracy twice. For seven years from 1976, and more recently from 1999. During the interim, I owned and operated a computer training company, Adelaide

After attending to Local Area Network problems in the office I was offered a full-time position, a position I accepted. I was to manage the PT network, the Help Desk, and interface with external providers. I supervised staff.

Sexual Harassment.

During early 2000, a male was appointed to the position of I.T. Manager. One month later, I lodged my first complaint concerning his behaviours.

For two years, my complaints persisted. The behaviours continued. I lodged a complaint with the South Australian Equal Opportunity Commission. Management had not addressed the problems.

My complaint was two-fold. The sexual harassment aspect, and the issue of vicarious liability. My bigger problem was with inept management.

The EO Commissioner failed to support me. As per the legislation, I requested my complaints be heard and ruled on by the Equal Opportunity Tribunal in the District Court. The court determination is comprehensive enough to convey the trials and tribulations I faced. Management victimisation was swift after the public hearing.

Link to Court Determination:

A copy of the Determination is within this document.

Although the sexual harassment complaint was dismissed, the vicarious liability ruling was positive. I was more intent on exposing the failures of management rather than find that I was technically sexually harassed. I am extremely happy with the Determination.

I had represented myself against a very hostile Crown Solicitor. I was in the Witness Box for two days. The bureaucracy mounted a very personal attack on my character, on my past, and on my motives.

It was around this time my health deteriorated. I suffered my first mental breakdown. I had thoughts of suicide.

Victimisation. Workplace Bullying.

Corruption.

From the day after the court hearing, management (the General Manager and the) retribution was swift. I endured all aspects of workplace bullying, both covert and overt.

A restructure of the IT Section was ordered, and my Job and Person specification was altered. I was not invited to meetings. I was assigned menial tasks such as unpacking boxes and disposing the boxes over a three-week period.

I was denied access to training opportunities. I was relocated to another floor, on my own with no work.

Early 2005 I lodged a second complaint with the EOC citing victimisation as a result of lodging a previous complaint. At that time, that link had to be established to enable a further complaint.

Leading up to December 2005, when I was 'sent home', I uncovered serious corruption at the executive level. Following an investigation by the anti-corruption branch of the South Australian police force, the department reached a signed agreement with me promising a full independent investigation of my ongoing complaints provided I dropped the second complaint. That signed Agreement also stated I was to return to my position the following December and that my employment was secure.

I was never allowed to return. I was declared surplus to requirements.

My Achievements.

As a result of my agitations, the following occurred:

2004: Equal Opportunity Tribunal Determination.

2006: Eighteen month Government Investigations Unit investigation.

2007: Twelve month Inquiry by retired court Judge Alan Moss. The Moss Inquiry.

2008: General Manager of negotiates a Targeted Voluntary Separation Package.

2008: contract not renewed.

2010: Parliamentary Inquiry.

There was significant media coverage over several years. My name and image were prominent. In 2008, one week after appearing on a current affairs program, the department ordered the Government Investigations Unit to investigate my activities and if I had breached my employment contract. I sought protection under the Whistleblower Act. I suffered a significant breakdown. I resigned in September of 2008.

The aftermath.

For the past four years I have struggled with mental issues. I am reclusive. I do not socialise. If I do win an interview for employment, I cannot control the fits of dry retching that overwhelm me upon arriving for interview.

We lost our family home. We live in technical poverty. My life is in tatters. I am still battling for my sickness benefit payout from the state government superannuation fund.

From day one, my employer's reaction to my altruistic actions was adversarial. I dealt with the State Ombudsman, the Equal Opportunity Commission, the Government Investigations Unit, the Attorney-General's department, the Justice Department, the Police Department.

NO ONE seemed able or willing to help me. **EVERYONE** seemed more interested in punishing me.

In Conclusion.

As I only found out about the Inquiry today, the final day for Submissions, I have been unable to address the many issues I would have liked to.

However, I can say that during my years fighting workplace bullying, every place I turned to for help proved to be armed with legislation, with Policies, with Practices to protect the employer. To manage the Risk. To minimise damage. To manage complaints.

I was on my own, all the way. And now I am a broken man. No career. No superannuation. No home. No prospects. I did nothing wrong.