



Submission to Inquiry into Workplace Bullying

Introduction

I decided to provide a submission to the Inquiry because the circumstances of the bullying that I encountered are probably not typical of the submissions that you will receive though I believe this kind of bullying is endemic in some workplace cultures. It is very dangerous and very costly to Australia. Several years have now gone by but I have no doubt that the type of bullying I encountered still occurs. I lost my job over this incident. I have not worked since. I chose not to do so because I was financially stable and did not wish to risk subjecting myself to this kind of stress again.

Rather than addressing the Inquiry's Terms of Reference in order, I have presented a chronological narrative of representative examples of the bullying which I encountered. I believe my case does provide information relating to each of the Terms of Reference. I have documentation to support most of my claims which I can make available if required.

Background

The bullying I encountered occurred over a period of six months within a large Victorian State Government Department. The perpetrator was a senior executive officer. I was engaged on contract as an Information Technology Technical Expert. In a successful career of nearly 30 years this was the first and only time I had ever worked in a State Public Service. The Department intended to embark on a very significant software procurement and implementation project across the three main Divisions of the Department. It meant replacement of a number of existing individual systems with one large integrated system which all Divisions would be required to adopt.

The project was run within one Division on behalf of all three, under control of a Project Director who was a senior executive officer. I was engaged by one of the two other Divisions, as their Technical representative on this project. I had had significant experience in costing, procuring and implementing exactly this type of system. I had come from working on the same type of system within Telstra and Ansett prior to that. It would be considered "cutting edge" technology and I was one of the few such experts around at that time. My role was to ensure that the system to be procured would meet the needs of my Division and to ensure that the Division would get an effective replacement system to justify their portion of the cost. Project Documents needed to include my signature to indicate that the proposals contained within were acceptable and appropriate to the needs of my Division.

I did not report to the Project Director, but to a line Manager within my own Division. Right from the outset, I was not happy with the way the project was going. All of the project documentation was of very poor quality. There were significant irregularities, contradictions and ambiguities in the documents describing the requirements for the system to be procured. There was no clear unequivocal description of what features the new system would contain. I advised that I could not "sign-off" on any of these documents in their current form. I offered my assistance to review and reword them. I meticulously reviewed each document and provided detailed written review comments. My comments and recommendations were ignored. I never received any feedback.

The Start of Bullying

Risk Analysis Document

At the outset I was pressurised by the then Manager of the Project Team, to sign off the Project Risk Management document. The project was in fact a classical very high risk IT project. Cutting edge technology, three diverse user groups who were unable to articulate what they wanted the system to do, existing data from multiple different legacy systems needing to be merged into a single system, no prior experience of this type of project within the Project Team. Worldwide there was a 70% failure rate for this type of IT implementation.

The Risk Analysis contained within the document, classified all risks to be “low” or “medium”. I reviewed the document, requested significant changes to reflect the true risks. My request was refused – the document was continuously presented to me with none of my required changes. The explanation I was given was “if there is any high risk involved we will not be allowed to do the project”. Behaviour directed toward me indicated I was a petulant, difficult person, deliberately standing in the way of “progress”. I never signed the document – the project proceeded without my signature.

At this stage the Project Team was expanded and the Senior Executive Project Director was appointed. Although the total focus of my full-time position was toward her project, the new Project Director did not ever seek to meet me, nor did she invite me to any inaugural team meetings. She did request a copy of my CV and qualifications. It would have been quite clear to her that my technical experience in this particular technology was way ahead of the technical staff working directly on her Project Team.

Cost Benefit Analysis Document

The Cost Benefit Analysis document which was meant to justify the project was farcical. I meticulously reviewed this document drilling right down to base figures. The figures included some massive arithmetical errors – as much as \$4 million. The assumptions were quite silly and cost of the software was grossly underestimated. The value attached to benefits was neither achievable nor even measurable. I continuously reported my findings to my line Manager, and to the Section Head, both of whom I advised not to sign off on any of the documents. I was quite able to explain and clearly demonstrate all of these issues to them. I also had a meeting with these managers together with Head of our Division, who listened but failed to indicate a course of action.

I advised the Project Director in writing about the \$4 million error. I advised that the high level figures which had already been presented to a panel of Senior Executives would need to have estimated costs increased by \$4 million. The high level costs estimates were not fixed. Every time I was presented with this high-level cost document for “review” I wrote a memo advising the error still remained and request it be fixed. It never was.

Around this time my Section Head took me aside and said words to the effect “Beware of her (the Project Director) she is dangerous”. I understood his meaning to be – do not tangle with her, we will not come to your rescue. My feelings were - I will never compromise my integrity. This project is headed for a disastrous failure and a massive waste of public monies. I have nothing to lose – I have a very well established professional reputation, I do not seek a career within the Public Service, I am not going to roll over and let this happen.

Technical Steering Group

I continued on the same path, my role turning into devil's advocate. The Project Director ignored any of the documents describing my Division's requirements, and which originated from within my Division. I was listed as a member of the Project's 'Technical Steering Group'. I was required to attend meetings of this group. The Project Director also attended, chaired the meeting and subsequently prepared and distributed the Minutes, even though she had no prior Information Technology knowledge or experience.

I attended only two of these meetings where I attempted to raise issues such as the technical difficulty in maintaining privacy laws with a system across multiple Divisions and the type of licences to be procured for NGOs who would be required to use the system and so on. In the course of the meetings, the Project Director made it quite clear that she did not want any negative issues to be raised or discussed. She would silence me, speak over me, and change the focus of the discussion. She failed to include in the Minutes, any technical issues I raised. I sent her reminders and requested the Minutes be revised to include my comments/objections as action points for resolution. In one instance, she made a token change and rudely informed me by email, that she could include what she wanted in the Minutes.

User Requirements Documents

The documentation describing what this new system was to deliver continued to exclude the requirements of my Division. I continued to provide the Project Team with information describing the requirements of my Division. Receipt of this information was never acknowledged, nor was it ever included in the overall Requirements documentation.

The Project Director organised open forums with software vendors – a number of whom I knew. I attended and took the opportunity to question these representatives on technical issues where I already knew the answers. The answers did not support the claims being made by the Project Director, to the users, about what the new system would be capable of doing. The Project Director always over-ruled me by taking control of the forum, diverting attention away from my line of discussion. This kind of systematic suppression of my input to the project, both verbal and written continued over a period of six months.

Exclusion from Project Meetings

I was no longer being invited to Project related meetings. I noted my name still remained on the lists of members of the various project committees or groups. Yet I was excluded from the meetings and did not receive copies of the Minutes. I advised my line Manager who informed the Project Director that as my Division's Technical Representative it was a requirement that I continue to attend. The request was ignored and I was never invited to any further meetings nor did I receive any further documents for review. However my line Manager continued to pass the documents on to me, for my review, which I did and passed the comments back up the line – they were still ignored.

Costing Irregularities

My Division was particularly concerned about the cost implications of this new system – the Division had a limited budget for IT systems and had urgent requirements for other systems' procurement. I continued to review the project cost estimates in detail. At the outset the estimate for procurement and implementation was set at \$6 million. With considerable agitating from me it grew to \$29million. In my estimation (which I continued to advise), the system would cost around \$100million. To validate my figures I contacted a vendor representative that I had been working with prior to this project, to confirm cost of web-based licences for their product. The conversation lasted no more than 30 seconds.

Accusation of Probity Breach

Several weeks after I had conversed with the vendor representative, the Project Director distributed an email to all senior managers of the Department stating that I had committed a serious breach of probity, there would be a probity investigation and I would likely be disciplined. I immediately replied to all, that I had done no such thing and welcomed a disciplinary hearing. The hearing never happened even though I continued to request the hearing. The following week she issued a broadcast email announcing the Project Team was preparing the RFT and was in lock-down mode. No one was to speak to any vendors. No such ban was in place at the time of my supposed breach.

At that stage a colleague of mine who was part of the Project Team, advised me that the Project Director had called a full team meeting, with one agenda item – “Probity”. The meeting was to advise the Project Team, that I had committed the “major breach”, and no one on the team was to communicate with me in any way. Subsequently she requested the Department's IT Systems Administrator remove my computer access to any Project Files. She did not once seek to discuss this with me or to hear my version of the events. She did not once seek an audience with my Managers to discuss any of this with them, nor did they approach her.

My desk was located next to that of my line manager and we both sat in close proximity to the Section Head. We were all in daily contact. The area in which we sat was festooned with posters stating “Stamp out Bullying” and “Use the Whistleblower's Act”. I researched each of these on the Department's Intranet. According to my reading it seemed these were mainly directed at the lower ranks of public service officers. There was no concept of bullying by executive officers.

My case appeared to fit one of the classic forms of bullying. Persistent with-holding of information and preventing access to information that I needed to do my job, persistent suppression of my contribution at meetings, ostracism and isolation, refusal to communicate with me, instructing others not to communicate with me, falsely and publicly accusing me of wrong doing.

Bullying Complaint

At this stage I prepared a Bullying Complaint which I passed to the HR Department. I can make this document available if required. However it does contain the identity of the bully – I expect there could be legal implications resulting from such a disclosure. The HR representatives I spoke to advised me for my own sake, not to pursue this case. HR officers were in agreement that this was a classic case of bullying according to the definition. They advised me that a number of people had previously raised bullying charges against this particular person. None had succeeded – this was a long-term senior officer, who knew all the rules and who could command all the resources of the Department to defend herself. As an independent contractor and the accuser, I could expect no support and would have to pay my own legal costs. She would have the means to have my entire life dredged for “dirt” to construe against me and I would likely be publically humiliated.

They also advised that in the past, bullying charges had only succeeded where clear malice could be shown on the part of the bully. In my case the bully had no personal relationship and no prior history with me, but simply did not want a person of competence in that position. What she wanted from the person in my position, was blanket “approval” on behalf of my Division, without review or comment, all documents produced by the Project Team, so that the Project could proceed unhindered. I withdrew the claim. I continued to demand the probity hearing but I was simply ignored by all. The hearing never happened. I understand there was some lame attempt at a probity investigation. I had no involvement and I was not officially informed of any outcome.

Termination

Another two months went by, during which time my line Manager and Section Head and other managers within my Division, began to distance themselves from me, and then my line Manager advised me that since I no longer had access to the information I required to do my job, there was no alternative but to terminate my contract, which had a further six months to run. I was able to say that that was the only sensible financial decision the Department had made during my time there. I was extremely disappointed that no one in my Division had the courage to defend me, even though they respected and valued the work I had done. They obviously feared this bully and potential impact on their own working lives and careers, which may result from defying her will. I had been paid a considerable amount of money for sound technical advice which was completely ignored.

I also noted that the Technical Manager representing the third Division on the Project, (a permanent public servant), after expressing similar frustrations to me, sought and gained a transfer out of the Department, early on in the project.

I chose not to work again. I was completely demoralised by the whole experience – I felt there was no place for my skills in the modern workplace where there is simply political window dressing and no interest in cost-effectiveness and integrity. I was quite appalled at the flagrant waste of public moneys and I considered the behaviour of those involved quite delinquent.

Vindication

My integrity has now been completely vindicated. Some years have passed and the IT System in question has been prominent in the recent press and listed by the Auditor General as one of the Brumby Government's giant IT disaster systems - a system which does not provide functionality required for people to do their job, is way over time and over budget and would cost \$100 million by the time it is complete. At that stage the system, in spite of being in use for several years, provided less functionality than was available in the old legacy systems and was one of the systems under review by the Baillieu Government, to determine whether to proceed with or scrap completely.

There is a culture within that Department where no one reports outside their own line Manager. I was very frustrated when my direct line managers failed to support me in my endeavour to push forward their own Division's IT requirements. My role had included responsibility to ensure that the system to be procured would provide the Division's workers with the information they needed to do their jobs. I had also directly approached other Section Heads of our Division, to advise them they would not get the system they needed unless I had their support. I was met with blank stares and the only comment "tell your line manager". There was no possibility of a dialogue unless it was about cakes for morning tea.

I also used the Whistle Blower's Act to report what I considered to be gross misbehaviour on the part of the Project Director. I prepared a document in accordance with the Act and passed it to the Whistle Blower's officer who was a middle level Public Servant. This person paraphrased my report in her own words and without my review, passed her version to the Departmental Secretary for action. Several weeks later she passed on a verbal reply from the Secretary that the Whistle Blower's Act required demonstration of deliberate attempts to defraud, whereas my case seemed to emanate from "incompetence" and therefore no action would be taken. There was a suggestion that I possibly had grounds to proceed with the bullying charge.

I then took the Whistle Blower complaint directly to the Ombudsman where it remained under investigation for more than three years. The Ombudsman finally replied that no fraudulent behaviour was detected – just a "difference of technical opinion". They also reported that there was no evidence to support the charge of breach of probity against me.