
From:
Sent: Thursday, 28 June 2012 6:06 PM
To: Committee, EEWorkplaceBullying (REPS)
Subject: Sub 94 - Submission to Parliamentary Committee Inquiry into Workplace Bullying
Attachments:

Submission to Parliamentary Committee Inquiry re: Workplace Bullying

28-6-12

Summary:

- I was bullied by a senior staff member () in term one of 2011 working as a teacher, consequently going on WorkCover from injuries sustained including an adjustment disorder with depressive symptoms and gastro-intestinal bleeding. has a long history of bullying but nothing has ever been able to be substantiated.
- I made a complaint against her, it went to mediation but was not satisfactorily resolved.
- I received a 'counter complaint' from my SSO which also went to mediation. This was a pivotal meeting as some of my issues about behaviour were confirmed by my SSO.
- I mandatorily reported for emotional abuse of the students based on my evidence, my SSO's evidence and another teacher's evidence ().
- I did not feel that the Principal had handled the investigation impartially, competently or fully.
- An external investigation was instigated at my insistence but bullying could not be substantiated.
- I also made further complaints about others in the unit as I felt that they were conspiring together and received complaints and threats of legal action in response. When the Regional Director became involved with the investigation, the complaints by those in the unit were dropped.
- I requested and received a single review with similar outcomes.
- Another teacher in term one of this year went on stress leave citing psychological bullying from . I also accessed further documents where I discovered that someone had lied in the investigation which I felt may have swayed the outcome which I felt was 'flawed' and the investigation unbalanced and unjust.
- I wrote to the CEO of asking to reopen the investigation based on these two points and told him that was failing in its duty of care of its employees working in the unit.
- He was adamant that it was properly dealt with and cut off further channels of communication with the Department and myself, knowing that staff continue to be injured by bullying. He was not going to take any further action to fix this problem which is still continuing.
- I contacted the new Regional Director and asked to make a new complaint against this person who lied based on the evidence. She responded by saying she would follow the CEO's directive, thus not responding to further communication.
- I insisted that I was entitled to make a legitimate complaint, and to not allow me to, would be in breach of policy.
- I received an email back from Ethics and Standards stating that the person who lied was not a employ which I also believe to be a lie.
- I filed a complaint of bullying with WorkCover and am awaiting a further response.

I have chosen to take full advantage of Parliamentary Privilege and will be responding in a frank and candid manner. If published, I will leave it up to the committee to edit as they see fit within the constraints of the law.

My story:

I am a teacher, who, in term one of 2011, was working at in a Special Education Unit under , the Unit Supervisor. I had been teaching as a contract teacher for about eleven years at that stage without any problems concerning my teaching practices. I had

already been teaching at this school, in another area, for about four years prior to this with no problems. It was here that I experienced bullying by _____ which is still affecting me today. I am still on WorkCover working part time at another site.

When I first started in the unit, a number of staff from the main school approached me and told me things about past staff who had been working in there who had problems with _____, this included _____, the school's Union Rep. who had been at the school for a while and had heard a string of stories of her bullying. I took it with a 'pinch of salt' as I needed a job and wanted to get stuck into work as my father had just passed away.

Right from the onset, things weren't right. I felt like an outsider, information wasn't shared with me, my working hours were over the Award and my NIT (non-instructional time) was less than it should be. I was on constant yard duties. There was a lot of verbal abuse and put downs about my work performance done in front of staff and students, (done whilst praising other staff), and my teaching practices were restricted to the point that I had absolutely no autonomy over my teaching as every decision had to go through _____. She had instructed my SSO, _____, to keep an eye on everything I did which I believed to be spying (refer later passage). This resulted in _____ becoming very obstructive towards my teaching practices further adding to the problems.

I was becoming more and more isolated and unless I approached other staff, no one spoke freely with me. These oppressive work conditions were not enforced with the teacher that I was co-working with. I had the majority of the load with this class. She also has her _____, working in the unit which strengthens her position and power in the unit. As well as the fact that it is blatantly nepotistic.

After seeking some advice and information, I found that her bullying fitted snugly within the OH&S definition of Workplace Bullying, almost dot point to dot point and so I put in a complaint with the Principal. We arranged a mediation meeting with _____ and sorted out some basic points eg. Award hours, duties, NIT times etc. which she should have been adhering to anyway, but appeared to be sanctioned by the Principal. My duties dropped from fifteen to three per week in line with the rest of the school. When questioned once about her duties, she told me that she does them sitting at her desk in front of the computer looking out of the window. How many teachers are allowed to do that – none? Her poor induction was addressed, (she said that she did not want to waste any more of her 'precious' time giving another induction when she had just given one to the student teacher the week before. The budget was talked about, I could not even do any photocopying without asking her permission. Some of her restrictions placed on my teaching were discussed eg. Not being allowed to phone parents. I later listed 32 points from the 'Teachers Work' booklet where she had restricting my teaching, making it impossible to teach.

Throughout the term, I started losing about half a kilo in weight per week and was progressively feeling more and more nauseous. Nothing I did was good enough for her and there weren't enough hours in the day to do as she wanted. Her standards were totally unrealistic and unreasonable. After an incident where the ceiling collapsed and her _____, (who did not have a supervisory role), tried to override my duty of care responsibilities by telling the students that it was safe to use the door right next to where the collapse had occurred, even with a screw missing, (in fact, he was only studying to become a teacher and was an hourly paid instructor). That evening, there was a 'secret' meeting in the office (which was locked) with all unit staff except myself.

Later I received a complaint lodged against me by _____ which I believed to be a counter-complaint from _____. (refer to _____ Mediation Minutes). This was mediated with the intention of 'airing' some of _____ questionable practices. I could not understand how _____, having such a long history of bullying other staff, still managed to get away with her behaviour. I always felt that others in the unit may be complicit, in some way or another.

I could not go into work the following work day as I just could not face further hostilities, exclusion and isolation. Very soon after this, I suffered gastro-intestinal bleeding which my GP believes is highly likely due to the current stress that I was under.

was eventually externally investigated, (but still within the department), however, no bullying could be substantiated. I requested and received a single review with the same results. The problem was 'perceived' by the department as aspects of my bully's 'interpersonal and management style being misinterpreted by staff' and the issue was supposed to be resolved by 'appropriate support be(ing) provided to ensure that this does not impact on other staff in the future.' ("Minutes Forming Enclosure to Chief Executive 19-12-11").

When it did happen again in term one of this year, (with the new teacher, _____, going on stress leave citing psychological bullying from _____), I contacted the CEO again to inform him that it was happening again, and whatever was put into place to stop it from happening again, was not working and asked if he could reopen the investigation. Shortly after this email, I received documents requested through the Freedom of Information Act which showed that someone had lied in the investigation to _____. I refer to the document, "Phone Conversation between _____ : _____ and _____" which states, He (_____) also met withand spoke towho had been providing advice and support to _____. said that she was no longer taking calls from _____ as she was feeling harassed by her."

I knew this to be a lie and emailed this new information also to the CEO as I felt that a negative view painted of me and based on a lie, may have swayed the final outcome. His response was, "I have been advised that appropriate measures were taken and support implemented as I requested at the time. Accordingly, I maintain my view that your complaint matter was appropriately managed and concluded." He then finished his letter by stating, "Please be advised that any future correspondence from you on this matter will be received, read and filed without further acknowledgement or response." (Letter from _____). I felt that _____ character assassination of me was now complete.

I found this very concerning as I believed that _____ was failing in its duty of care of its employees working in the Special Ed. Unit at _____ under _____, it was still continuing to happen and the CEO himself, by stating this, (on having been informed) was consequently allowing it to happen again.

I then sought advice from _____ (legal person, AEU) who stated, _____, if you have any further information that you believe is relevant to the grievance you put in before, then you should address it to the Regional Director in a new grievance". (Email received 5-6-12). This I did.

The Regional Director's response was,

"Dear _____,

As discussed in our phone conversation last week I have made contact with Central Office, I understand that your complaint matter has been managed and concluded.

I understand that you have received correspondence from the CE stating this, it is my understanding that the CE also states in his letter to you, dated 3 May 2012, that any future correspondence from you on this matter will be received, read and filed without further acknowledgment or response. Therefore, in this case I am obliged to act in accordance with the CE's advice.

Yours Sincerely

”

I responded (on 12-6-12) by reminding her that I wished to take out a 'fresh' grievance against someone who lied in the investigation, based on new evidence received through the Freedom of Information Act. I mentioned that I believed that I was entitled to follow the grievance procedure as was she (to respond accordingly) and to not do so, was in breach of _____ policy and concerned me greatly.

I then received a response from _____ (on 15-6-12) at Ethics and Standards who stated,

"Dear

Re: Grievance

I refer to you emails dated 6 and 12 June 2012 to _____, Regional Director,
which have been referred to me.

In your email of 6 June 2012 reference is made to the document Phone Conversation between
and _____. The person whose name was not disclosed to you in the FOI documents, who you
allege lied and discredited you and against whom you would like to lodge a complaint is not an employee of
the Department and therefore, the Department cannot investigate your complaint in this case.

I hope this clarifies matters for you.

Regards

”

This does not make any sense as I had been told on a number of occasions throughout the investigation that
only people who had directly witnessed anything could give evidence. I refer to the document ‘Request for
Single Review of Complaint Resolution Process at _____’ dated 3-1-12, stating that, “
All relevant staff at the site were interviewed in relation to your complaints against _____) but there was
insufficient evidence to enable any of the allegations of bullying to be substantiated.” The key word here
being ‘staff’ which would mean _____ employees, so this is a lie too. I responded to _____
informing her of this, with no reply.

I could also not understand why this person was even interviewed as she was not a direct witness and people
who I had mentioned who had genuinely helped me, were not interviewed, so I felt that the investigation
was totally unbalanced and manipulated to get a set result.

I have absolutely no faith in the Education Department especially since it continues to happen and has been
happening for at least seven years. They are failing in their duty of care of staff working in the unit and are
failing to respond to legitimate concerns. I feel that they are being supportive of a bully because the things
she does look good for the school, especially when she would not be able to achieve these results without
being such a bully, so I find myself in a ‘catch 22’ situation.

Whether or not the department believes it is a case of bullying or not, the fact is, that it is happening again
and the CEO is refusing to address the problem. I refer to the section, “ Responsibilities of All Persons” p.9,
‘Dealing with Workplace Bullying, A Practical Guide for Employees”:

“When a person (who could be an employer or employee) has actual knowledge that another person’s health
and safety is being endangered, and is recklessly indifferent as to whether this person is being endangered,
that person could be liable for committing an aggravated offence. Section 59. Offences under this section
are considered very serious. They are minor indictable criminal offences, and carry a maximum 5 year term
of imprisonment, and/or double the prescribed penalty. ”

This also applies to the _____, who was equally unsympathetic, uncaring and oblivious
about endangering his staff’s health by offering the following ‘threat’. I refer to an email sent to me by
(the latest victim) who states:

“I had an interesting conversation with _____ on Friday. This is what he offered:

He can create a position for me working mainly with a student in the special ed class. However, it is not a
permanent position so he would require me to give up my permanency. I told him I him ‘I am not insane yet
but I would be insane to give up my permanency’. His response to that was ‘well you will have to continue
to work under _____’. I replied: ‘I do not think my doctor will agree with that’.

”

I have recently contacted SafeWork SA as regards the bullying and health and safety aspects of this, and included statements from (an earlier victim) and (the latest victim – refer attachment), but am still very concerned about this person who lied and the attitude of the department to silence me.

Problems encountered that need addressing:

- Firstly, my own complaint was dealt with as an isolated case and past victims were not allowed to be interviewed. This meant that it was easier for to get away with her behaviour as a ‘one off’ incident. *I believe that a ‘Bully Register’ that documents and follows the behaviour of a bully and not the incident would be a good deterrent, as it would identify patterns of behaviour earlier than in the current system. It would also make it more difficult for a bully to ‘hide’ behind a new job as it would follow a bully from workplace to workplace.*
- I believe the processes of procedural fairness were not adhered to during the investigation, resulting in an outcome which was ‘flawed’ and inaccurate. The investigation was biased, unbalanced and contained lies. I always maintained that the Principal was biased and have documents to support this, but these were ignored, and the Principal was still involved with the initial investigation. I continually maintained that his dealings were not ones of impartiality when dealing with , who was a Senior Leader and had two PhD’s to her name.

I refer to an email sent from (Senior Rehabilitation Coordinator WorkCover) K.S. on 5-8-11 regarding a return to work meeting that no one had minuted and where things were said that concerned me. I wrote to her with a number of issues of which she confirmed, including the following:

“I would also like it noted for the record that when I said that the environment in the unit under was totally oppressive, he () stated, ‘I don’t think so’. (He gave a personal comment on something concerning this case favouring , when he had stated previously that his position was to remain impartial, but this was not an impartial comment, and does explain the direction that this complaint is taking and the amount of time it is taking to get nowhere, if that is his view and opinion.) Herein lies the problem and the basis of my previous concerns raised earlier with that I didn’t think that is being or able to be impartial if he has already formed a favourable opinion of . He used this fact to acknowledge the clashes in opinions between the two of us creating the conflict we are both feeling.” *This could have been avoided if investigations are conducted by an outside impartial body.*

- didn’t even know the rules and guidelines that he should be following as Complaints Manager and was inconsistent and inaccurate when handling requests. I wrote to him on 23-6-11 stating:

“I would like to have a copy of the original complaint made by to you (in its entirety and in her own words) before our meeting next week so I can adequately plan and prepare.

I believe that I am entitled to this document and refer to the “ Complaint Resolution for Employees Procedure” which states, “ A respondent is entitled to have full information regarding a complaint”(Section 7.1). I also draw attention to a document received from Workcover approving my claim and informing me of my rights which states, “Injured employees with an approved claim have a right to:- “.....have access to claims and rehabilitation files on request”.

He then wrote back saying that it was alright, but only if he gave my confidential documents, of which I responded:

“Hello

Firstly, I do not give you permission to give access to any of my information as it is confidential and it is not your decision to make. Secondly, after I put in my initial grievance of , I specifically asked if I could have access to her response of my complaint. I repeated my request for this information, and you responded that it was confidential and I could definitely not have access to it. This

seems like a direct contradiction in your responses under similar circumstances. I would like to know if had access to my initial grievance.

Also, I stated (in my previous email) my rights as regards being able to access this information and does not qualify. She is not the 'respondent' nor is she an 'injured worker with an approved claim', so why do you think that it is alright to offer her the same request?" He did not respond.

demonstrated on a number of occasions that he was grossly ill-equipped to act as Complaints Manager when dealing with my complaint. He also failed to take minutes from mediation meeting which had implications down the track. There was no formal notification of closure and the outcomes were left up in the air. I still felt that a reasonable outcome hadn't been achieved, and he felt that things were settled.

He was also going through a major upheaval in his personal life at the time. had been having an affair with one of the teachers at the school, getting her pregnant and splitting up two marriages in the process - both having to leave their marital homes. The impact of this was that I felt he did not have his mind on the job at hand and was unable to think clearly and make appropriate decisions. At my first return to work meeting, I found his body language extremely negative, he could not look me in the eye, preferring to stare into space, he was non responsive and totally distracted. I later asked to change Complains Manager and wrote to him on 10-6-11 stating:

" il,

After much deliberation, I have decided to seek further assistance with my initial complaint of and will be seeking another Complaints Manager. The reasons are as follows:

I do not feel that your handling of my complaint up to now has been totally satisfactory in addressing all of my issues in that certain actions have not been taken and remedies sought for actions to cease.

I feel that as a result of this 'inaction' there may not be total impartiality on your part and a bias may be occurring.

After our meeting last week, I felt that you may be acting to hinder my return to work on the basis that you said I could not return until after the complaints have been sorted. As I will not be returning to the unit, I do not see any problems returning back into the main school if I have been deemed medically fit to do so. even stated that my wage would be paid and it was only a matter of finding me suitable work of which suggested some light duties that I could perform, but you weren't welcoming of his ideas. I should also state here that the added stress of dealing with this process, which is being made more difficult than it need be, is impacting on my health."

I had a lot of difficulty informing the appropriate body of misconduct (breaches of the Code). These issues were ones not suitable for mediation and should have been dealt with by the Principal, (), but he appeared indifferent and reluctant to act, even when aspects of her behaviour were confirmed in front of him. These included her verbal abuse of the students, not following departmental policies eg. Equal Opportunities Act, School Behaviour Policy and Awards. These were always stated as 'Unit Rules' which were her rules, and her behaviour has been condoned and supported under two Principals. I was wondering if he was even familiar with the guidelines and policies which he was supposed to be upholding. *Again, this could have been avoided if investigated by an outside impartial body, one with suitable training and experience.*

I then had to share an office with his new girlfriend knowing that as his new 'confident' she would most likely be privy to everything that I wrote to . I became even more suspicious as regards honesty after a brief conversation that we had. I had asked her what she was teaching now as she had previously been teaching Aboriginal Education. She replied, "Special Ed." Of which I said, 'You're not working in the unit are you?' and her response was, "No, I could never work under *those* conditions."

- I felt that as a worker injured through bullying, I was emotionally more vulnerable whilst having to navigate through this whole messy process and felt that if I were a weaker person, that I would have given up and not pursued something that I strongly felt was important to stand up to. *The process needs to be made easier to follow and more consideration given to the victim who may be feeling vulnerable.*
- I found it difficult, especially in an emotionally weakened state, to navigate through the appropriate departments for help and support. I found it very frustrating looking up various government departments thinking that I was dealing with the appropriate department, only to be told to see someone else, then going to the other department, only to be ‘ping ponged’ back again to the original department. There was a LOT of “Passing the Buck”. There was also a lot of misinformation as regards what each department was supposed to offer. *The jobs and responsibilities of each government department need to be made clearer and staff working there need to be better informed and educated when dealing with the public. (Some of the staff were good).*
- I don’t believe that the staff, from Principal to the Regional Director to the Ethics Standards and Merit Protection Unit had sufficient training to adequately manage the investigation. *Again, if the complaint was investigated by an external, neutral body that was specially trained in dealing with these types of investigations, the outcomes would be very different.*
- The process was flawed in that communication channels were limited and I was not given a further avenue, as complainant, to respond to claims made during the investigation, so this person who I know to have lied, was believed. If we are dealing with bullies, then there is a good chance that the bully may be bullying, intimidating, or coercing others also into supporting them, thus enabling them to continue with their bullying as they are ‘getting away with it’. *The steps taken in the process need to be reviewed to allow for the complainant to respond further down the track if need be. The steps taken also need to be made clear and available to the complainant. In this situation, where the rest of the staff may be complicit, they need to be made aware, in no uncertain terms, the implications of bullying and the impact on the victim’s health. My symptoms were potentially quite serious, and should be treated as such. Bullying shouldn’t be viewed so lightly and the seriousness needs to be emphasised.*
- What’s the point of having laws if they are rarely challenged, thus allowing people to continue with their behaviour, and perpetuating bullying in our society. *The actions of the people in the upper echelons, have far more reaching consequence as their decisions affect larger numbers of people, so it is especially important, not just to have bullying educational programs for the ‘minions’ but for those in positions of more responsibility. As was illustrated with the Regional Director, her line was to follow the directive of the CEO, but what if the CEO is wrong or ‘shonky’. Someone at her level, should be able to, and be encouraged to take the correct course of action independently of the CEO by referring to documents. The laws need to be exercised more rigidly to send a clear message about bullying to curb this behaviour, starting from the top.*
- Defining and determining actions as bullying was problematic. A number of issues raised under the OH&S definition of bullying were acknowledged and addressed (albeit not fully) such as:

Excessive hours, less NIT time, constant duties, poor induction, restrictive teaching practices, unfair work conditions, spying – I refer to Mediation Minutes stating:

stated that she only decided to make a formal complaint about in week 6/7, but when questioned further about her documenting behaviour in the classroom since February (as pointed out in her notes attached to her original complaint), was unable to explain the discrepancy in the time line, only to state that she had concerns about behaviours in the classroom related to management.

On being asked if had also felt the need to document other staff members in such a detailed way, (and was given examples of minor insignificant observations she made of with more serious observations she failed to document of others), she responded that she did not. “

She once went missing from the classroom and I went looking for her and found her in the office on her laptop with [redacted] next to her. As soon as she saw me, she instantly covered over her computer to stop me from seeing what she was typing. As she had extremely poor literacy skills (self-confessed) and was reluctant to write, generally, I can only gauge from her actions that she was writing about me and [redacted] was helping her. Someone with extremely poor literacy skills would not naturally be taking down a lot of notes of her own accord. Having [redacted] in the room with her when she should have been in the classroom with the students was very suspicious. The multiple pages of notes she had made on me would indicate that she had been asked to 'spy' on me and was documenting any indiscriminate and irrelevant detail, such as, 'She told [redacted] that her name was [redacted]'.

How many dot points describing actions of bullying does one actually need, to be determined a bully? How is this gauged and decided? *This needs to be reviewed and some guidelines clearly outlined to address this flaw, so the decision can be more easily assessed.*

As someone who has grown up in the shadow of both parents having lived (and survived) under four years of German Occupation during WW2, I know only too well about the long term negative impact that bullying, (and fear), can have on the human psyche, not to mention on society as a whole.

This is a true and honest account of my experiences. I hope this submission proves useful.

Yours Sincerely,