



House of Representatives Committee

Inquiry into Workplace Bullying

30 July 2012

A Case Study

Thank you for the opportunity to make a submission to Parliament's Inquiry into Workplace Bullying. My submission represents an individual perspective on potentially fatal workplace bullying and also addresses the specific terms of reference articulated by the Committee. In particular it explains system deficiencies that I perceive through experience, with the hope that these will be addressed/remedied through actions arising from this inquiry.

My submission comprises:

1. A case summary
2. Comments in response to the terms of reference
3. Confidential attachments

I have a large number of documents and correspondences that I can supply upon request to demonstrate the difficulties I have encountered, particularly the communications with my employer. If you require any further information or documents I would be happy to assist and provide these. Thank you for consideration of these materials.

Case Summary

I have been working for my present employer approximately 5 years. In 2008 a new employee joined my department and both myself and colleagues began experiencing difficulties with her over-controlling behaviour. When I was assigned a project she told me she thought she should be managing, this exacerbated the issue and my supervisor has told me he considers this significant in the issues I have experienced with her. This employee has never been my supervisor and I have been in a different department from her for nearly three years. I tried to improve the situation initially by talking openly and positively with her but each time she walked off and refused to talk to me.

Her behaviour towards me (and sometimes other staff) was aggressive, intimidating, humiliating towards me in public meetings, intolerant of others' views, disrespectful of others opinions or the right to speak, overly controlling, she made unilateral decisions without consultation, and created unnecessary obstacles in my projects. She tried to remove project finances from me to transfer to her own department, recruit staff from my project to her own staff and openly told me she wanted me removed from positions with an external organisation and replaced with her own staff instead. She was persistently critical of everything I did, whether it concerned her or not; every action I took met with a negative reaction from her to the point that I dreaded receiving an email and felt relieved in the workplace when she was on leave. Despite the fact that she was not my manager this behaviour continued. I found her very intimidating.

In 2010/11 I took 5 months maternity leave and upon return she made inappropriate comments that I should stay home to care for my children and my husband work more. Other staff experience/d similar problems with her but her aggressive behaviour has been particularly targeted at me. When I returned from maternity leave she made attempts to significantly alter my work and responsibilities and I wrote to HR about these problems and her aggressive nature. I discussed the situation with the HR rep, including the fact that a formal grievance would likely just result in negative repercussions for me and so I did not then make a complaint in the format of a formal procedure. I tried to manage the situation then by avoiding her and staying out of her way wherever possible, and never being alone with her. This was not easy because of her desire to control what I was doing and attend my project meetings. Staff told me they felt the atmosphere at these meetings had changed for the worst because of her presence. Another of my staff told me she would find it difficult to hit deadlines if the bully was involved in our project because of the conflict she brought to the table. When I told my supervisor about their concerns he did not support me. He made comments to me that demonstrated he too felt under pressure from this lady and acted in a way to minimise conflicts himself with her. The organisation had already requested that she undertake communication and negotiation training.

In February 2012 I received a very aggressive phone call from the bully, I felt attacked and fearful and began experiencing chest pain. I went to HR and saw a different rep who said I should file a formal grievance and meet the next day with her and my supervisor to discuss the issue. I told the HR rep our supervisor was aware of the issue but told me he did not know what steps to take to manage the problem. Nevertheless I followed the HR reps advice and wrote and sent the formal grievance, but I didn't make the meeting since my chest pains became worse and I ended up admitted to hospital for a heart attack.

I was diagnosed with stress cardiomyopathy, a condition that occurs in response to a particularly negatively emotional situation, and further to this a myocardial infarct (heart attack). The effects of stress cardiomyopathy are the same as a heart attack in that the heart is damaged when blood is cut off from the heart, but there are no blockages in the arteries that cause this as in a "traditional" heart attack, rather it is caused by stress acting on the heart. I was in good general health, had no other stresses in life, was otherwise relaxed and refreshed after a holiday ten days earlier, had never experienced any health problems or issues with my heart, or had chest pains prior to the phone call. I was 37 and I don't have risk factors for heart disease (don't smoke, drink, take drugs, I exercise regularly, am not overweight, my blood lipids are normal, I have low blood pressure) and angiograms and CT scans of my heart show no blockages in my coronary arteries.

One week after the event I lodged my first medical certificate for worker's compensation. It was immediately denied by my employer. My work did not accept liability even when they received reports from four doctors (including two very senior practitioners – Director of Cardiology and President of Australian College of Physicians) consistently pointing to work's involvement in precipitating my condition. I have experienced an unwillingness of one medical professional to comment on my case because of his fear of becoming involved in a legal case. This has caused more distress for me and my family. I have willingly undergone extensive medical tests, some invasive and with risks of their own, to find another cause for what happened. My

condition is consistent with all diagnostic criteria for stress cardiomyopathy and no other underlying causes or any health issues could be found. I have also seen a psychologist who believes that the bullying lead to these health repercussions and can find no other psychological problems with me (though over the last 6 months it would not surprise me if I have developed some!)

The response from my employer has been shocking. This has included

- delaying a formal denial of liability despite a mandatory response time (that meant I could not proceed to lodge an appeal with the worker's compensation commission, to have the matter heard by an independent body)
- disregard for numerous policies, procedures and guidelines relating to bullying and harassment and management of grievances
- ignoring written statements from colleagues consistent with my own position
- relocating me upon return to work from my regular workplace to an isolated stores warehouse lacking facilities with no explanation
- completing an "independent investigation" of my grievance that included, in it's entirety, taking a statement from only the bully and our supervisor. No other witnesses were questioned, and statements submitted by other staff members that were consistent with my own experiences were ignored
- stonewalling my inquiries or those of a lawyer, for example to try and receive copies of the investigation and responses to my queries about why the grievance procedure was not followed
- failing to turn up to meetings with me to discuss my grievance

Returning to work for an employer who is unwilling to accept their responsibilities and complete a fair investigation of my claim has been extremely stressful. I continue to experience chest pains particularly when facing this stress, for example when having to deal with a particularly unhelpful and evasive HR manager and my own supervisor who refuses to read any medical information or statements relating to my claim in order to avoid challenging his conscience. The sense of personal betrayal and lack of justice is very difficult to accept. It is also difficult to reconcile personal expectations of justice and the way a system should function to ensure fair outcomes, with the reality that currently exists. At work I have remained professional, and preferred to remain discrete about what has happened to me since I do not want to place other employees in awkward positions. This makes return to work even more difficult since I feel I am not being honest with colleagues who were and are good friends.

My medical consultants have advised that I avoid stressful situations and in particular the stressor that caused the event. This makes a return to work difficult, particularly given the way my employer is approaching the problem. I have been advised for medical reasons not to interact with the bully in future. Despite this, my employer still insists that I move later this year to a position that directly reports to the bully.

The way that my employer has dealt with this has only exacerbated the stress and lead to increased impacts on my physical health. I am young, have 30 years work life in me yet, and have every intention of returning to employment. However this is being made virtually impossible by my employer's response. Each time I return to work the stress worsens my chest pains and I am advised to stay off work. I've been advised to reduce the risk of another heart attack at work by taking sedatives in as small a dose as possible, and when they occur treat chest pains with anginine. I feel this is far from ideal and not sustainable in the long term. I am a mother to three small children and my primary responsibility is to (be alive for) them.

I am now torn between returning to work (mine is the main income in our home) in order to ameliorate our financial situation at a cost to my health that could be very significant, or remaining home but facing increasing financial pressures from not working (which causes its own stresses and therefore also impacts my health, so a no win situation). Not returning to work also carries potential negative consequences such as losing pace in my field, missed work opportunities, effects on confidence etc. My employer is trying to avoid liability by describing this as an interpersonal conflict between two individuals and suggests no alternative but mediation. However, this disregards the fact that many other employees have similar experiences with this woman, some of these documented in written statements that the organisation has.

Two problems present with work's approach: First, how can a suitable remedy be determined for a problem that has not been properly investigated? The only action my employer has taken as an "investigation" of my grievance was to take a statement from the bully and our supervisor. Clearly this is far from fair, transparent,

thorough or reasonable. Second, my employer's own OHS officer/return to work coordinator has said twice that mediation is not appropriate given my health, a view that is supported by my own doctor. I cannot return to an unsafe workplace but my work is not making any amendments to make it safe.

My leave balances have run out and my family faces significant financial pressures. I have been the primary breadwinner in my family since we have a young family so this loss of income causes significant destabilisation for us. My children are just 1, 5 and 7 years. We have had our home valued with a view to selling or renting it given financial insecurity and meeting mortgage repayments, but we have no place to move to. I have also had to cover medical costs. We are facing moving our children to a different school. My 7 year old has had to see a psychologist with anxiety following me being hospitalised, which she witnessed, because she is terrified her mother will die or she herself will suffer a heart attack. This has had particular impacts on her sense of security and behaviours and is a concern for us in terms of long term impacts/insecurities. Unfortunately my husband worked for the same employer and because of their management of this issue his own position became untenable. When my employer insisted that he report to the bully who caused his wife's heart condition he left this workplace.

There have been times when I have felt absolutely overwhelmed in dealing with what should have been a straightforward issue. If my employer had accepted my workers compensation claim, paid me, and put in place steps to deal with the bullying, I feel I would be back at work now and completing useful work for them. As it is, they have made the situation severely worse for me and I believe significantly more costly to themselves, even just in terms of legal fees and staff time (HR manager, return to work coordinator, workers comp officer; additionally, the Director who supervised me had to give up his substantive position for 6 months to fill my own position). This is not to mention the effects on completing actual work tasks.

At a WCC conciliation conference my employer would not settle, wanting more medical information and asking for access to all my medical records. This creates another 2 month delay for an arbitration hearing that will occur nearly 7 months after the incident. If I receive compensation it will cover only time off work and medical bills. Payments for any days off work after 6 months (which we will already be at by the hearing time) reduce to a minimum that is less than a third of my salary. There is no compensation available for the continual chest pains I now experience or their potential impact on future work or my life.

In terms of progression of my grievance, I tried for months to get a reasonable response from my employer. I sought legal advice because I did not know what to do to in these circumstances to ensure fair and reasonable progression of my grievance or handling of my workers compensation. I did not know that two lawyers would be required since workers compensation lawyers do not usually also deal with employment law (an inefficiency). The employment lawyer also wrote to my employer about my grievance but could not get a reasonable response.

I did not know that I had to be a union member in order to seek redress at an external body if my enterprise agreement was not upheld by my employer. Since I could not go to an independent body (the IRC) as an individual I joined a union. The union is seeking to find a solution to this problem by ensuring my employer fulfils its obligations under my workplace agreement and provides me with a safe workplace. The union rep has spoken initially with my employer to achieve these ends but given their unsatisfactory response has now lodged a dispute with the IRC. I understand many unions will not take a case to the IRC if it is already existing when an individual presents to them – in which case such individuals can seek no remedy to their situation through an independent body and must essentially accept their lot. My union filed a dispute with the IRC because my employer did not follow its procedure in dealing with my grievance. I am unsure as to what course of action the IRC can or will propose and its powers of enforcement.

I have been really disappointed and shocked that I have had to go to these lengths to get even a willingness to listen from an employer that I worked so hard for and that has received significant benefits, financial and otherwise, from my labour.

I am a hard-working person who loved my job and I want to work. I am finding the processes to ensure employees receive justice are lacking, and extremely difficult to understand/ navigate, and time consuming. Most of all they are unfair in requiring a lot of time, energy and money when the person making the claim is in a vulnerable position in all of these regards. The legal framework does not seem supportive of reaching any outcome efficiently. I have heard so often "most people just give up" and this is why bullying continues in the workplace. For the uninitiated (which I would say is most workers) there are few sources of guidance as to how these matters are dealt with, processes and procedures for seeking redress, what options are available and how they work, costs and benefits.

I cannot yet say, but my feeling is that the result of this framework for me personally will be that I am essentially bullied and harrassed out of my job. If you take a step back then this situation is astoundingly absurd: One worker bullies another one so much to the extent that they suffer a heart attack. The person who has bullied that worker carries on in their job as usual, whilst the person who has suffered has had a serious medical event, their health suffers, they lose their job and associated car, laptop, mobile, their immediate and possible future income is impacted, and they are treated as a pariah for making a complaint about it. The organisation knows about the problem and protects the bully.

The longer term impacts on career and wellbeing include the ability to manage a job with the same stress levels, potential restrictions to something less demanding, long term lost income potential, issues finding another job with CV gaps, references, difficulties with a new employer asking for a medical history..... The current situation offers no compensation for these losses. This has long term consequences, which the person who is bullied has to live with whilst the perpetrator carries along as usual with absolutely no impact on them.

Furthermore, the lack of action by the employer, or rather the protectionism by an employer, enforces a message that it's fine to give other people a hard time at work and bully them to the extent of serious health consequences because nothing will happen to you, you're untouchable. This is upheld by my own experiences that colleagues have said they are actively job-hunting to avoid working for the woman who bullied me because there's no point making a complaint since no action would be taken by the organisation. I am aware that employees have already left the organisation because of intimidation issues with the same bully who caused my heart attack. People are too scared to come forward to say what is happening, instead choosing simply to leave. The fact that someone can suffer a heart condition from the bullying and *still* no actions are taken by the organisation to address this behaviour makes people even less likely to say what is really happening on the office floor.

I still find the organisation's unwillingness to confront the issues with a view to resolution very short-sighted and bewildering since staff productivity and retention are negatively affected, as well as the direct management and legal costs associated with managing a bullying case. I am perplexed at their response since in the long term the costs associated with not managing this issue will, I believe, far outweigh any benefits of turning a blind eye.

Speaking for myself, I am not interested in "revenge" or getting my own back etc at the bullying individual, I am seeking fair compensation for what I have suffered because of my employer's negligence in managing this problem. Management's current methods of addressing (or not) this issue does no favours for the bully either. I believe that the woman who bullied me has problems that require professional intervention, yet the organisation's actions do not support her obtaining help in this respect. I remain concerned about others experiencing the same issues that I did at my workplace with this bully.

In summary, I believe there are serious inadequacies in the current systems to prevent, manage, and remedy workplace bullying. Employers are aware of these shortcomings and of their immunity to any consequences. As such the current systems facilitates workplace bullying since there are no deterrents to this behaviour. If financial penalties existed for bullying then employers would no doubt behave differently – both proactively and reactively. Currently, individuals who are bullied are left powerless with significant impacts to themselves and their families.

Responses to Inquiry's Terms of Reference:

1. The prevalence of workplace bullying in Australia and the experience of victims of workplace bullying

- Please see summary above for my personal experience
- Bullying is stigmatised and people don't want to talk about it or admit to it for fear of being judged as inadequate, unable to cope, weak etc. I have not encountered bullying at work myself apart from this, so was surprised to find that about half the people I have discussed my situation with have known someone with significant bullying issues at work. I feel it is probably grossly underreported.
- I have received a number of comments that this would not have happened in Europe or "what do you expect in Australia". I was previously unaware that some people had this impression or working in Australia. My neighbour works for a large multinational IT company, in an international team. He declined an opportunity for a promotion that would involve a transfer to an Australian team since he did not want to work in a workplace culture that he described as "typically Australian". When I asked what he meant his description was aggressive, brash and bullying.

2. 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

- My employer has extensive policies and procedures and guidance notes on bullying, harassment, raising a grievance – but these have been worthless since they have been disregarded and are not adhered to. There's no translation of what's on paper into action/reality.
- From the outset my employer acted dishonestly and in an adversarial manner which has made the situation worse for not only myself but also, I believe, for the employer. Others in the organisation who know about what has happened to me have been as shocked at the way my grievance and injury has been managed, which reduces their confidence/trust in the employer that I suggest could affect retention/performance.
- Once there is this level of betrayal by an employer, I feel it is near impossible for an employee to regain trust in an employer.
- My supervisor, a director in the organisation, has been unwilling to read any medical evidence in my case so he doesn't have to face the issue of not carrying out his duty of care towards me as an employee. He has also not turned up to meetings to discuss my grievance. There is nothing to prevent him from this behaviour. This does nothing to improve workplace management of bullying in general. For me specifically this behaviour has been one of the most difficult and hurtful elements to come to terms with in the evolution of my situation and has caused possibly as much stress as the bullying, exacerbating the existing problem.
- Providing evidence of workplace bullying to employers can be problematic since bullying can be done in subtle ways. For example, an email may appear as simply short, direct or terse to someone unaware of the personalities involved. However, for those familiar with or targeted by the bully, the tone of the email is very clear and the meaning is understood in a very different way. A bully can behave very differently when you are alone with them, being more threatening in ways you cannot demonstrate, e.g. aggressive verbal and body language, threats etc – unless you install CCTV it is difficult to prove what is truly happening.
- The fact that someone was shouting at me and I was unable to speak because they would not stop is overt evidence of bullying. Voice volume can be measured objectively however, some things cannot be measured like the threatening tone used by a bully. In my case this had more impact than volume but is difficult to measure and can be subjective.
- There are obvious problems obtaining witness statements to bullying. This is a significant and critical problem and there needs to be some way for feedback to be collected from workers (anonymously?) to address this issue.
- Obtaining statements from colleagues who obviously want to protect their own jobs and feel threatened themselves is difficult. In my case I know that already one staff member who made a statement has been subsequently harassed by the bully because of this action. Mechanisms should be in place in organisations so that statements can be made by colleagues in safety to an independent body, and certainly not be made available to the bully themselves, as appears to have happened in my case.
- There is a perception of lack of consequences if a complaint is made to my employer. This, coupled with a fear of consequences for speaking out, deters employees from speaking the truth.

- When I made a complaint about bullying I was treated unfairly. I was relocated to a different worksite, in a stores shed where broken office equipment was deposited. There was no phone or computer terminal. I used my laptop and mobile and wrote to request facilities. I was isolated and my direct reports had to come to this different site to see me. I was given no explanation for the move. No changes were made to the bully's workplace.
- It has been my own decision to remain discrete about my heart condition being caused by bullying, originally in order to facilitate a quick and positive outcome by not "forcing my employer into a corner" and in order to remain professional. This has the unfortunate collateral of a variety of stories spreading at work about why I am not there, mostly around me having some terrible disease. This concerns me because it is simply not true, implies I have some physical problem/weakness that is my own misfortune and not associated with work causing my absence. Not telling people the truth is very upsetting.
- In conversations I had with my supervisor about this problem he admitted that he didn't know how to resolve it. The problem escalated. There needs to be some motivation for managers to tackle these issues otherwise they will simply not do so. Senior management are concerned with outputs and hitting targets and less with the workplace environment, even though of course the work environment affects those outputs and targets.
- I feel a sense of responsibility to other staff in the workplace who continue to experience unpleasant behaviour at work and some pressure to see this through for their sakes also. I have had direct feedback from staff urging me to stick with my case. Other employees have left the organisation because of the bully that caused my injury.
- I had one advice that even if it is found that bullying behaviour leads to a compensatable injury this is not necessarily enough to require a different reporting structure by my employer – i.e. I should report to the bully who caused the injury. This defies belief.

3. 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

- I would find it helpful to talk to others in a similar situation who had experienced similar issues in order to learn from their experiences and feel less isolated in managing this situation. I have, somewhat perversely, found comfort from other submissions on the parliamentary inquiry website that show my predicament is fairly typical; this is the first opportunity I have had to understand this fact.

4. Whether there is scope to improve coordination between governments, regulators, health service providers and other stakeholders to address and prevent workplace bullying

- My GP is confused with the billing arrangements required by my workplace. My work refuses to pay workers compensation, but still insist that medical certificates are completed in the workers comp format. Therefore my GP should charge for a worker comp consultation, which is a different charge to a regular consultation. At first I paid all my GP's medical bills since my employer refused to pay them. My GP, understanding of my financial situation, now bulk bills me. He anticipates his practice will end up out of pocket because of my employer refusing to pay his consultation costs. This is not fair for the medical providers.
- The time delays in obtaining medical reports to support workers compensation claims are problematic. There should be a stipulated maximum response time, with penalties.
- I understand that hospitals have medico-legal departments and processes and this will add an extra time delay to processes. I also understand that there are pathways where you do or don't have to pay for medical reports from hospitals, but all of the consultants I have seen were unclear as to these processes. Parliament's consultation with medical professionals could determine a mechanism for quick turnaround times for medical reports that can be achieved with little impact on doctor's practice time. As a patient I have felt uncomfortable chasing consultants for reports when they have "proper medical work" to do in treating patients.
- Regarding obtaining doctor's reports, the gathering of supporting evidence is left to the bullied party. This can be exhausting. For example, I tried to seek reports from my specialists. They advised I should seek their reports through my GP. I asked my GP for their reports. He said he would check with the practice manager. The practice manager said no, I would have to obtain specialist reports from the specialists themselves. I called the specialist back. They said the GP should release them by law. Finally one of the specialists sent me reports. The process however is exhausting and frustrating.

- Some health professionals may not treat patients and/or avoid reporting in order to avoid becoming involved in a legal case. This behaviour is itself unfair and causes more stress as well as endangering the employee's health.
- Currently an employee does not pay for worker's comp lawyers. My understanding is that the worker's comp lawyer must pay for doctor's reports. This can present a problem that a lawyer may be reluctant to obtain medical reports that can add support or critical information to a case, in order to avoid expenditure. Therefore lawyers may simply purchase one report, rather than demand others from other specialists that may be relevant and provide further information.
- Medical specialists treat only one organ system in a body and so I think it is more sensible that a GP, who considers the health of a person as a whole and can integrate all consultants' reports, is best positioned to comment on when a person could or should return to a workplace and under what conditions, if any. Extra training or resources for GPs might be required as a result?
- I would have appreciated better information about how to reach an outcome and various legal pathways available (or not) to me, what bodies can be accessed and how, how long various processes can take, the costs of each route and potential benefits, health management options, pastoral support available.... None of this is easy to obtain. It is up to the employee to figure this out, and my own experience is that it is confusing; legal advice is also expensive. I engaged a lawyer but most people are unfamiliar with lawyers and how do you pick a good or bad one? Independent, free advice of a general nature is therefore helpful. You can also seek help from a union, but what if you are not a member of a union or your union decides they don't want to take up your case?

5. 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

- Receiving no pay once the workers comp application has been rejected means it is extremely difficult to continue through with a workers compensation dispute because of financial pressures. I have been told that most people just give up, because they cannot afford to carry on and because of the terrible emotional stress of remaining in limbo for many months awaiting a fair and independent review.
- Where an employer refuses liability for workers compensation, employees must pay for everything. The considerable financial stress making injuries even worse. This can create a spiral of a situation getting worse and therefore having worse health impacts, meaning more consultations, more outgoing expenses, so more stress-related health impacts, more consultations etc. This could stop bullied employees trying to help themselves by seeing a psychologist. For example I have to date paid \$1,750 in psychologist fees, payments which have not been easy to meet.
- Clearly employers are making a commercial decision as to how to manage a bullying case rather than accepting their responsibilities to employees. I believe they deny a claim because they think it is their cheapest option. Quite apart from being unfair and the consequences for the injured party, my impression is that this is a false economy for the employer, particularly if all the financial costs are tallied in cases where an employee continues to seek redress for their injuries.
- The current situation is that the employer carries out an independent investigation into a workplace injury from bullying. How can such an investigation be independent when the employer commissions and pays for it! In my case no witness statements were collected by my employer, forthcoming witness statements consistent with my position were ignored, and the entire "investigation" consisted of taking a statement from the bully herself and our supervisor who knew about the problem but not how to manage it. Clearly this approach is flawed.
- Every employee should have access to a method of seeking redress as an individual to an independent body. This is currently not the case.
- Determination of whether the person has suffered injuries from bullying should not be made by an employer. It should be made independently and on the basis of trained professionals' advice such as doctors, psychologists, psychiatrists etc
- The length of time to manage a workplace bullying investigation should be stipulated, with penalties for not attaining the required standard. For example compensation payments from the employer to the employee for every day over the time limit (unless there is a valid medical reason such as waiting for a medical condition to stabilise). There needs to be some deterrent to stop employers dragging out cases as long as possible to try and end them by simply wearing down the bullied employee. I understand that there are currently response periods for workers compensation claims, but there are

no penalties if these are not met so no motivation for employers to comply. In my case I waited three months for my employer to turn down my workers comp claim, despite having received medical reports, when I believe the current response time should be a month or less. These time periods are critical since health impacts are very much exacerbated by increased stress caused by being “in limbo” and unable to move on from the situation, for months, and financial pressures.

- Although I am not a professional in this field, it seems commonsense that the more time a person spends off work the more difficult it becomes to return to work.
- I feel I will not be able to move on from this until it is resolved – whatever the outcome at least you can then find ways to deal with it, rather than the unsettling state of being stuck with in limbo unable to plan ahead, get on with life, that exacerbates anxiety thereby making the situation worse for the individual.
- If I am forced to leave work because of this injury I understand I can receive no compensation for that. How can this be fair?
- I cannot work elsewhere until my workcover dispute is assessed by the WCC. This is not good from a morale point of view, or keeping to date with a field of expertise. To avoid feeling useless it is good to be able to undertake voluntary work.
- There are problems associated with requiring different lawyers (for industrial action and workers compensation) and/or union, including costs and having to explain the same story again, and communications between all parties.
- The expense of a lawyer means that a bullied employee, already under financial pressure, becomes acutely aware of speaking with them for long, which may not always lead to the best outcome. Our employment lawyer has tried to minimise costs by requiring that I write letters myself and she reviews etc. This is good financially but means you cannot remove yourself from the case and the onus rests with you to progress your case, which I feel is not helpful to recovery (constantly having to think about and/or take actions).
- It is difficult to understand the various pathways that may be available to you to seek redress. There is no “rough guide” or framework to consult.

6. Whether the existing regulatory frameworks provide a sufficient deterrent against workplace bullying

- No. Currently bullies are able to continue bullying with no consequences to their actions, or bullies are protected (presumably so organisations don't have to admit they are not fulfilling their OHS obligations?)
- Critically, unless there are financial consequences to employers to who do not prevent or manage workplace bullying, it will continue. Currently there simply aren't deterrents. In my case even having a heart condition caused by bullying has not even warranted a disciplinary warning for the bully. This is clearly inconsistent in an organisation where an employee can receive formal disciplinary action from failing to pay a mobile phone bill.
- Employers who do not investigate bullying attempts or try to evade their responsibilities in this regard should be fined.
- I did not make a formal complaint about being bullied sooner because I was concerned that this would make the situation with the bully even worse. I therefore tried to manage by avoiding the bully wherever possible, especially being alone with them. The HR representative I discussed the problem with ten months before my heart attack agreed this was the best approach. Perhaps different advice would have been forthcoming if a more stringent framework including penalties was in place.
- I had the impression that making a formal complaint about the bullying would only make things worse; given what has happened and my employer's constant denial of the bullying (even though I suffered a heart condition as a result) I think my concern is upheld. Employers need motivating to prevent these situations in the first place and deal with them before they escalate.
- Managers can be removed from workplace environments so they have no real idea about what actually goes on in the workplace – so long as outputs are achieved that is all that matters. A framework that places emphasis on reasonable working conditions rather than work outputs alone could help.
- I don't believe the current system will allow me to recuperate the income I have lost being off work and the shortfall in my future income that this will inevitably cause. The workers compensation payouts I could potentially receive are less than a third of my previous salary and any constructive

dismissal payments are so small they do not compensate for my losses. This is a grossly unfair situation.

7. The most appropriate ways of ensuring bullying culture or behaviours are not transferred from one workplace to another

- To avoid transfer of behaviours between workplaces would require resolution/treatment of the behaviour patterns for both bullies and their victims prior to commencing new employment, i.e. systems need to be in place across organisations to identify and manage bullying. This means proactive, collaborative systems rather than the current reactive and adversarial methods.