

Ms Amanda Rishworth MP  
Chair, the Education and Employment Committee

**Re: Suggestions for Review into bullying in the workplace**

Dear Ms Rishworth

I was an observer at the Friday 17 August hearing in the Parliament House. Having heard from individuals about their experience of bullying in their workplace, and having been subjected to workplace bullying in public service myself, I see several flaws in the process and the system of resolving bullying in the workplace. Below, I have made some suggestions for preventing and responding to workplace bullying, for your consideration:

- (1) Human Resources Branches/Sections (HR) have conflicts of interest in dealing with workplace bullying cases. At the hearing, some victims said their HR later joined the bullying.

This is no surprise, as HR mainly serves its department's management, and is either consciously or sub-consciously biased in "covering up" the "recorded" number of bullying cases in their department. It is understandable given that each department needs to report the number of workplace bullying cases each year, and the department would look bad if the rate is high. Therefore, it is no wonder that HR may join the bullying in order to "cover up", and is unable to deal with the issues fairly and impartially.

This unwanted effect could be minimised by establishing an "independent agent with power" outside each department to deal with complaints.

- (2) HR-appointed and paid so-called "external" or "independent" investigators (or reviewers) also have conflicts of interest in conducting their investigations (or reviews). I heard some individuals say that some "independent" investigator/s conducted and concluded the investigation/s without talking with the victim or complainant, and didn't conduct the investigation fairly. Obviously, these "external" investigators want to get business from HR. Therefore, they know what conclusion HR prefers, and don't want to risk losing future business.

Again, this effect could be minimised by establishing an "independent agent with power" outside each department to appoint and pay "external" or "independent" investigators (or reviewers), i.e. HR will pay the "independent agent with power", but not directly appoint "external" investigators.

- (3) The relevant "reviews" or "actions" conducted internally by the department/s could be even more unfairly than that by "external" investigators. I suggested the Education and Employment Committee to review the departments' internal process of dealing workplace bullying.
- (4) Establishing an "Audit" system, say to audit 20% of bullying cases (or whatever rate), to randomly audit each department's dealing with the submission of complaints. This could serve as surveillance, and would make HR and the "external" investigator behave more fairly and impartially when dealing with the cases.

- (5) Establishing a system to conduct an annual survey or feedback from the victims to find out if they are satisfied with their department's dealing of their complaints. This would also serve the purpose of making HR and the "external" investigator behave more fairly.
- (6) Addressing workplace issues by targeted auditing of the top 5 departments with the highest workplace bullying rates. This is another way to provide an incentive for departments where the workplace bullying rates are higher, to establish a bullying-free workplace.
- (7) Require each department to report annually the number of complaint cases and the number of confirmed bullying cases. This simple statistic could make HR take this matter more seriously.
- (8) In addition, consult individuals who have directly experienced bullying at workplace. More information and useful suggestions could be obtained from their GPs, psychiatrists, psychologists, and solicitors. This suggestion might be a bit too late for your draft report, but these professionals could be given an opportunity to comment on the draft report. To be more specific and effective, if the individuals who have given evidence at the public hearing on 17 August 2012 agree, the above mentioned professionals could be approached for their input.

Bullying has serious consequence for individuals and the wider community. It is appalling to hear that HR joined the bullying. It is also appalling to hear that many victims have suffered mental illness, and their health, career, and lives have been ruined, and some have even committed suicide, yet the bullies are not adequately punished. As we know, if someone destroys another person's car, this person could be prosecuted by the police, but the bullies who have destroyed others' health, career, and life can get away with it.

Thank you for addressing workplace bullying issues, and for your consideration of my above suggestions.

Yours faithfully,

An Australian Public Servant