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**Submission to House Standing Committee on Education and Employment**  
**Inquiry into workplace bullying**

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## Overview

My submission is based on my experience working for a firm that had a serial bully as it's Chief Executive. Bullies that are in a senior management position create extreme difficulties for their targets.

I believe my experience will give your committee valuable insight into what chaos these people create in a workplace and the enormous harm they can inflict on innocent people. These individuals are more common than you think. Positions of power attract them and big companies tend to love them as they consider that they "get things done".

Due to their position of power, they are surrounded by people who will support and cover for them and so making complaints about these individuals is not only a futile exercise but one that will nearly always result in the complainant losing their job. This is what happened to me.

I will outline why I think current legislation fails victims of bullies and have suggested some changes that I think will be important in helping prevent the incidence of bullying in the workplace, particularly that of serial bullying which is particularly destructive.

I have provided a summary of the types of behaviours that existed in this toxic workplace.

It is important that you do understand what I went through and I have devoted some time in explaining what health problems I suffered.

My dealings with solicitors and doctors is also relevant to your committee's work as my experience has lead me to the conclusion that both professions lack understanding of what work place bullying is and what help victims of bullying need.

I have outlined what I did to try and stop what was happening to me including complaints made to management. My experience is proof of what happens in a workplace where no anti bullying policies exist and no formal complaints procedures are in place.

I acknowledge that workplace bullying is a complex subject. However we all spend a lot of time in the place we are employed and we should make sure that our lives and or health are not put at risk by simply attending a workplace.

## **My Experience with Workplace Bullying.**

In all of that time I have been in the workforce I had never witnessed or experienced any instances of bullying in the workplace except for the last two years that I worked for one particular firm. This coincided with the appointment of a person to the position of Chief Executive in that firm.

The bullying of me personally got worse over time culminating in me losing my job. I had seen varying degrees of bullying of other staff prior to directly experiencing it myself.

I think that in any working environment you will come across some nasty people and there were a couple of staff in senior positions that were people I tried to avoid. However my experience has taught me the difference between a bad boss, a nasty boss and a boss that is a serial bully.

As stated in my overview, I have listed a summary of the types of behaviours that happened in this workplace and in some cases some descriptions of incidents.

I have never experienced anything like it previously and hope I never do again. To be blunt, this workplace was the equivalent of a totalitarian state. It was ruled by fear and any staff that had the courage to show any form of dissent were moved out of the workplace.

The scariest thing for me was the number of people who were prepared to do as they were told knowing full well what they doing was not right. It amazes me to this day how they could treat fellow human beings the way that they did and shrug it off under the excuse they were only doing what they were told. It is an important observation as I think we are duty bound to report bullying, not just sit on the sidelines and do nothing while fellow work mates are getting treated abysmally.

History has often questioned how a country like Germany descended into the madness the developed prior to and during World War 2. The lesson learned was if the wrong people get into power anything can happen.

The same thing applies in the workplace. The wrong person gets into a position of power and mayhem will occur.

We must draft legislation and policies that create a culture among Boards of Management that will prevent these individuals getting into positions of power.

There was an excellent program on these types of individuals on the ABC's Catalyst program some years ago. I implore you to have a look at it if you haven't done so already. The URL to this site is below

<http://www.abc.net.au/catalyst/stories/s1360571.htm>

## Summary of Behaviours and Incidents

- In a 14 month period the turnover rate of staff was just over 50 per cent. Many resigned, probably having been forced to do so. A double figure number were dismissed. There were several unfair dismissal actions.
- Many staff were spoken to about people they had been seen associating with outside of work. Most of the time this would be on the basis that the other person was undesirable as they were an ex-employee of the firm.
- One staff member reported to me that she had been called in by one of the managers and advised that she had been seen having lunch with another staff member (Who was obviously on the outer). This manager then demanded to know what they were talking about over lunch.
- In another incident a staff member was called into a meeting with the CE and a Senior Manager. The staff member was to attend a Group Conference in Melbourne where there would be many staff from other firms in the Group from around Australia. She was told that she would be allowed to go on the condition that she did not socialise with or associate with another staff member from another firm in the group who would be attending. The staff member from the other firm used to work for this firm and had left after being offered a position.
- Further proof of the way they ostracised people is another incident in which a staff member had resigned and after she left many of her work mates organised a lunch to say goodbye. After the lunch all those staff that attended were spoken to by a senior manager about how it was inappropriate for them to be lunching with her as it created an issue with confidentiality.
- A staff member had resigned and was then called in by the chief executive. In this meeting the staff member was warned that she had a great deal of knowledge of how the firm operated and that if she ever repeated this to anyone he would see to it that she never obtained work in this area again.
- Another staff member who had resigned had set up his own business. The Area manager (former firm CE) started sending him threatening emails which included veiled threats to his family. His solicitor was forced to take intervention order proceedings against the Area Manager and CE to get the harassment to stop.
- Many staff were subjected to Micro Management. It was common practice for staff to be moved so that a manager could “keep an eye on them.”
- One staff member had her leave request to get married refused several times on the basis of operational requirements. Needless to say this staff member ended up resigning.
- In another incident a staff member was publically berated by the CE as he had purchased a coffee from a supplier that wasn't on his approved list. No one was sure what the approved list was. Later a policy was developed that staff purchased coffees only from businesses that were clients of the firm. Many staff ignored this directive.
- It was common place for staff to be criticised by managers in front of the group at Team meetings. I had seen several staff in severe distress after some of these meetings.

- It was also common place that staff would be called to meetings with managers with no warning about the timing of the meeting or what the purpose of the meeting was. Staff were never allowed to bring along a support person to these meetings. Their excuse was that it would be a breach of the companies confidentiality policies.
- It was common practice for some managers to criticise staff via email and then send a copy of the email to other managers. On many occasions the issues being raised were very trivial.
- The O.H.&S. representative was the general manager. In the years I worked there I cannot recall one instance of staff being consulted about O.H. & S. There was never any O.H. & S. committee.
- There was always a lot of talk on how staff were not allowed to be “negative”. Criticising the firm in any way shape or form was considered grounds for instant dismissal.
- I found out that several staff had been instructed to spy on fellow staff members. This involved socialising with them and then reporting back to the CE what the staff had been saying about the firm. Several were threatened with dismissal for breaching confidentiality laws and some ended up resigning.

## The Effects of Workplace Bullying on Health and Well Being

Workplace Bullying was not a term I was familiar with as I had never experienced it before.

The first thing I noticed was a feeling of always being nervous at work. It was like having a continuous upset stomach. I was also having huge problems sleeping. Some days I would get to work so tired I could hardly stand up.

The thing about psychological bullying is that it wears you down. The constant criticism, the emails where you were balled out and a copy of these emails sent to several managers without any chance of you defending yourself got to me in the end.

When a large part of my duties were removed from me without warning I found out about this via email. I was absolutely devastated. After that I couldn't do anything without one manager questioning everything I did.

It got to the stage that I would get to work and check things seven or eight times in the hope of avoiding another spray.

I have always thought of myself as being innovative. I think I carried this into my new job with the Firm and this is why I received such large pay rises over time.

By the end though, I would consider myself a broken man. I would come to work and exist but nothing else. What self-esteem I did have was gone and the innovation I prided myself on no longer existed.

It took me quite a while to understand what was happening to me.

The last year working for this firm was the worst period of my life.

I did have a trip to hospital once as I thought I was having a heart attack. I found out later after visiting a doctor that it was a panic attack brought on by what they were trying to do to me.

I did visit the doctor a couple of times and initially I don't think he believed what was happening to me. To his credit, in the end he understood what I was going through as he had heard from other sources what was going on in the firm. His advice was to leave there. I do think the medical profession needs some training on workplace bullying victims.

I must admit though that the doctor's advice to leave the workplace if it looks like the bullying is going to continue is the right advice. I was determined to not see this bully win but I'm afraid in the end he did exactly that.

The experience has knocked my confidence around. I doubt I will ever have the confidence to do the same job I did. It is just not in me anymore.

I did see my doctor a couple of times after leaving and I eventually agreed to go and see a psychiatrist. I only visited once and although I found it helpful I didn't go back. To be honest, I was embarrassed. It is a difficult thing to admit that your mental wellbeing is not what it should be.

The professionals that specialise in treating people that have been targets of workplace bullying are located in capital cities. I did enquire about seeing one but a cost of \$200 per visit and a round trip of 1100km put me off that idea.

I will say though that people that have suffered sustained bullying at work do need professional help. Even three years after I left this work place I still have moments when I recall some things that happened to me and the heart starts to race and it can take some time for me to settle down.

People that have been bullied at work need support and most of all need to talk to people about what has happened to them. I couldn't do that and in fact have been frightened to do so in case my former employer would hear about it and try to sue me.

Most of all I still have issues trying to understand how this happened to me. I don't think I am a bad person. I would consider that my life has been turned upside down. It is just so unfair.



## Stopping the Bullying.

I cannot express strongly enough the difficulty targets of bullies have in trying to stop the behaviour directed at them.

In a workplace culture such as the one I worked in where criticism of management was not tolerated, all staff feared for their jobs and even if one staff member was brave enough to speak up they would not get anyone else to come forward to back up their story.

This workplace was a lesson in how you cultivate a bullying culture and a how that culture ensured that there was no way of stopping it other than leaving the workplace.

This workplace did not have any Anti-Bullying policy at all. It was not mentioned in the personnel manual and was never part of the induction program for a new employee.

The ramifications of this were that it was open slather in terms of what behaviours were tolerated. Staff had to put up with how they were treated.

Another problem in this firm was that staff had no representation in regards to O.H. & S. matters. The only person you could go to about O.H.&S. matters was the General Manger who had responsibilities for HR and O.H.&S. For this reason, no staff would ever make a complaint about anything and it was well know if you did make a complaint you did so at your own peril.

This of course didn't comply with O.H.&S. legislation but that didn't worry the firm or their head office in Melbourne.

The fact that this firm did not have an anti-bullying policy in place also meant they were in breach of the Victorian O.H.&S. Act. This is proof that being in breach of the Act is no deterrent to stopping bullying.

I have some suggestions in the next section in what I think is required in legislation to stop serial bullies and help prevent the creation of toxic workplaces.

Serial bullies have one weapon that they use with impunity. Sacking the employee that complains about bullying. Many victims end up resigning before that happens as they simply can't handle the harassment. A lawyer representing the employer would call this conduct "managing someone out".

Unfair dismissal laws do not faze serial bullies as they know the likelihood of winning reinstatement is next to nil. Whilst the Prime Minister may boast the Fair Work Act has reinstatement as the default remedy, the facts do not bear that out. The mitigating factor is if there has been a break down in the working relationship, even if the employer has caused that breakdown, then the discretion of reinstatement is not exercised.

In my case, my solicitor made it very clear to me that if I were to mention bullying as an issue and describe how this behaviour affected me, I would have no hope of winning reinstatement. It's

almost like the employer is rewarded for their poor behaviour. I don't think the solicitor understood what bullying does to people.

The Bullies greatest ally is the code of silence. We must get people to speak up if they are victims of bullying and we must protect them from victimisation if they do speak up. Current legislation doesn't do that.

If the victim of bullying is out of the workplace by way of being sacked or resigning, then they are in no position to report what happened. Fear of being sued by the employer will keep most ex-employees quiet. Again legislation is required to ensure employers can't hide under the cloak of confidentiality agreements to cover up a bullying culture in a workplace.

No bullying complaint will be successful unless there have been witnesses to what happened and rightly so. The Principles of Natural Justice must apply and that means accusations against a bully must be proven.

It is rare that repetitive bullying behaviour goes unnoticed by others. My experience has been that in a toxic workplace where a serial bully reigns supreme, people will not come forward for fear of being victimised for doing so. Persons who do complain will not be supported by those who have witnessed the bullying. We must protect those who are prepared to report what they have seen and that must again be via legislation.

Changing workplace culture must be driven by the employer and I have no faith that culture will change unless there is some legislation that will force employers to be serious about Workplace Bullying.

## ***Legislation & Work Place Bullying***

O.H.& S. legislation in Victoria does not specifically mention bullying. The interpretation is that the provision that an employer must provide a workplace that health and safe for their employees covers bullying.

Worksafe Victoria have material in which they recommended what an employer should do to have a bully free workplace and so comply with the legislation. Every state in Australia has different legislation and different policies for addressing workplace bullying.

## ***National Legislation***

I think it is ludicrous that we have national IR legislation which governs conditions of work and we have state based legislation to govern safety at work. There needs to be National O.H. & S. legislation that recognises that all Australian workers have the same protections in the workplace.

## ***Definition of Workplace Bullying***

The shortcomings of current O.H.& S. legislation is that there is no definition of what Workplace Bullying is. It must be defined in legislation so that it is clear what behaviours are a breach of O.H.&S. legislation.

## ***Mandatory Anti-Bullying Policies.***

Following on from having a definition of Bullying the legislation must also have a mandatory requirement that Employers have an anti-bullying policy in place. Workplaces that have a culture of bullying rarely have an adequate bullying policy in place and if they do, don't enforce it. This will make it much easier to prosecute employers that permit bullying to happen in their workplace.

## ***Complaints Process***

The legislation should also contain provisions detailing a complaints process that employers must have in place. The process should also recognise the inherent problem faced when a complaint is made against a senior manager. Management cannot investigate themselves. A great example of this is the David Jones Sexual Harassment Case. The process must state the need to have an independent investigation in some circumstances.

Worksafe Victoria have some advice on their website about the need for a complaints process but this has no binding effect in legislation.

## ***Whistle-blowers Protection***

Victimisation of persons who report bullying is the biggest single factor that stands in the way of preventing bullying in a workplace. Victims and or witnesses are reluctant to come forward because of the fear they will lose their job or they will in some way be victimised for doing so.

The only redress for those that lose their jobs is unfair dismissal proceedings. As in ASIC legislation, there should be Whistle-blowers provisions which make it an offence to threaten or in any way

victimise a person that has made a bullying complaint and where it can be proven that a person has been dismissed for making a complaint, the person should be reinstated.

Getting victims of bullying to report what has happened is paramount in forcing employers to do something about it.

## ***Summary***

Bullying complaints are best dealt with in the workplace first and foremost. I believe that the suggested changes to legislation above will rightly put the onus on the employer to have the legislated policies and procedures in place and act on complaints when they do get them.

Current legislation requires proof that an employer has an unsafe workplace. This is very difficult to prove even if there is a culture of serial bullying present.

A far more effective way to prevent bullying is for there to be a National WorkSafe Authority that has legislation that requires employers to have an Anti-Bullying policy in place, a complaints procedure in place and has legislation that will prevent victimisation of those that report bullying incidents.

The law should focus on legislation that promotes prevention of bullying and target those workplaces that don't have the policies and procedures in place rather try to prosecute individual incidents of bullying. This will be far more effective in promoting a culture of prevention in the workplace and a more effective use of resources by the Worksafe Authority.

In my case, these provisions meant that I would have been able to make a complaint to the head office about this individual's behaviour and they would have had to do something about it. What they did was turn a blind eye to the issue which is very common.

Effective legislation will mean that preventative measures have to be in place in the workplace.