

I would respectfully like to make this submission to the current enquiry into workplace bullying by the Parliament of Australia – House of Representatives Committee.

My submission primarily addresses the first two terms of reference but alludes to other aspects in the terms of reference.

I am referring to workplace bullying as a sustained pattern of abusive behaviour that encompasses the domains of physical, emotional and psychological. Workplace bullying is a power based behaviour that is aligned with other abuses that misuse power – Family violence, child abuse of all forms and sexual assault.

I can only make this submission from my personal experiences of workplace bullying both from an experiential perspective and from an observation and support of others who have experienced similar behaviours. Whilst it is tempting to publicise my individual situation I am more interested in the structural changes that need to be implemented to prevent others being subjected to the level of abuse that I have experienced.

My employment has been in the State Government of Tasmania for nearly 20 years. It is a reactive environment subject to high levels of stress from clients and political pressure. In my workplace of fifty-eight (58) employees there are two (2) who have experienced protracted bullying over many months and years. There are three (3) other staff who have left the workplace due to the inappropriate and protracted behaviours of others. In a peer training group of child services personnel in Victoria that I attend there are 5 of a group of 18 who have disclosed serious bullying resulting in a change of position or resignation.

A family member has experience bullying in a retail workplace and another in another government organisation.

The bullying episodes to which I refer are related to manager to employee bullying, worker to worker bullying and employee to manager bullying as well as systematised organisational bullying.

An organisation such as the state government works under the *State Service Act 2000* and from that employees are expected to adhere to the State Service Code of Conduct and various policies and protocols that stem from the legislation. Policies state a structured process and make philosophical statements that speak to the unacceptable nature of bullying and harassment but in my opinion are worthless pieces of rhetoric that have no teeth and no real commitment behind them. Terms such as “natural justice” and “duty of care” are bandied about in policies but the definition of such words becomes murky when inappropriate practices are challenged. The workplace, encompassing management and workers, have clear responsibilities under the framework of Workplace Safety Legislation but again there appears to be little translation of theory to practice.

More recent policies on workplace stress have no mention of workplace bullying as a cause of workplace stress. In my opinion policy makers have sought to sanitise the policy wording to downplay workplace bullying. Workplace bullying has been stated to me as “on overused term and people say everything is bullying”. We have even been “trained” to understand what bullying really is. Sanitising the language in documents removes the responsibility of the workplace to address issues which are either blatant bullying or a pattern of behaviour that has the potential to build into bullying if not addressed. Evidence to support this lies in the lack of documentation, the lack of clear time frames for processes to be completed, the lack of

responsibility placed on those undertaking the bullying and the burden of proof placed on the victim.

The behaviour of others – physical threats, unsubstantiated written allegations, yelling and screaming, name calling etc are often excused as the perception of the victim rather than the system identifying (as policy states) that this is unacceptable behaviour and needs to stop or be stopped. The workplace culture in the high stress environment that I work in encourages and colludes with those who choose to behave in this way. Their behaviour is attributed to personal difficulties, high stress and other incidental reasons. There are definitely one-off spats that occur that can be pardoned in that way. However, more serious and sustained patterns of behaviour are ignored, minimised, excused and at times encouraged. Personal values guide the way in which bullies and their victims are judged. Those same values and the popularity of the bully/victim are fundamental to decision making. The present workplace culture, secondary to budget constraints and restructuring etc, is an environment conducive to those who perpetrate bullying. There are inefficient organisational mechanisms to address bullying. In addition, managers and human resource staff lack the skills and competencies to address the issues related to bullying and to identify the fallout for the victims of bullying behaviour. The people charged with overseeing the process often struggle with the dynamics of bullying and the reactions that follow.

Judgements about the behaviour of others are often based on the values of managers or individuals, rather than being based on organisational values that make clear statements about what is acceptable and offer clear guidelines to address what is not. In the State Government it is almost impossible to have any action taken against any poorly behaved or poorly performing staff as the appeals processes are so cumbersome. In the current climate the victim of bullying is more likely to be labelled as an antagonist, “aggressive” or “lacking personal responsibility”. Such people are pressured to leave, subjected to contrived “performance management” to manage them out, or made to feel that they have no other option than to persist with fighting the bully or the system.

Anyone speaking out against bullying behaviours is vilified, victimised and isolated. My own experience was that for many months, I was not spoken to directly, nor included in emails or other correspondence. I was consistently hauled to meetings where I would be berated by a senior manager who engaged in finger pointing and verbal aggression. I was expected to function in my role, additional pressures were applied without any information or support provided at the same time managing the primary bully and her cohort. In a related incident during which I was physically threatened by a male staff member and prevented from leaving a room, I sought assistance from my line manager. I was subsequently chastised by the manager for being rude to the perpetrator and told “{name} said it didn’t happen that way”. This was characteristic of any issues raised. I believe at the time, after 18 months of experiencing a systematised bullying behaviour I was close to a break down.

I was punished for being unwell, chastised and ostracised for speaking out against the language and the unfairness of the process and the allegations, instructed by my manager not to use the word bullying, told my language in saying I felt humiliated and degraded was “inappropriate. When I sought legal advice and was instructed that the documents were slanderous and I had a good claim I was accused of threatening. I just could not win.

The mantra from line management was and remains “I don’t know and I wasn’t there”. A reasonable comment, excepting on other occasions I was subjected to negative judgements made by my immediate manager and the senior manager on situations where they were also not present and had no evidence of any wrongdoing on my part. That same manager

“delegated” the bully to put together a document to evidence my wrongdoing, despite my expressed concerns. The bully assumed an inflated sense of entitlement and undertook a range of actions to have me removed from my position. I was undermined in my position and responsibilities and my needs fell on deaf ears. I have had responsibilities removed from my position yet equivalent levels retain those same functions. Management, allegedly on the advice of human resources, allowed a document that contained name calling and accusations. Unsubstantiated personalised comments such as “domestic violence perpetrator”, “creepy”, “liar”, “abuse” were allowed at the same time as I was punished for saying I felt “degraded” and “humiliated” by the language used. This document was sent to me by email with no preamble at a time when I was experiencing severe depression and anxiety. The document was seen to be an attempt to “clarify” and “move forward”. This document had taken three (3) months to organise and it was another six (6) months before there was any “judgement”. The same manager was charged with the responsibility of investigating the matter.

The lack of a fair and equitable system means that bullies can make as many broad sweeping statements as they like. There is no imperative for this to be fact based and reasonable. More often than not it is reduced to personalised comments which are designed to intimidate and silence and are totally unrelated to the workplace, notwithstanding that they are totally fabricated.. Those doing the bullying can then choose not to participate in any system response and are not accountable in any way for what they say or write.

Essentially bullies are gutless and weak people who seek to attack others to make themselves seem powerful. In my opinion they often project their own inadequacies onto their victims. Despite this there is no redress for the victims of bullying who are left with deep and long lasting impacts from the experience of bullying. I did not do any of the things that I was accused of and although I made mistakes which I have readily acknowledged this appears to have not been enough. I have remained in the job to keep fighting this because I was so angered by the viciousness of the attack. However, the toll has been huge. It has affected my relationship with my children and contributed to a relationship breakdown. It has led me to not trust anyone. I have seven (7) months that I cannot account for and I suffer memory problems and panic attacks. I have enduring health issues from gaining over 27 kgs and PTSD. I was also experiencing toxically high blood pressure, sleeping 1.5 hours a night on average and was experiencing high anxiety resulting in periods of sobbing and distress. I was unable to attend work for over a month and had difficulty undertaking the most menial of tasks. I told my manager that I was experiencing health issues. However, the system abuse escalated. When I had a panic attack in front of the senior manager the comment made was “if this is the way it is going to be then we will cancel the meeting”. It seemed the knives were just plunged in a lot deeper. In my observation the system moves to “rid itself” of the problems, those individuals who refuse to accept abuse in any form.

I had and have no confidence to move to another job although I reached a point where I did not want to remain in the workplace. When I wrote an email saying goodbye (in my head I was walking out and never coming back) they made huge assumptions of the meaning in the email. There was no enquiry in regard to my state of wellness and this was another case of punishment meted out. Had I been suicidal at any level their lack of skill in addressing distress would have prompted me to act on it.

Throughout this process statements were made supporting their “duty of care” to “other” staff. There was no inclusion of me in this. My distress was at times overwhelming in the workplace and I spent many hours sobbing but it was never acknowledged, noticed or any support offered other than “you need to go and see someone”, said more as a tick box exercise than a meaningful and constructive support.

Over a five (5) year period I have tried to address the issues with management, human resources, the State Service Commissioner, internal and external advisory services on workplace bullying. Whilst some, including the anti-discrimination commission and the union were able to give advice, no one was able to provide the support that I needed against the juggernaut that was acting against me. Whilst the employee assistance scheme, a private psychologist and other external sources were very clear that this was workplace bullying, internally there has never been any acknowledgement or acceptance that it was despite the bully putting things in writing.

Respite only happened for me when I finally appealed to the CEO of the Department and handed him a selection of documents. My statement to him was “I believe I am being bullied and have been for some time. I believe that I have evidence that supports that claim”. Within two days, the way in which management were dealing with me had changed. Management have indicated since “we have done what we can” and “you need to move on”.

I wish I could. The bullying has left me with residual effects resulting in me feeling fearful and panicky most of the time. I do not consider myself to be a weak person or lacking in confidence. I also consider myself to be quite resilient. However, I am not sure I will ever completely recover from this experience.

In my opinion bullying is a growing issue in the workplace and much underrated in terms of its effects and its long lasting consequences. I would go as far as saying it is endemic in a number of workplaces.

My purpose in making this submission is to add my voice to the calls to address the problem. I believe that strengthening the processes to address bullying incidents and removing the potential for values to influence inquiries into incidents would be a start to addressing the issues. At present the onus is on the victim to prove incidents of bullying behaviour. The onus should be placed back onto the bully via a rigorous process to provide evidence to support claims. Independence and integrity of the process and individuals investigating such incidents is crucial and necessary to fairness.

It is my belief that workplace bullying is defined very clearly in most documents from Fair Work Australia, Reachout Australia and in legislation, policy and guidelines. Where workplace bullying is able to take hold is in situations where there is a lack of congruence between the rhetoric and the skills of those charged with stamping it out. This has led me to conclude

- Severe workplace bullying should be treated as a criminal offence.
- Antidiscrimination legislation should be strengthened to allow for the investigation of bullying. It is difficult to claim bullying as a discrimination based on narrow criteria such as gender or age.
- Pre-employment checks should specifically question any involvement in bullying behaviour in previous employment.
- Mechanisms for civil action when the workplace is unable to address the issues should also be an option. .
- Managers, as a basic skills, should be provided with training regarding the mechanisms of bullying and the impact of such behaviour in the workplace. An expectation that it is a responsibility “duty of care” of all should be a basic premise of any legislative changes.
- A campaign of community awareness could support an awareness raising to provide victims with a voice.

My experience of bullying pales into insignificance when compared to those who have taken their lives as a result of being bullied in workplaces which fail to recognise the severity of the damage being done by the behaviour of others. It is sad that like other forms of abuse of power victims are made to feel that they are responsible and subsequently unable to speak out.