

## One salaried medical officer's response to workplace bullying

- Anon



Some years ago I was part of a medical workforce undergoing structural changes facilitated by a new manager. Several days after defending a colleague from what appeared to be unreasonable criticisms I was surprised to learn my manager had launched disciplinary action against me for an unrelated matter. It soon became apparent we were being subjected to an aggressive, destabilising management style.

We tried the usual avenues via union representatives to raise concerns. This only triggered responses describing us as "paranoid". I was singled-out as "undeniably vindictive" and a "troublemaker" by a senior manager I had never met or spoken to. This "report" to the CEO demanded I be put before proceedings that were considered illegal by my union representative and it was almost a year before these proceedings were withdrawn. Just when the dust settled I was subjected to a second round of unwarranted disciplinary action. The investigator assured me he could not make any adverse findings but when I learned that his manager had subsequently invited him to "modify" his findings I realised I had to find new ways of addressing and eliminating bullying and harassment from my workplace.

I surfed the net and spoke to unionists, lawyers and architects of various anti-bullying policies. It became apparent that bullying and harassment was endemic in hierarchical systems and the best advice was to simply move to greener pastures. I decided I might learn more by staying and becoming an agent for positive change. To better protect myself from tiers of management

that had supported inappropriate disciplinary actions I managed to be elected as a representative on the OH&S Committee.

I made numerous notifications to the CEO of my Area Health Service advising him of my concerns of ongoing foreseeable risks to the psychological wellbeing of staff within my workplace. In my emailed communications I invited the CEO to conduct relevant OH&S risk assessments to ensure all risks to health and safety could be addressed, minimised and/or eliminated. These requests were politely received but never acted upon in the manner I requested, creating a paper trail of recurrent notifications and resultant inactions that made the wider organisation and the CEO appear grossly negligent.

I chose this course after becoming aware of various provisions within the NSW OH&S Act and Regulation which states (Part 1, 3 Objects) the employer must:

“ensure that risks to health and safety at a place of work are identified, assessed and eliminated or controlled;”

“promote a safe and healthy work environment for people at work that protects them from injury and illness and that is adapted to their physiological and psychological needs;”

“protect people at a place of work against risks to health or safety arising out of the activities of persons at work”.

The OH&S Regulation states in Section 9 the employer should identify hazards:

(1) An employer must take reasonable care to identify any foreseeable

hazard that may arise from the conduct of the employer’s undertaking and that has the potential to harm the health or safety of:

- (a) any employee of the employer, or
- (b) any other person legally at the employer’s place of work, or both.

(2) In particular (and without limiting the generality of subclause (1)), the employer must take reasonable care to identify hazards arising from:

- (a) the work premises, and
- (b) work practices, work systems and shift working arrangements (including hazardous processes, **psychological hazards** and fatigue-related hazards).

The Act specifically states in Section 23:

An employer must not dismiss an employee, injure an employee in his or her employment or alter an employee’s position to his or her detriment because the employee:

- (a) makes a complaint about a workplace matter that the employee considers is not safe or is a risk to health.

I stated I was fulfilling my employee-designated responsibility to report potential workplace hazards to allow my employer ample opportunity to address, minimise or eliminate these risks. I reported to the CEO my concerns over behaviours possibly causing psychological damage in my workplace.

The CEO suggested certain actions, which I could not agree to, even though I was aware that the Act requires employees to comply with the employer’s direction. In my view

I could not be expected to cooperate in proceedings proposed by the CEO that might cause me further harm or injury such as lodging my concerns as part of a formal grievance. I was advised this was heavily biased against complainants and not considered appropriate in cases of serious bullying and harassment.

I made it clear I could only provide full information to someone who was well qualified and widely recognised as an expert in the assessment and correct identification of all forms of overt and covert workplace bullying. This arrangement was never provided by the CEO who finally implemented a series of educational sessions on bullying and harassment throughout the hospital.

At the same time I wrote a series of questions about workplace bullying, hoping to develop a survey instrument capable of gauging the level of and attitudes toward workplace bullying. This was widely circulated amongst all levels of staff during its ‘development’, asking for feedback to improve the quality of questions so it may be eligible for a ‘Quality Award’ if implemented.

Five years later, bullying and harassment seems to have largely disappeared from my workplace and the two main bullying managers moved on. If bullying were ever to return it would require a new round of OHS notifications to the CEO asking for relevant risk assessments and resurrecting the survey to recirculate and update it. The irony is that the ‘draft’ version of this survey had so much exposure it never needed to be implemented.

*Opinion piece.*