

Terms of Reference

Workplace bullying can have a profound effect on all aspects of a person's health as well as their work and family life. It also has significant flow-on effects for the community and the economy, with the Productivity Commission estimating the total cost of workplace bullying in Australia at between \$6 billion and \$36 billion annually.

The terms of reference for the inquiry will focus on:

Initial Comments:

The reason you probably will not get as many replies to this problem that you should is that many people and staff who have experienced work place bullying would rather not revisit the experience again in their mind causing more anguish and frustration. It's easier to say well I'm not there anymore, so let somebody else learn to deal with the experience as I had to.

However maybe this may help to cause some change for the next poor bastards!!

I'm mainly discussing my 15 odd years experience in the Mining Industry, around 7 or 8 mine sites around WA, where despite all the window dressing and so called safety concerns bullying it is rife.

It all starts when most staff commence in the industry as a 'casual' through an employment agency.

You are meant to get permanent employment after 3 or so months but that's a joke –I have seen staff still employed as casuals some 18 months later and still very little chance of becoming permanent. The fact that you're not permanent saves the onsite employer lots in costs and responsibility. This is just a cop out from the Big Employers like Rio, BHP and others so they don't have the normal responsibilities to their permanent staff of holiday pay and the need to have legitimate reason to sack you without written warning etc. With casual staff they can, and do sack them without any reason, sometimes by SMS and also casuals' don't get paid if sick –even with a doctors certificate.

I am sure these big Cos are using a legal loophole to minimise their workplace responsibility and I say this as an employer most of my life, having had 5 businesses of my own.

These Cos pay I have heard upto \$40,000 per person to employment agencies(such as Chandler Macleod and Hays) who are affectively your short term employer. Do you think with that sort of money for jam that those employment agencies will support their supposed staff if BHP has an issue with them? Of course they don't. They run around and tody to their affective employer at your expense as their employee. And even when you know your right and the

employer on site is wrong –the employment agency will drop you as quickly as dead –and advertise for another Ginny pig to take your place.

This is the environment for casual staff where the bullying from some senior supervisors starts. As a casual employee you don't have a leg to stand on. You only have to be a bit older, perhaps they become threatened, perhaps you have a slight personality clash that you try desperately to minimize it doesn't matter!!

You may not just happen to fit their little mould that they require even though you have been passed out as competent and safe on all the equipment.

They stand between you and a substantial weekly wage of say 2K and they know that affectively gives them power!!

Some of the Senior supervisors are fine and good men, but when you are working 12 hour days and night shift everybody is very stretched psychologically and emotionally and one or two bad apples can make life very difficult. In fact they can and do make life bloody hell!!

As they say in the game “ just keep your head down” and be like a number on a conveyer belt and that gives them emotional hold on each shift of say 80 to 100 staff. You step

out of line and as they say –“you have a window seat” on the plane home.

Now I’m no whimp – I went to boarding school from age nine and a half. So there’s not much I haven’t seen, but I came back after 8 months at at and had a nervous breakdown. It took me weeks to stop worrying that I may have been doing something incorrectly. They ride you like a dog once they get it in for you –if you don’t fit their mould, they make life impossible.

And for the 2 weeks on they ride you like a hawk. Day and night shift –on the pit radio(in all vehicles) they use as a scare weapon –everybody wants to look the other way while they hassle you –cause their job maybe is in the balance too – no job security whatsoever.

Many people are off on stress leave and there are lots of stories told behind closed doors.

These same senior supervisors develop a “dobbing mentality” with selected friendly employees that are foolish enough to hope that will hold them in higher stead with these same senior supervisors who have complete right to hire and fire and hand out better jobs to friends. A chance of improvement or seniority or ability to drive a machine of your choice

This certainly applies if you can only drive a dump truck(where most people have to start at a production mine) If your more experienced and an “all rounder” and more useful to the onsite employer they may be more forgiving.

Just in case you think this is just my story a lovely female neighbour of mine in Geraldton(who worked in shearing teams for years –so she’s heard and seen it all) has just been sacked from a RIO Mine in the Pilbara after 3 or 4 months with health problems and is seeing a psychologist after similar problems of bullying.

- the prevalence of workplace bullying in Australia and the experience of victims of workplace bullying;

As mentioned above and I would like to give you some examples of just how they do bully staff. However unless you are aware of the procedure on a minesite the examples wouldn’t hit home to you.

But one night on night shift(I have the details in my diary) a 30 ton rock came out the side of a 50 ton face shove whilst I was been loaded and smashed onto the headboard of my truck.

It was a tremendous scary noise and I felt sure the head board was going to collapse on my truck cab in the instant it

happened and crush me. Fortunately it didn't but when I unloaded and reported the incident to the Senior Supervisor his first comment was, "where is your "take five" before enquiring about my health or anything else. Just so his but was covered in case of fall out.

- **the role of workplace cultures in preventing and responding to bullying and the capacity for workplace-based policies and procedures to influence the incidence and seriousness of workplace bullying;**

Well the problem is that these guys doing the bullying are the bosses with the right to hire and fire so they make their own laws up as they go along. It may be covert and in house and not obvious but it happens all the time. There's all the "window dressing" when you first come to a site and do your inductions about if you have any problems go and see this person. But this person is under their thumb as well. If you go and see them and report anything then they find out and make life hell or sack you for no specific reason anyway. So what the use??

- **the adequacy of existing education and support services to prevent and respond to workplace bullying and whether**

there are further opportunities to raise awareness of workplace bullying such as community forums;

There's no community forums. All this stuff is in house and nobody gets to find out about it unless you are there experiencing it. BHP would tell you but these Managers are sent away to all sorts of Management classes –but does a tiger change its spots??? Cause they don't, when they get back in their little pond it's all out the window and they do their own thing again. And who are you going to report these issues to?? Nobody will be prepared to support you because then their job is on the line. More senior Management has your word against there's – and guess what you're not even a permanent staff member!! So you have no rights as a casual against a Senior Manager who has been ensconced for 8 or 10 years. Many of these bullies know how to drive a dozer or loader in production mining – but have no Management skill/people skills at all. It's my way or the highway!!!

Look lets understand –there's some good supervisors and safety people there as well. But only a very few of them have seniority or influence over these bullies. They can see what happens and understand your concerns and identify with you but can personally do very little often. And after all they just want to do their job and go home too and not go out of their way to cause any waves. They just have more paperwork and

dramas to take on your case, as well as put themselves into a vulnerable position. They have to work with these guys too

- **whether the scope to improve coordination between governments, regulators, health service providers and other stakeholders to address and prevent workplace bullying;**

As above

- **whether there are regulatory, administrative or cross-jurisdictional and international legal and policy gaps that should be addressed in the interests of enhancing protection against and providing an early response to workplace bullying, including through appropriate complaint mechanisms;**

I mentioned above what can happen if you complain. But what needs to happen is get rid of this “casual work contracts” between the parties and give the employee some common decent rights. As a casual you don’t have ANY rights in the mining industry.

Surely if these claims were investigated completely I’m not even sure they would be legal to stand up in court. Where else in Australia do you not get paid when you are sick with a doctor’s certificate? You’re up there on site –it’s not as if you can go off partying!!

- **whether the existing regulatory frameworks provide a sufficient deterrent against workplace bullying;**
I'm not sure. You have to sign a work place contract. They have you by the balls. If you don't keep to your side of the contract they sack YOU AND SAY YOU ARE IN BREACH. But when they don't give you permanent employment after the required 3 months on site doing everything right, they say "you have NOT got the skills we are looking for. Then why do they keep you there for 8, 10, or 12 months or more???"
- **the most appropriate ways of ensuring bullying culture or behaviours' are not transferred from one workplace to another; and**
Many of these senior supervisors move around WA mine sites from one site to another or from one Company to another. Or they get entrenched at the Co that they have been with there on site for 8 or 10 years. Unlike us they are PERMANENT staff and can't be sacked.
- **Possible improvements to the national evidence base on workplace bullying.**

I hope this gives you a little idea of some of the bullying practices in the Mining Industry. I would like to give you

some more but am presently working 12 hour days a day up north (not in the Mining Industry)which doesn't give me much time for too much input.

If you would like to reply to me with any other specific questions you had or how else I can assist I would be happy to help.

I have also asked my clinical psychologist to read my above comments and add any comments she feels relevant from a professional point of view as I am her patient.

Eight months at at in the Goldfields caused me huge emotional / psychological problems which required professional help.

Thank you for the opportunity.

Yours faithfully,