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*“It can happen  
to anyone at any  
time”*

APESMA submission to the House of Representatives Standing Committee on  
Education and Employment’s inquiry into workplace bullying

The Association of  
Professional Engineers,  
Scientists and Managers,  
Australia



## ***Introduction***

It is with pleasure that we take the opportunity to make a submission to the inquiry into workplace bullying on behalf of the some 23,000 members of the Association of Professional Engineers, Scientists and Managers, Australia (APESMA).

While issues of bullying of children and blue collar workers is relatively well known, professionals are also frequently subjected to bullying in their workplaces.

For example nearly five per cent of respondents to a recent APESMA survey reported being subjected to or witnessing acts of violence in their workplace.

It is APESMA's experience that workplace bullying can be found in all employment situations both among blue collar employees and among professionals that comprise our membership. In fact a survey conducted by APESMA in 2009 found that of the women surveyed:

- nearly 40 per cent said they had been bullied in the workplace;
- 38 per cent reported being discriminated against; and
- nearly 20 per cent said they had been sexually harassed.

This APESMA submission to the House Standing Committee on Education and Employment's inquiry into workplace bullying largely comprises a survey of our 351 APESMA members who volunteered to provide their experience of bullying at their workplaces.

This survey revealed disturbing accounts of the prevalence, type, impact of and response to the bullying of professionals in Australian workplaces.

While any level of bullying of anyone is

unacceptable it is clear that much more needs to be done to ensure the victims of bullying have clearer avenues to resolve the situation including establishing clearer legal processes and ensuring the leaders of organisations embark on genuine attempts to end the culture of bullying.

We also felt it was important to include some of the words of some of our members who can convey to the committee their deep and personal insights into the damage that bullying can cause and the often frustrating experiences many victims find when trying to resolve it much better than mere survey results can provide.

## ***Survey methodology***

This survey was sent to APESMA members via their regular fortnightly eNews inviting them to submit their experience of workplace bullying whether they had experienced it or not.

351 members responded to our survey from the following professions:

- Engineers (46.6 per cent)
- Scientists (12.9 per cent)
- Managers (12 per cent)
- IT professionals (8.6 per cent)
- Pharmacists (2 per cent)
- Other (18 per cent)

The average age of respondents was 46 years.

Largely reflecting the APESMA membership 76 per cent of respondents were male. There were respondents from every state and territory and 31.9 per cent of respondents lived outside their capital city.

## **Prevalence and types of bullying of professionals**

While many people might assume that professionals are not commonly subjected to bullying in the workplace a staggering 75.2 per cent of respondents said they had been bullied while in their current profession.

There appears to be a worrying diversity about the types of bullying common in workplaces where APESMA members work with respondents reporting either witnessing or experiencing the following types of bullying:

- Yelling (49.7 per cent)
- Swearing (39.1 per cent)
- Ignoring (62.5 per cent)
- Exclusion (70.3 per cent)
- Humiliation in front of peers (45.3 per cent)
- Unfair expectations (66.6 per cent)
- Cyber bullying (3.8 per cent)
- Threats of being dismissed (36.6 per cent)
- Racial discrimination (14.4 per cent)
- Sexual discrimination (13.4 per cent)
- Threats of violence (12.2 per cent)
- Acts of violence (4.7 per cent)
- Sexual assault (0.6 per cent)

While exclusion and being set unfair expectations were the most common forms of bullying it is particularly worrying that professionals are subjected to or witnessed more extreme types of bullying including acts of violence.

*“My experience of work place bullying occurred in a previous work place. It resulted in the destruction of my professional career and a 3 year period of clinical depression, which I am only now starting to recover from.”*

“It is an insidious blight on modern corporate life. It has a ripple effect, resulting in increased sick leave, issues with depression and other illnesses, unnecessary stress, and reduced productivity.”

*“Being abused by my supervisor for pointing out that the proposal paper he had written would not meet the requirements of statutory regulations and necessary safety requirements.”*

*“Bullies at school end up being bullies in the work place. Quite often unskilled managers (I’m the boss types) will use their positional power to intimidate and bully indiscriminately for their own career gains, and we wonder why manufacturing is screwed in Australia. My membership of APESMA is a direct result of work place harassment and bullying.”*

**“Verbal abuse, e.g. swearing and derogatory comments, deliberately withholding information necessary to perform work, unfounded persistent criticism, exclusion from core responsibilities and repeated threats to terminate”**

*“I have worked for four local authorities in the past 15 years and have experienced bullying in three of the four authorities.”*

“I felt micromanaged and that I work in a guilty until proven innocent environment. My social life/home life was non-existent. I don’t relax as I worried about going into that work environment, I often vomit over being in that environment and feel sick in the guts all the time, it’s bracing myself to ‘wonder what they’ll pull me up for today’... This in turned has exasperated my anxiety condition and caused me to become very depressed.”

"As a manager I was bullied by the CEO, I felt I had nowhere to go. I did understand that I could take legal action but as a member of a fairly small community I was concerned that I would not get another job. Whistleblowers don't prosper and I was ashamed, I told my CEO that I felt like a battered wife - that somehow it must have been my fault or I deserved it. I resigned after 3 years of hell."

*"It is difficult to handle, until you get the perspective it's not about you but the manager's issues. The organisation supports the manager and you're on your own, except for great support from APESMA and other workers"*

"Whether you report it or not - as a victim you get punished. If I ever get bullied again I will just quit rather than trying to work through it, as there is a complete lack of support for the victim."

"During 20 years of experience as a female Professional Engineer in Australia in 6 different organisations, I have experienced bullying in 5 of these workplaces. In all cases the bullying was initiated and perpetrated by Senior Management and HR management in particular with the intention to force me to resign without any compensation. In every case Senior management did not acknowledge my legitimate complaints and actively pursued their unlawful actions against me. In two of the worst cases, I was assisted by APESMA to obtain my rightful "redundancy" payments. However, Senior management never admitted to their blatant actions or apologised."

### **Who did they report it to?**

Of the respondents who said they had been bullied 52.2 per cent said they had reported it.

When prompted these respondents said they reported it to the following authorities:

- Their organisation's management (50 per cent)
- Their union (11.9 per cent)
- Their organisation's organisation's HR department (26.7 per cent)
- Their state's workers' compensation authority - such as WorkSafe (1.7 per cent)
- Police (0 per cent)
- Australian Human Rights Commission (1 per cent)

In addition to these answers two respondents said they had reported the matter to their local Member of Parliament.

Separate to the findings of this survey during the past 12 months APESMA's Workplace Advice and Support team assisted 70 members with complaints about being subjected to bullying.

We also assisted 21 members who had asked for assistance when a bullying allegation had been made against them.

Many respondents to the survey reported that they didn't think they had anywhere they could turn to for advice and support.

## ***Likely action if professionals were bullied in the future***

It is highly worrying that 8.9 per cent of respondents said it was highly likely that they would not report any kind of bullying they might experience in the future.

These members appear to believe that any action they took against a workplace bully would not be worthwhile, effectively allowing the bully to get away with it.

Of those that said they would report it the majority said they would report it to one of the following:

- 110 said they would reported to the organisation's management,
- 66 said they would report it to their Human Resources Department and
- 47 said they would report it to APESMA.

Some of the other responses including talking to their family or friends, the police, Fair Work Australia or going to the press.

Some members commented that they would report the matter to multiple sources in the hope of resolving the situation – most commonly APESMA, their management and their HR department.

Some members commented that they did not believe that management would take appropriate action. Many members gave examples where they reported the matter and regretted doing so.

***“Little use reporting it, only ever referred back to the perpetrator to deal with it. I have been held up as being difficult and a troublemaker when I have reported it. Its more humiliating to report it.”***

“(if i were to be bullied) I would like to be kept anonymous to avoid any side effects back on me, so I would seek assistance from outside my employer such as APESMA.”

“Absolute waste of time reporting within the organisation. The HR immediately jumped to the defence of the manager in question, and the particular perpetrator has protection higher up in the organisation.”

***“I believe that I would take the matter externally and let the legal system drive my case. Internal protocols and procedures are ignored.”***

“...generically it would be to someone in a position of authority rather than to the bully's superior because, from my experience, that person would either be accepting or in denial of the bully's behaviour.”

*“Tried this before to my present management and got nowhere. They are too close and scared of the bully”*

### **Witnessing bullying in the workplace**

84.7 per cent of respondents said they had witnessed bullying in the workplace.

Of these only 38.2 per cent of respondents reported the matter to the following organisations:

- Their organisation's management (69.6 per cent)
- Their union (5.4 per cent)
- Their organisation's HR department (17.4 per cent)
- Police (2.2 per cent)
- Other (5.4 per cent)

*“Operating in the Engineering Profession, the fact that one's first allegiance must be to the profession and its ethical standards (Code of practice), is not always understood, particularly by non-engineers from 'softer' academic disciplines where consequences of misjudgement or error are insignificant or minor... I have not personally experienced these impacts, but in mentoring more junior engineers, I urge them to be vigilant in recognising the sort of actions that might serve to denigrate the profession to a level subservient to other professions less exposed to litigation for instance, as a result of being complicit in 'bending' to ill-informed or political pressure.”*

*“A female staff member was bullied by a male supervisor newly transferred to the team. The bullying was persistent and personal and the female staff member complained to the manager and HR department. The HR department was reluctant to take a formal complaint even after an extended interview during which the female staff member was very upset about all the issues which had occurred. The HR team indicated that the initial interview during which they had taken no notes was not part of the complaint process and that further extended interviews would be required to make an official complaint. After this occurred, it was later found out that the male supervisor in his previous role at another workplace in the same organisation had an ongoing history of bullying many staff members with threats of violence, threats of having people sacked and had on a number of occasions made male staff members cry.”*

### ***Bullying of professionals by management***

82.6 per cent of respondents said they had either witnessed or had been subjected to bullying by a manager or senior staff member in their organisation.

Given the nature of APESMA's membership some members reported that they report to the most senior employee in their organisation and struggled to know how to appropriately report any bullying by their manager.

“Not sure - since bullying is usually from management, who do you report it to?”

*“As I report to the general manager I would definitely report it to him if the bullying came from a Mayor or councillor. If from the GM, I do not know what I could do other than confront him or leave.”*

“As a senior manager the bullying that I've experienced has generally been from Directors and in one instance a CEO.”

*“With over 30 years professional experience in 10 different organisations I have found that the main source of bullying is actually from Senior management, especially Human Resources management. From my personal experience it is pointless to complain to the HR Department because they will always act against the employee despite issuing Policies against such action.”*

“It is a problem when the Chief Executive is the chief bully.”

## **Response of management to bullying complaints**

65.2 per cent of respondents said that they were aware that management had been notified of bullying at their workplace.

However 43.5 per cent of these respondents said that management had taken no action on these bullying allegations.

Of those that were aware that management had taken some sort of action, 65.8 per cent of respondents had said that bullying had continued to take place at that workplace, suggesting that the action that management took had not had the desired effect across the organisation generally.

Accordingly 73.6 per cent of respondents said they were not satisfied with the action that management had taken in response to bullying complaints.

*“I have complained to management about being bullied and they say that we cannot change him and that I have to adjust. When I react to him I get told off by my management. They do not stick up for me.”*

“The manner in which complaints are addressed rely on the ability and sensitivity of the individual given the duty to resolve the matter. Policies only work well when the organisation is well equipped with empathetic staff to manage these incidents to ensure that the victim of bullying is not made to feel that they are the instigator of what has happened to them and that there is a culture of support to ALL personnel, regardless of whom is being bullied.”

*“I was subjected to physical intimidation by a male colleague. This was reported to our HR section. Instead of punishing the bully, my organisation believed that my questioning my colleague provoked him and caused him to react. They sent me to a counselling session and the counsellor couldn't believe the action my organisation took (as I clearly was the victim)! The bully then went on to punch a male work colleague in the office at after work drinks but no-one reported it. The bully finally left the organisation. I got an unofficial apology from one senior executive at my organisation who acknowledged that the bully was not dealt with appropriately.”*

“Bullying is a very common workplace phenomenon. People are afraid to report because of possible negative repercussions for the victim. The main reason is that the work culture encourages bullying if the perpetrator is delivering, even at the cost of people's suffering. This is a kind of a trade-off from the management's perspective and at times it is ignored. This is not fair to the employees as it is too heavy a price even if it helps to achieve short term goals with improved bottom line.”

*“Bullies beget bullies. The behaviour is more likely to occur in organisational structures downstream of bullies so, if the CEO is a bully, it is likely to be rife across an organisation. If a downstream manager is a bully, then it is more likely to be tolerated or supported within their unit.”*



*“My company does not have a bullying policy, yet they employ 1500 or more people. The word ‘bullying’ does not appear in (or workplace’s) policy. I think they are protecting the bullies because they are scared of losing productivity if they stop overloading people and putting them under pressure.”*

### **Awareness of organisation’s bullying policies**

67.9 per cent of respondents reported that their organisation had a bullying policy however 15.7 per cent said their organisation had no policy on workplace bullying and 16.4 per cent said they weren’t sure.

“I believe that my work doesn’t have a bullying policy because they are scared that it exposes a little of the bully in themselves. Even their Health and Safety policy has a section on employee welfare and talk about mental health as it is the employees problem. Yet management are the ones loading people with unreal workloads ( I work nearly 50 hrs per week and get paid for 37.5 hrs and this is not untypical of team leader and above) and management are the ones that close ranks and support the bullies.”

“My workplace has put together ‘Respectful Workplace’ training sessions for managers and staff, but putting it into practice is another matter... I personally have decided life is too short to put up with the bull\*\*\*\* anymore - I just do my work, get paid, go home - care factor zero. I now go out of my way to annoy these senior staff members and “work to rule”. As for other staff that I work with, stress in work unit has led to staff developing blood pressure issues and sick/stress leave issues. It has got to the stage where senior staff will talk about these staff along the lines of “if I say something to her she will break out in tears and then go off on leave”... then they won’t communicate at all with that staff member. It is not very nice to work in a situation where everyone is tense, it is bad enough that we are busy all day long without having to put up with that too. Quite frankly, myself and other staff are actively seeking other prospective employment to remove ourselves from this situation and if we go then they will be very sorry as they will lose people who know how to do the job and know what they are doing.”

*“The workplace bullying policy is merely rhetoric. The reality is there is a culture of bullying and marginalising those who are perceived a threat to a manager’s own position / inadequacies as a manager (perhaps a legacy of short term contracts and insecurities). Org policy merely drives the bullying underground. It is very hard to prove one on one bullying with no witnesses or emails and when recordings of the events are made these are deemed illegal and inadmissible. Managers are usually smart people so their methods are also smart. It is also very depressing and stressful to see the bullies get away with it and indeed PROMOTED even after it is brought to executive management’s attention. They seem to be rewarded. Bullying is worse at Management / Senior Management level than at the coal face.”*

## **Recommendations**

Organisations like APESMA are often limited in the action we can take even if we were able to obtain evidence of unlawful conduct.

Currently employees are generally confined to making internal complaints regarding bullying behaviours within the workplace unless the behaviours result in injuries that fall within the jurisdiction of Occupational Health and Safety / WorkCover / Accident Compensation tribunals (or in Victoria the criminal jurisdiction).

Therefore we recommend as follows:

- that the Fair Work Act 2009 (Cth) (the Act) be amended to make provision for bullied employees and workplace participants to institute legal proceedings against their employers (and if appropriate against the perpetrators) for failing to provide them with a workplace free from bullying behaviours;
- the process should mirror the current litigation process for Adverse Action and General Protection claims, ie an application to be made to Fair Work Australia in the first instance where the parties are required to attend a conciliation conference, and if the matter remains unresolved, the applicant will be required to issue proceedings in either the Federal Magistrates or the Federal Court;
- 'bullying' to be clearly defined in the Act, with genuine and reasonable behaviours and actions taken by managers to performance manage employees to be specifically excluded;
- In instances where an employee has been found to have been bullied, orders for compensation can be made that take into account the economic losses, pain and suffering, physical and mental injury and humiliation suffered by the employee as the result of the bullying behaviours.

Providing avenues for employees to issue proceedings against their employers for the bullying behaviours of colleagues is unlikely to result in all affected employees taking legal action. The requirement for employees to issue a Court application to obtain orders that a claim is substantiated and compensation awarded will be a disincentive for all but the most significant and serious claims. This is because the legal costs involved in each court application will make them prohibitive.

The real value of the amendments to the Act will be the incentive for employers to implement and publicise workplace bullying policies, provide training to employees in what constitutes bullying behaviour, inform employees how to lodge a formal complaint of workplace bullying and harassment (i.e. where to go to lodge it, with whom and how) and to investigate and treat claims of workplace bullying seriously. APESMA also calls on the Australian government to conduct an education campaign to help bullying victims and perpetrators find help.