

## House of Representatives Committee into Workplace Bullying

I would like to make a submission regarding my experience of bullying in the workplace in the . My intention in doing so is not to recite in detail the behaviour that I have been subjected to, for which I am still seeking redress. My aim is to make two suggestions to the Committee that may help to mitigate the effects of bullying in the APS.

I have worked at the and its forerunner, the , since 1985 in Canberra and in Melbourne. I have performed at a senior level over a long period in a demanding and high profile area of the organisation. I have had a record of high achievement and outstanding leadership of a large group during that time – this has been universally recognised by my staff, colleagues, and external stakeholders.

The bullying behaviour that I have been subjected to over a period of approximately two years has been very distressing to me. While there can never be a “valid” reason for this type of conduct by senior management against anyone, in my case there was no reason for it at all, apart from what appears to have been a capricious and mercurial assessment of me (definitely not evidence-based) by the former head of the agency. This had to be backed up by the senior management cohort, against their own assessments<sup>1</sup>.

It was made clear to me that it was the CEO, Mr , who had created this environment. It is instructive to note that when I suggested to a senior executive that I talk to Mr in order to try to mitigate the deleterious effects events were having on me, I was told that “no-one comes away happy from a meeting” with Mr ; I say this in the context that my “modus operandi” is to seek conciliation, and achieve outcomes that are the best for everyone involved.

The bullying conduct that I was subjected to included a physical and verbal assault on me by a deputy CEO (Mr , a Band 3 SES). It also included bullying conduct (verbally and by email) by the Band 2 head of Corporate Division (Ms ), and the Band 1 head of HR (Ms ). As someone who had cultivated a collegiate and supportive environment in my workplace as a senior manager<sup>2</sup>, this was a very confronting environment. It is no exaggeration to say that on a daily basis it was a struggle to get to my workplace, and a large amount of my energy was demanded in “getting through the day”. I say this as someone who had shown great resilience over a long period in a very demanding work environment.

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<sup>1</sup> This view was communicated to me by one of this cohort.

<sup>2</sup> I have extensive and comprehensive documentary evidence and references to substantiate this.

I witnessed similar bullying behaviour by these people against a number of other senior staff of the agency – diligent, highly performing officers. This was at the same time that Ms [redacted] was conducting a flurry of activity about “RESPECT” programs, “RUOK” days, and leadership programs. These are fine principles. However, it is not just that these principles have been honoured in the breach rather than the observance at senior levels at the [redacted]; it is that the behaviours of Mr [redacted] Ms [redacted] and her senior colleagues have been completely at odds with the principles that they have claimed to have been promoting.

## **Proposed reforms**

1. *Independent investigations*: I found myself in a situation where I complained to the then Chairman about the assault on me by the deputy CEO. An inquiry was commenced after a consultant was appointed as an “independent investigator” by the CEO. This consultant produced a report that was patently a very poor and inadequate one<sup>3</sup>, and I am currently seeking to have it reviewed by the Merit Protection Commissioner.

A number of experienced senior Canberra APS HR professionals have said to me that with “independent” consultants who do reviews of matters for agencies, there is a strong culture of coming up with conclusions that protect the agency. At one level, this is an obvious result - the agency is paying for the investigation, and it would be rational behaviour for the consultant to be mindful (even unconsciously) of the consequences of their findings on the flow of future work from the agency.

I would suggest that a more appropriate way of doing these investigations in a more transparently independent way is to break the nexus between the selection of the consultant and the payment of the consultant. That is to say, the agency would still be responsible for the payment for the consultant’s services, but selection would be done by the APSC from a panel approved and maintained by the APSC.

In proposing this, I am placing faith in the APSC as the upholder of APS values, a role that is entrusted to it under legislation. I am trusting that the APSC will want to have a transparent and honest assessment of complaints that are to be subjected to external review, and will not want to have findings weighted as a matter of course towards the management of the particular agency.

Clearly, a management-instigated “independent” inquiry has a vested interest in the result if there is a possible issue of misconduct by senior management of the agency. I would like to think that the APSC would be interested in getting to the truth of any misconduct claims, and that a consultant appointed by the APSC would feel more empowered to find that truth than would an agency-appointed one.

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<sup>3</sup> I realise that this is an assertion on my part, but the truth of the assertion is not critical to my suggestions here. I should say that, in my decision to seek redress against the findings of the investigator I sought “frank and fearless” advice from some experienced practitioners on the merits of the investigation and its findings, as I wanted to ensure that I had good grounds for challenging the findings. The advices I received were along the same lines, encapsulated by one senior APS practitioner who said it was “probably the worst report I have ever read”.

2. *SES performance pay*: There is a superficial appeal about the principle of SES officers having part of their remuneration in the form of performance pay; it suggests that rewards are linked to outcomes, and gives a sense that senior APS executives are akin to private sector senior executives.

However, in practice it can be a pernicious means of ensuring compliance by senior executives with dictates of the CEO which are not in accordance with APS principles.

In the \_\_\_\_\_, the CEO is not himself on a performance pay regime, and thus not subject to the “incentives” acting on those immediately below him, for whom performance pay constitutes a significant amount of their SES remuneration. In practice this is allocated in an arbitrary, non-transparent and non-reviewable way, even though there are broad guidelines and criteria set out.

The effect of this is that the senior management group has been compelled to carry through decisions and behaviours towards other senior staff which are, quite frankly, disgraceful.

It is my submission that the use of performance pay in the APS, at least in its present form as practised in the \_\_\_\_\_, should be reviewed. From an APS perspective, I would have thought that SES officers would be expected to perform at a high level anyway; the current system can have the effect of entrenching bad behaviour in the upper echelons of an agency.

Yours sincerely