

From: LANIGAN-O'KEEFFE, Mark
Sent: Thursday, 2 January 2014 9:45 AM
To: [REDACTED]
Subject: RE: Info about the 'Investigation' [DLM=Sensitive:Personal]

Sensitive: Personal

Hi [REDACTED],

You've hit the nail on the head. I am intending on raising all these issues and using this investigation as a platform on which to do so.

I have formally requested a move to another team via an email thread regarding an ACT job I forwarded to PD (attached). Historically, the 'discussion' that takes place will be aimed directly at me being the problem as was the case with CC and more recently with BWM. He refuses to investigate this no matter how many times bullying and harassment is raised. I have spoken with PD regarding the matters that were brought to my attention in my role as the HCO. He immediately turned on me when I mentioned BWM. His response was "if you're not comfortable with being HCO I'm sure we can arrange for someone else to do it". As this is a thinly veiled threat, it appears he doesn't want the HCO to actually be effective.

The car parking issue is one we have to take on the chin. We did the wrong thing. But, it pales in comparison to the culture of bullying and harassment that is being effectively condoned by PD who has consistently done the three monkeys on the issue. How many complaints have been made? What action has been taken? No action other than to blame and persecute the victims as per some old world police culture bully-boy mentality.

Cheers,

Mark.

From: [REDACTED]
Sent: Monday, 23 December 2013 10:00 AM
To: LANIGAN-O'KEEFFE, Mark
Subject: Info about the 'Investigation' [DLM=Sensitive:Personal]

Sensitive: Personal

Mark!,

Greetings from NSW. I thought I would send you some information as you are the HCO and you are also being investigated about the parking matters. These are my concerns and will be raised (and I am happy for you to raise anything in this email) as my concerns with this investigation.

Under the 'Guide to handling mis-conduct issues' (attached) there are informal and formal ways to deal with 'misconduct'.

Part 33 states: 1) – clarify whether the suspected conduct warrants further assessment as possible misconduct or whether it is appropriate to be addressed through informal mechanisms

2) – ensure consistency in the treatment of conduct matters across the Agency.

I am still unclear why there is a formal investigation. As, I have told [REDACTED] that I was parking down stairs and offered my excuse (Parking in a spot allocated to 255, which John the manager there told me to as long as I put his business card in the windscreen). I did not deny it, and offered my explanation. I was told by Peter to cease parking there immediately. I agreed. To me, this was dealt with informally by way of [REDACTED] providing 'appropriate counselling' which is listed as an option under 37 of the misconduct guide. Even if this was not his chosen form of action, I do not see a need to undergo a formal investigation as I have already provided my response to his allegation.

And this brings me to point 2) under the misconduct guide, how is this consistent in dealing with other matters of misconduct across the agency. As you are aware, there has been multiple reports by me, and reports by other employees here about the inappropriate behaviour and bullying harassment. This also includes outbursts of his bad temper and swearing like crazy over small matters such as the other team wrongly booking out his car. No investigation by Melbourne was carried out for this serious misconduct issue.

Also, this includes the allegations of time sheet fraud by [REDACTED] that was reported to his team leader and [REDACTED]. From my understanding, there was no formal investigation there either.

Point 35 of the guidelines basically state that not all suspected misconduct needs to be dealt with via formal investigation. As a general rule, it would only be carried out if it is likely that a sanction would be applied if the suspected misconduct was determined to be a breach of the Code, examples of these types of breaches are aggressive or violent behaviour directed at colleagues or looking at pornography at work.

Part 36 states that where the suspected misconduct is considered minor and not part of a pattern of misconduct, consideration should be given to address the issue via informal mechanisms. In my circumstance, I considered I had a reasonable excuse to park down stairs, if this was a different view from Peter and I was told to stop (as I was on Wednesday last week), and I did stop, then I don't see a pattern there.

As for the bullying and harassment, in its policy also attached, under part 8, examples I believe that [REDACTED] had shown examples of 8.1, 8.2, 8.3 and 8.4 through various forms of behaviour over the last 10 months.

Under part 12 'SUPERVISORS', it states that the Supervisors have a responsibility for identifying and addressing bullying and harassment. It also states Supervisors can and SHOULD intervene even in the absence of a complaint. Brendan's behaviour has been reported to Peter (and other managers have commented on it also) many times and no formal investigation has taken place.

There seem to be some inconsistencies in how breaches of the Code are dealt with in this office, and the more serious breaches seem not to be dealt with.

I am still considering whether to accept this Canberra job or not, and as I have been told on Friday with my meeting with Murray that my leave without pay would not go through, If I do accept the job I will have to resign here. At least you have my thoughts in writing (and a lot of emails I can send to you) should I not be here if this goes to investigation.

Regards


Investigator/Investigated/Investigatee

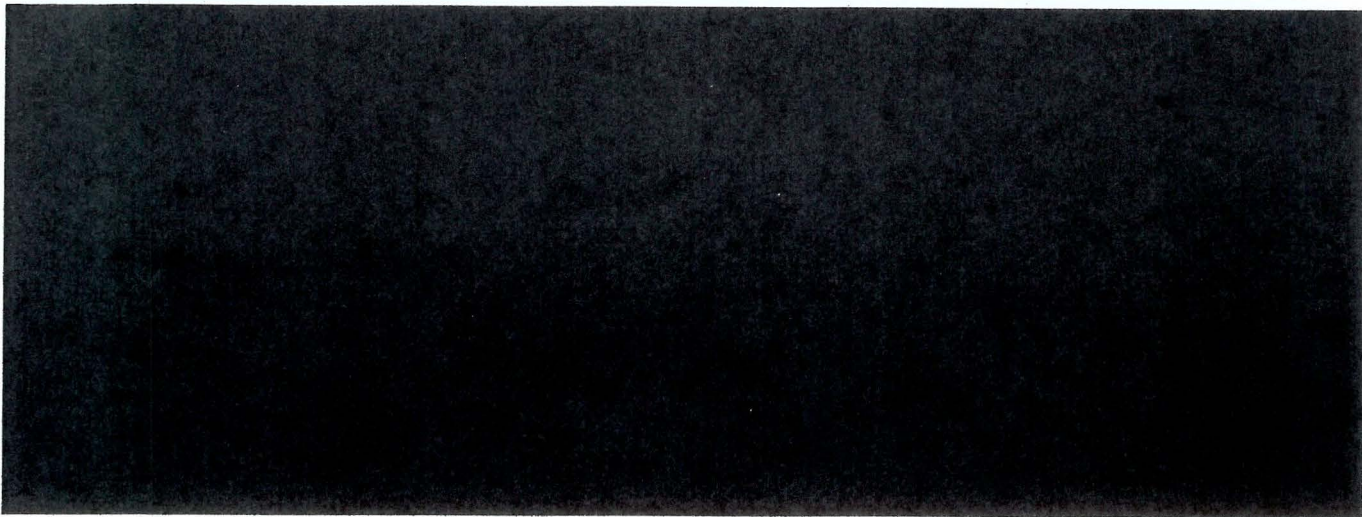
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From: "LANIGAN-O'KEEFFE,Mark" <Mark.Lanigan-O'Keeffe@fwbc.gov.au>

Date: 22 January 2014 at 12:21:14 AEDT

To: [REDACTED]

Subject: RE: Reported incidents of bullying and harassment [DLM=Sensitive]

Sensitive

Hi [REDACTED]

In the last 12 months, I've had four separate staff members report separate incidents of bullying regarding treatment by the same person. This number does not include my own experiences. Due to the repetitive nature of the complaints, I brought it to the attention of the State Director. No apparent action has been taken other than the victims (and the messenger) being blamed and accused of bullying as was witnessed at an all staff meeting here in Sydney last week. It has become apparent to staff in the Sydney Office that matters of this nature are being swept under the carpet by management and if they complain, they will suffer the consequences in other ways.

Hope that helps.

Cheers,

Mark.

From: [REDACTED]

Sent: Wednesday, 22 January 2014 11:46 AM

To: [REDACTED] LANIGAN-O'KEEFFE,Mark; [REDACTED]

Subject: Reported incidents of bullying and harassment [SEC=UNCLASSIFIED]

UNCLASSIFIED

Dear HCO's

Can you please advise me how many incidents of bullying and/or harassment have been reported to you in the last 12 months? No names are necessary, just numbers.

If I could have your response as soon as possible that would be really appreciated.

Thanks

Leanne

[REDACTED]
Fair Work Building & Construction

[REDACTED]
PO Box 9927, Melbourne, VIC 3001

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Sensitive: Personal

Thanks Mark

I'll refer the matter to Heather immediately. In the circumstances, I'd expect not to be involved in this subsequent matter. Either me, Heather or Murray Gregor will get back to you to let you know where to from here.

Regards

Jeff

From: LANIGAN-O'KEEFFE, Mark
Sent: Thursday, 23 January 2014 4:43 PM
To: RADISICH, Jeff
Subject: Issues raised during discussion - 23 January 2014 [DLM=Sensitive:Personal]

Sensitive: Personal

Hi Jeff,

I have had time to think about my position in regards to the issues I raised in our discussion earlier today. I would like this matter to be referred to Heather Hausler. Due to the complete absence of any confidentiality surrounding the matter for which I am currently under investigation, I am concerned about the ramifications of taking this action. As I explained to you in our meeting today, the entire office has been made aware of this investigation and who the persons are being investigated. [REDACTED] even went so far as to mention it and identify me in front of my colleagues and the Director of Legal at the Assistant State Director's Meeting on Monday. This is absolutely unacceptable.

Due to my own experiences, my role here as Harassment Contact Officer ('HCO') and from my past experience as a Rehabilitation Coordinator, I am well aware of the negative effects that workplace bullying can have on people as individuals and also as members of an organisation such as FWBC. The negative health effects of workplace bullying can produce anxiety symptoms such as loss of sleep, being nervous and uptight, and feeling scared and panicky for no reason. These often continue on well after the bullying has ceased. It is exacerbated dramatically when complaints are made and the only action taken is to target the complainant and results in psychological distress. For the organisation, this leads to poorly performing staff members, high levels of sick leave, low morale and high staff turnover.

Due to the number of complaints I had received, on 8 October 2013 I raised the issue with State Director [REDACTED]. My reason for doing so is that I was concerned that as HCO and an APS employee, I had a duty of care to make sure that these matters were brought to his attention for some sort of corrective action otherwise I could be seen as effectively being complicit in the bullying. All four staff members told me that they had spoken with Peter Darlaston regarding their individual experiences and felt that Peter had immediately sided with the person responsible.

During the meeting with [REDACTED] he said words to the effect of: "If you're uncomfortable doing the role of HCO, I can get someone else to do it."

I felt that this was more of a threat than anything else. I have enclosed the contemporaneous notes I made shortly after the meeting.

On Thursday 16 January 2014 we had an 'all staff' meeting where one of the issues raised by [REDACTED] was bullying and harassment. He became more authoritarian and slightly aggressive in tone and stated words to the effect of: "Bullying cannot be from Team Leader to Team Member. That is called management. Every example that's been brought to me has been the other way round, the Team Member bullying the Team Leader. You show them the respect they deserve!"

He seemed to stare directly at certain persons in the room while he said this, myself included. In the discussions I had with my colleagues after this meeting, no-one was surprised at all as this simply reinforced what we already knew, that [REDACTED] will back his Team Leaders completely, no matter what they do or say and the victim is entirely to blame.

Due to the number of complaints raised with me and the lack of action that has been taken regarding this, I am of the opinion that the current culture in the Sydney Office in regards to bullying is creating an unsafe working environment for a number of people.

I am unsure of my legal standing in relation to revealing the identities of the victims and the persons responsible. However, the matters have been raised on numerous occasions with [REDACTED] and the only action that has been taken has been to stand by the actions of the persons responsible and persecute the victims.

Yesterday I received an email from [REDACTED] asking for the number of persons had made complaints of bullying to me in my position as HCO in the last 12 months. I responded explaining briefly that no action is ever taken other than to persecute the victim, however I still have received no response or acknowledgment that it has been received. I have included this email as an attachment.

It is completely unacceptable that there has been no action taken in regards to the complaints that have been made other than to blame the victims. To my knowledge, three of the four persons currently being investigated for the car park issue have been victims of bullying who reported it to [REDACTED]

As I have already said, I am concerned about the ramifications of taking this action if I am identified as the source of the information. I wish that this matter is treated in confidence. Colleagues who have also been affected by bullying both directly and indirectly have stated to me that they will say what has been occurring if asked about it, however it is unlikely they will be forthcoming in making a complaint.

Regards,

Mark.

Mark Lanigan-O'Keeffe
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