

28 June 2012

Submission into workplace bullying.

This is my story and I would like to be heard about the bullying that I suffered for two years. I would like to remain anonymous please as my Workcover claim is still going to court.

I started at my dream job in 2010 and I was really happy to be with this local government organisation and thought I would end up working there until I retired. Boy was I wrong, within three weeks my new manager was bullying me.

She would not train me, she ignored me, isolated me and would talk to everyone in the office but me. She would request me to make up training manuals and then when I start doing them she questions why I am doing them as we are not ready for that yet. Telling me that I can't work within the flex time agreement like all the other staff, I was not allowed to leave before 5.15 when everyone else could leave earlier if they wanted.

10 Emails saying I have done something in the system I will show you later and never shown.

When I asked for specific training for my job from the software provider I was told 'no it wasn't in her budget'.

Singled out and questioned when I leave my desk to help staff. Wanting to know where I am and what I am doing when the others in my section can be gone for an hour or more and there are no questions asked. I had to email her specifically to tell her what I was doing where I was going and why.

Asked to train staff on a module that I had not had training on myself but had knowledge of the software. I found out a month later that there were procedures written but my manager neglected to tell me this. These procedure manuals were not up to date and I had to modify them. There were other system changes that were required but not all of the instructions were complete. I had not done this work before and was not sure of what I was doing. I asked my manager if she was going to be around to help me and she said she wasn't. She said that if I got stuck to email her while we were talking about this procedure she was modifying what needed to be done. I attempted to do the first step in the procedure and it wouldn't let me do what needed to be done. I showed another staff member what was happening and that I was worried about not being able to do it. She said not to worry it wasn't my fault and to email the manager which I did. I was then called to a meeting with my manager and reprimanded that I hadn't done the work required of me and that I should have logged a help desk call. I replied that I hadn't thought of it as I was stressed.

I received workflow emails saying that some requisitions had not been approved, this is normal for the production environment and I had never had an email for the test environment. When I queried my manager if there had been any changes to the system as I had received 21 emails that were escalated to me, she looked at me as though I didn't know what I was talking about. I said I would check the system. I checked the system and the orders were escalated to me but they had already been processed. I emailed one to my manager and later she told me it was from the test environment and that I should have checked this first. A copy of the production environment had been put over out test environment but no one had bothered to tell me. As I had never had an email from the test environment how would I know to check that? This is an example of how this manager was undermining my confidence and making me feel as though I could not do my job.

I was away from my desk preparing morning tea and when I went back to my desk my manager asked loudly and quite rudely where I had been and said that she didn't know where I was. My work colleague heard her speak to me and said later that he considered it to be bullying and that he would testify for me as to what he thought had conspired.

Asking me to write reports that can't be written and then when I say that I am working on the report she questions why I am working on it when it can't be written.

Asking me to organise a conference call with other councils and our software provider and then when we are to go into the conference meeting she decides to go to morning tea for a staff member and leaves myself and another work colleague to handle the call which was embarrassing when we didn't know what she wanted to talk about.

I started to lose my confidence and started second guessing myself. She would also ask me to complete complex computer implementation of specific software without the appropriate training. When I emailed her that I did not feel confident implementing something without the training I was raked over the coals and berated for talking to other councils about her, which was absolutely ridiculous. I used to hope I got hit by a car on my way home so I wouldn't have to go back to work. I trained myself as much as I could and tried to ignore the problem. I did report my concerns to the HR department and manager on numerous occasions but they were afraid of her as well so they did nothing. I then talked over my concerns with our Director and she did nothing as well. Even the person who sat next to me for three months told the Director and the HR department about my problem and still nothing was done.

I tried to talk to this woman to stop her behaviour but to no avail. I also insisted we have mediation. The first session of mediation was with the manager, the HR Manager and myself, that was the most harrowing time for me as the two of them ganged up on me. Then the HR Manager realised she wasn't qualified to conduct the mediation herself so a mediation company was paid to conduct the mediation. I also should have had a support person in the room with me. We had the mediation and an agreement was signed and the manager went on leave. Within three days of returning from leave she started bullying me again. I asked for a new chair as I was having trouble at work but she wouldn't let me because she said I hadn't followed procedure by talking to her first even though I was in pain. After two years I was really stressed and crying a lot at work. Then one day she called me in for a meeting and said she wanted to have a meeting with me but didn't want to tell me what it was about and that I should have a support person there. Before the meeting I was having heart palpitations but I went anyway. The manager then tried to berate me for things that other people

had done including what she had done. At the end of the meeting the note taker said it was a performance appraisal. I ended up going on stress leave and Workcover forms were completed and sent off to the insurers Allianz. I had two weeks off and was talked into coming back to work but not under my manager which I agreed to do.

Our Workcover support person was lovely and wanted the claim accepted but the Director wanted it investigated. So the investigation started. I was sent to see a psychologist for assessment. What a joke that was he spent as little as thirty minutes with me and then said he couldn't diagnose any condition. If he had done his job properly and done a proper assessment like my psychologist then he would have been able to diagnose me. Then I had to make a statement to an investigator so that my story would be heard. That was the biggest farce ever. He then went to everyone on my statement and got them to say that I couldn't do my job and that they referred me to my manager for training and help. So of course my claim was rejected. There was one person that made a statement that totally backed me but his statement was not sent to the insurer. At this stage I felt the only way someone would believe my bullying claim was if I committed suicide. I became even more stressed at being back at work and then the Director said I had to go back to reporting to my manager. I asked to be redeployed so that I didn't have to report to her. After asking for redeployment the HR Manager started saying to me that I was not prepared to do the job I was employed and tried to get me to resign. They wouldn't redeploy me and I went back on sick leave, but by this time I was out of sick leave and ended up using all of my annual leave. I went to the CEO by this stage as I felt that the Director and HR Manager were going to try to force me to resign even though I knew they couldn't make me I thought that the CEO who had made a speech about hating bullying and promising to stamp it out so I hoped he would do something. Well all he did was back them and bully me. I went to the conciliation conference for my Workcover claim and my Workcover assist representative was brilliant. He wanted the employer to provide the forms that were supposed to be filled out before a performance appraisal to prove their case. They didn't have it as the manager didn't tell me prior to the meeting that it was a performance appraisal. He also said that it was bullying.

I have been to see a psychologist and he has diagnosed me with a high level of anxiety and adjustment disorder. Whilst waiting for conciliation the CEO had been hassling me and trying to get me to resign and sign a confidentiality agreement saying they did nothing wrong. What a joke, if they did nothing wrong, why are they trying to pay me off.

After I went to the conciliation meeting and I was not offered anything ongoing towards my care by the insurance company my solicitor got in contact with the conciliation officer and asked for a certificate of genuine dispute. After about two weeks of waiting I rang him to ask where the certificate was and he said that he was waiting on the insurance company to get back to him as he had asked them to overturn my case as he believed me and what was said at conciliation. Unfortunately they wouldn't overturn the case. So I have my certificate of genuine dispute and my lawyer has issued proceedings in the Magistrates court.

My employer has now terminated my employment which I believe is illegal and now this is going to Fair Work Australia for investigation into unfair dismissal. In all of this time I haven't been paid and I have had to pay all of my medical expenses myself.

How bullying affected my work

- be less active or successful
- be less confident in my work
- feel scared, stressed, anxious or depressed
- have your life outside of work affected, e.g. study, relationships
- want to stay away from work
- feel like you can't trust my employer or the people who I work with
- lack confidence and happiness about myself and my work
- have physical signs of stress like headaches, backaches, sleep problems, neck pain

What did bullying from this manager look like?

- excluding me or stopping me from working with people or taking part in activities that relates to my work
- playing mind games, ganging up on me, or other types of psychological harassment
- intimidation (making me feel less important and undervalued)
- giving me impossible jobs that can't be done in the given time or with the resources provided
- deliberately holding back information I need for getting your work done properly

There are other staff members who are being bullied within this organisation that I know of but they are unwilling to come forward because they know they will be sacked like I was.

There are also two people that I have heard about that worked for this organisation that ended up committing suicide because of the bullying they received.

I followed the procedures that were written within this organisation and nothing changed.

I went to the appropriate people in authority within the organisation and was ignored.

All I wanted was for the bullying to stop so that I could do my work in peace but no one would help me.

I went to Worksafe but they didn't investigate properly. How can an investigation be done where the statements that they received were nothing to do with the bullying that I had received. It was ridiculous. The manager of the Worksafe investigator that investigated my case bullied me on the phone and kept insisting that as my manager had not yelled at me it was not bullying. The only ones who can investigate are properly trained investigators like police officers. They have the experience of interviewing witness and checking evidence and they are the only ones I believe that should be carrying out this exercise.

All victims need an advocate so that they can be heard and believed and also they could be put in contact with the right people to help them.

Our occupational health and safety officer could not even help me with this manager.

Yours sincerely

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

In my local government council (where I worked) the bullying is prevalent, but everyone is too afraid to report it as they will lose their job. This is what happened to me. There was a manager who was bullied by her director and when she reported it and went onto workcover they paid her out like they tried to pay me out. I refused to sign their without prejudice agreement that said that they did nothing wrong. To me they failed in their duty of care for me and many others like me.

There is a woman in one department that her manager has not spoken to her for five years even though he walks past her desk every morning. There was another woman in the department directly reporting to the CEO that was being bullied and when she went to HR they put her on as a temp worker with no prospect of another position, luckily for her she managed to obtain another position within the organisation. There is a man in the payroll department that his manager doesn't talk to him when the other payroll employee is on annual leave even though this man has to complete the payroll on his own. You would think that the manager would make sure he was managing all right. There are two potential suicides due to bullying that I have heard about as well.

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;

In my case I reported my manager was bullying me constantly to my HR department and they did nothing I also spoke to the HR Manager on numerous occasions and still nothing happened I also reported this to my Director who also did nothing. When I complained to my CEO he said that there was no bullying and because after 15 months of bullying we had a mediation meeting that they had done everything that was need to stop the bullying. The bullying continued until I had had enough and was having heart palpitations before a supposed performance appraisal meeting (that I didn't know it was one until the end of the meeting) when I went home after that and my doctor put me on stress leave. Workcover then were asked to investigate the issue. What a farce that was, it was a witch hunt on whether I could do my job not the treatment that I had endured with this manager. My claim was then rejected by the insurance company, I then went to conciliation and the conciliation officer asked the insurance company to overturn the decision as he could see that I had a strong case to support my claim but they wouldn't. I am now taking this to court. The problem I have now is that my employer has terminated my employment which is not right. I am the victim. I was the one who was bullied yet I lose a job that I loved.

I followed the workplace policies to the letter. I confronted this manager nothing changed. I went to the Director, nothing changed. I went to the HR manager, nothing changed. I had mediation, nothing changed. These types of people should never be placed in charge of staff, especially this particular manager who is renowned for telling staff that they have done something wrong even though they hadn't. All the policies and this particular organisation do is protecting the bullies.

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;

What we need is an independent bullying advocate to actually have the power to go into workplaces and talk to all staff confidentially and get as much evidence on what is going on there and make sure there are no repercussions on the staff for talking to the advocate. Then this advocate can talk to the appropriate CEO or Directors and make sure the staff are looked after and treated fairly. The problem is that bullying comes in many different forms and we need to make people aware of what it is and how it affects people. I felt that the only way anyone would believe me would have been if I committed suicide.

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

Maybe you should implement what they did with child abuse and make it mandatory reporting. My doctor had documented all of my problems when I was there on numerous occasions and if there had been mandatory reporting maybe the bully would not have gotten away with it for so long that it affected my health.

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;

With my particular problem I went to Worksafe and reported my bullying, but they investigated my case based on the lies that were manipulated against me from the insurance companies investigation. They also regarded training of this particular manager as addressing the problem of her behaviour. The training did nothing. This woman had no intention of changing her ways. I also had mediation with her and when she got back from leave she went all out to get me for any little misdemeanour. The problem was that she tried to berate me for things that she had done and I ended up going on stress leave. The law should also look at when someone says they are being bullied but have no proof shouldn't their word count for something. All this so called evidence that you need to go to court is why people don't report it, sometimes you cant get the evidence when the person is talking to you without witnesses which is what my manager used to do.

Whether the existing regulatory frameworks provide a sufficient deterrent against workplace bullying;

The existing Worksafe system is a joke. I reported my bullying to Worksafe and they did an investigation based on the insurance company's investigation which was biased towards the bully and the employer. They came out to my place of employment and supposedly did an investigation but nothing was done as the "manager" had done some training courses on how to deal with staff and we had mediation. These courses and the mediation made no difference to the way I was treated by this woman. How can an investigation be done properly when Worksafe didn't even come out to see me. Unfortunately Worksafe are known as a toothless tiger and the other problem is that they need hard evidence which is sometimes impossible to get when you have people who are very good at getting away with bullying and the culture is to protect the bully.