

# My Experience with the 'Victorian Public Sector Justice System'

My 8-year experience, including a 2-year bullying investigation, exposes how bureaucrats and politicians protect each other under the guise of confidentiality, disregarding human rights and public sector ethics.



## **My Story**

At 65 years of age, and after a 40 year career with a large Victorian government department, I moved into a new unit and ,unfortunately, a bullying environment. Within a few years working in that unit I needed to go on sick leave. I also submitted a bullying complaint against two officers.

"We take bullying most seriously" the department often told me.

In this account I describe my experience over six years of seeking answers as to why I was medically terminated without being able to complete the bullying investigation. And the six years does not include the two prior year, before my medical termination. Because it wasn't just the situation with the department that is problematical, it was what happened after my medical termination, when I 'fell down' what I call the 'public sector justice rabbit hole'. And this is my description of my experience and fervent hope that no other Victorian public servant relies on this 'justice system'.

What happened in my case was that my departmental employer terminated my employment right in the middle of the bullying investigation. This immediately killed off my bullying investigation. I was left with a departmental report on bullying, chock full of inaccuracies and mistruths, to which I was unable to respond (no longer being a departmental employee).

And I was very eager to respond, because I had all the evidence I needed to show that the report was full of lies.

As I progressed from one public service appeal body to the next, it was confirmed to me that the department had "not given me a fair avenue of redress" because one of the two bullying review officers was not aware that I had a concurrent incapacity review. That, if she had known, she would immediately have advised me to submit my documentation before I was medically terminated. That was a lie, because I had notified one of the two bullying review officer of my medical incapacity process, and the information was set out in the handover documents to the second bullying review officer. In fact, I had notified every departmental officer involved about my concurrent processes.

### **The Bureaucrats and Politicians' Arguments Put Forward to Support Each Other**

I provide here a composite summary of what these functionaries argued as I progressed along the conveyor belt of their 'justice system'.

It should be noted that all these bodies, the Victorian Public Sector Commission (VPSC) ,the Victorian Ombudsman (VO), the Victorian Inspectorate (VI) and the Parliamentary Integrity and Oversight Committee (IOC) give numerous statements wherein they support public service values and behaviours. They produce documents stating how much they are dedicated to highlighting poor public service administration. You can judge them on how they act in reality here in my case.

As for showing one iota of understanding or empathy towards me? None at all. Whilst still employed by the department not one person ever rang me to check on my welfare. All my psychologist's suggestions to them were ignored.

And also from the long list of bureaucrats and politicians I submitted reports to - the same reaction. Zero empathy or concern. They acted as if they might if they had been examining some by-laws on rubbish disposal.

In this document below, I describe how they threw out my concerns on how the bullying inhibited my work producing Victoria's contribution to national statistics. Instead of finding my concerns something they should follow up, they rolled out a list of reasons why it was "too long ago". They actually had the gall to criticise me for "waiting 6 years" when the bureaucrats only needed a 1 year window to examine the issue by their legislation. It wouldn't have been 6 years if functionaries in the VI hadn't spent two and a half years examining my case.

Another 'lowlight' was the withholding of the report on my bullying for 6 weeks, then trying to argue that I hadn't met the 28 day review timeline. Unfortunately my telepathy skills were not up to the task.

The headings, bolded and in italics below, are some of the arguments these people confronted me with. Whilst the headings are not the actual words they used, they give the general sense of the functionaries' arguments.

### **"You Suffered Bullying Behaviour Because of Your Performance Issues".**

This was what my former unit manager told the departmental investigator. I was a 40 year veteran of the department, in my mid 60's, working part time and close to retirement. I had an excellent work record, including working 24 years on producing Victoria's national public hospital statistics. I had been commended by a former Minister for my work. But now here I was being told that I had performance issues in a bullying review brought on by myself.

My immediate supervisor (one of the named bullies) gave the investigator a shopping list of how she had to closely monitor all my work. However there was a problem. Shortly before, she had put her signature to my last performance review which graded me as "satisfactory" on all key criteria.

So when the unit manager told the investigator that I had 'performance issues', it was a lie. Anyway, is bullying ever an approach to remedy a performance issue? The departmental investigator never seemed to ask why you would do this.

You would have expected an investigator to ask for evidence of my poor performance. A public servant in this situation I was in, should have numerous minuted meetings where their performance was monitored. The investigator didn't ask for that evidence. And there was nothing, because the whole claim was a fabrication.

**"You Were Medically Terminated and Not Warned About the Effect on Your Bullying Process Because the Department's Bullying Review Officer Didn't Know about Your Incapacity Process".**

This was the claim of the department and happily accepted by the VPSC bureaucrats. There were two bullying review officers. I emailed the first one about my parallel incapacity process 3 weeks before termination, but, according to the department and their willing collaborators, the VPSC, the second bullying review officer was ignorant of that.

This is where it gets weird. The VPSC set about contorting the facts. So, according to them, a number of things happened : the first bullying review officer didn't tell her co-worker "for some reason"; the VPSC also said I had failed to "educate" her (the first bullying review officer) about the effect of medical termination on my bullying process. Not surprising, as I didn't know about it myself. Nor was that my job to do so.

So, hallelujah, my telling the people involved "didn't really happen" according to the VPSC.

But, wait, my emailed words to the first bullying review officer were embedded in the handover documents to the second bullying review officer. Ah, I had the proof I needed!

No, the VPSC explained to me, my words were "too low down" in the handover email chain for her to see.

To end up with the conclusion that the departmental bullying reviewers did not know of my concurrent incapacity process, the VPSC had to *build an alternative reality*. And the politicians had no concern about this because (they argued) the VPSC investigation had happened, and that's all that was needed, In other words, the VPSC report doesn't need to be examined at all for truthfulness. They are quite at liberty to fabricate a situation and that's alright, because they had enquired into the matter.

Over the next few years I produced hundreds of words explaining how handovers worked in the public service. How there was no requirement for me to go around and make sure that every bureaucrat I dealt with knew about my two processes. But my words had no effect on level after level of functionary. No effect on the politicians who found the VPSC report "reasonable".

***Further Analysis of This Justification:***

From the very first I put to these authorities that my evidence was 'degraded', 'tampered with', gaslighted. The emails I produced in evidence were ignored or downplayed. The fact that the VPSC could go in and reconstruct reality so that they would not offend my employer by stating the truth is totally outrageous. For the politicians to examine this, years later, and find that the VPSC investigation and report was 'reasonable' defies belief. And the VO refused to examine the VPSC report and quoted their legislation - they could do whatever they wanted, they said.

**"The VPSC has spent one Year Examining Your Case. That's all that's needed. No one says they have to assess the facts before them honestly and without Bias. If they say something happened, then it happened. You need to accept that".**

When the politicians found that the VPSC report was 'reasonable' let me draw that out a bit. The politicians were essentially stating that the VPSC had conducted a one year enquiry and made recommendations back to the department. The VPSC found that I had not been given "a fair avenue of redress", because the second bullying review officer was not aware of my parallel incapacity process. She would have told me to put in my appeal quickly, if she had known.

But I submitted evidence as to how her colleague knew, so I had informed that unit of my circumstances. So I was claiming that the VPSC degraded my evidence. Contorted it.

The politicians say (from afar) the VPSC has conducted an investigation and that's 'reasonable' and that's all that needs to be done. That all their processes had been carried out correctly. But the VPSC ignored my evidence; this body tampered with, and degraded my evidence. That they described a process in such a way that twisted the facts away from what happened. But for the politicians, the only relevant fact was that the VPSC enquiry happened. Not that their investigation was biased and untruthful.

The politicians wrote that " the VPSC had made recommendations to DHHS to ensure its compliance with the VPSC standards". Well, yes, they did that, but only after they had substantially reworked the actual facts to scrub out any possible departmental blame.

The politicians did not believe the VO had erred in assessing how the VPSC handled my complaint. Well if you don't worry about an authority manipulating my evidence, you might reach that conclusion.

Now that the VPSC had rejigged the facts, it was a lot easier for each level of bureaucrat to build the next level of argument.

**"You Must Have Performance Issues, so We are Going to Investigate How the Department handles performance"**

The VPSC launched into an investigation despite my last performance review sitting on their desk saying "satisfactory" on all criteria. They were asking questions not only on performance, but on misconduct. Somehow the effect of me bringing a bullying complaint not only raised questions of my performance, but now perhaps issues about my misconduct.

**"The Department has written an Apology Letter to you. What are you Complaining About?"**

Yes, they wrote me that letter, but it contained a lie. That's because the department stated that I hadn't been given an avenue of redress because of "privacy and confidentiality", because the bullying review officers didn't know about my concurrent medical incapacity process.

None of the bureaucrats or politicians could 'see' the lie. None of them could understand that an apology that contains a lie, that isn't truthful, that doesn't accept any blame for the outcome, isn't an apology at all. Even primary school students would know that.

In fact, the politicians became very indignant that I had even used the word "lie". They encased that terrible term in inverted commas and the tone of their report indicated strong disapproval.

**"IBAC has NOT Investigated your complaint. That means there cannot be any Public Servant Misconduct" In fact, IBAC dismissed your complaint".**

IBAC informed me that they wouldn't investigate because it didn't meet the criteria of public interest. In other words, the behaviours I was talking about were not in the realm of serious misconduct (eg. fraud, etc).

But the politicians found this fact to be highly relevant. In fact they wrote that IBAC had "dismissed" my complaint, a totally erroneous description, but one which appeared to support their case that bureaucrats had dealt with my issues and comprehensively thrown them out. For them, IBAC had "settled "the matter. Nothing could be further from the truth.

The politicians wrote:

"IBAC, not the VPSC or the VO, was the appropriate body to consider those aspects of your complaint concerning alleged improper conduct by DHHS officers "

In fact there is a whole spectrum of public service misbehaviour, and not just corruption as defined by IBAC. There is a Public Sector Code of Conduct for a start that sets out how public servants are expected to behave.

Many times I referred to this code of conduct. Not once did a bureaucrat or politician acknowledge it's existence, or accept that it should have any effect on the behaviour of the people I dealt with.

***Further Analysis of This Justification:***

The IBAC decision to not examine my case was given great emphasis by the politicians. They trumpeted that IBAC was the only body I should have approached (not the VO or the VPSC) on departmental misconduct. And, triumphantly, the politicians proclaimed that IBAC had "dismissed" my complaint, thrown it out.

However the politicians missed all the main issues involved. My complaint did not involve fraud or serious misconduct. IBAC explained to me that they couldn't investigate every issue brought before them. It wasn't in the public interest to investigate my complaint involving the less serious matters of lying, deception, gaslighting. This misconduct did not involve departmental officers engaging in fraud or crime, but it involved these officers not providing me with a duty of care. It involved incompetence and false statements. Of covering up this behaviour when investigated. The officers did not obtain illegal benefits but they obtained freedom from getting 'a kick up the pants'.

**"You Could have Gone to the Fair Work Commission on the Bullying"**

This was an argument favoured by the VO, VI and the politicians. Actually I couldn't and that's because you cannot bring bullying to that Commission once you have been terminated. I argued that for bureaucrats to say this showed that they were totally ignorant on an issue they should know about.

The VI countered producing a tortured analysis of the VO's words to claim that the VO meant that I could have gone to that Commission, whilst employed, on bullying. The phrasing didn't say that. But how can you argue with people who always insist they are right?

The politicians then hopped in and told me that the words should be interpreted as nothing more than a general statement of information that was not relevant to my individual circumstances. If it wasn't relevant to me, why include it in a report on my situation?

This last question was never answered as the politicians threw my 11,000 word sweeping description of the whole farce into the bin.

But just on a common sense basis, even in the situation where I still was employed, why on earth would I suddenly opt out of a bona fide bullying process and head to the Fair Work Commission? I had a letter from the Director, Human Resources acknowledging I was in two processes. Why would I suddenly doubt her word?

***Further Analysis of This Justification:***

The politicians and bureaucrats pushed this line very hard. Firstly, the VO stated I could have gone to the Fair Work Commission on bullying and the termination. Their words were absolutely clear and implied that I could approach FW on bullying post-termination, which was factually wrong. When I raised this as a matter of poor knowledge on the issue, the VI rushed to their defence by contorting the words used by the VO in a way that made no sense.

When the politicians looked at the issue, they came up with an interpretation that defies logic. They told me that the bureaucrats were just informing me of a Fair Work function on bullying, but that function did not apply to my circumstances. So, they told you this, but it didn't apply to you, yet somehow they used it in their written judgements to dismiss your case.

**"Your issue is about the Behaviour of Departmental Officers and I can see why you're dissatisfied".**

So said the VO reviewer of her colleague's decision, but she decided her colleague was still correct in accepting the departmental apology letter. The outcome for me could not be changed.

But isn't the VO concerned with poor public administration?

**"No, the VO will not examine the VPSC report because it's linked to your complaint about the department. And anyway, we can run our enquiries any way we think fit, our legislation says so".**

The VPSC report interfered with my evidence and the issues are totally different. But don't argue with bureaucrats who grab their legislative exemptions at the first sight of trouble.

**"The Department has no Systemic Issues"**

All levels of the bureaucrats and the politicians insisted this was true.

But I can itemise that, my former employer, is a department which:

1. investigates bullying without asking for any documented evidence of what the managers claim
2. Tolerates officers making false statements
3. Withholds the bullying report for 6 weeks then tries to claim I had not satisfied the 28 day cut off timeline. The VPSC also raising this as a feasible argument.
4. Does not warn me about the effect of termination on my bullying appeal. This despite my emailing every officer involved that I had two processes and telling them I expected to be able to complete my bullying appeal.
5. Has bullying review officers who do not communicate vital information between themselves.
6. Has bullying review officers who do not read handover material
7. Does not honor the words of it's Director, HR to myself
8. Gives me a new timeline on my appeal and then doesn't honor it
9. For one year insisted before the VPSC that it was my fault for not telling the bullying review officers of my incapacity process (then changing the story).
10. Withheld documents from me to the extent that I had to go to FOI to get them.
11. Refused to answer my questions (post-termination) on my final payments for 3 months. After the FOI request couldn't get me the answers I had to return to the VPSC in order to compel the department to respond.
12. Is so uncaring about a national reporting responsibility that their staff impede my work on it. Then, when told (by me) about how the bullying stopped me from submitting data, leading to a national publication being released without any Victorian data, their senior executives are not interested.

**"Why are you bringing up the issue of a national report that Victoria did not provide data for because you could not carry out your work because of bullying? It was so long ago"**

My work on producing Victoria's contribution to the 2013/14 publication was hindered by the bullying. As it was, I was at that point only working part-time, but I decided I would come in 5 days a week so I could tackle this important task. Despite that, I was still not able to complete it as the bullies were simultaneously pushing other work onto me.

After I had completed as much as I could, given the circumstances, and the data was sent off to Canberra, I received not one acknowledgement of my effort and my coming in to work 5 days, despite being part-time.

On bringing this up with the successive levels of bureaucracy and the politicians there was not one comment along the lines of expressing astonishment that an important responsibility was aborted through bullying. As you will read below, the bureaucrats and politicians had absolutely no interest.



All the bureaucrats and the politicians were unanimous on this. To quote the politicians:

"The VO's view that it was unjustifiable for the agency to investigate DHHS's alleged breach of its 2013/14 National Reporting obligations was reasonable, given that you made the complaint approximately 6 years after the events in question and the VO has power, under section 15A(2) of the Ombudsman Act 1973 (Vic), to refuse to deal with a complaint if it is made more than 12 months after the complaint".

Pardon me for caring about a function I performed for 24 years and in which I prided myself in ensuring the highest standards of data quality. Pardon me for pointing out the Victoria has signed up to the National Health Reporting Agreement, agreeing to provide such data annually.

Note the tone of this quotation - it's as if I missed out on my opportunity to complain because of the VO's timeline because of my laxity in delaying a submission. 'How dare you wait so long to bring up an issue' that you could potentially totally ignore because it doesn't personally concern you. It should concern the politicians. I also wrote to the Minister and departmental secretary about it and their response was the same or non-existent.

***Further Analysis of This Justification:***

I refer the reader to the actual publication# to which Victoria's contribution didn't happen because of the bullying I suffered. I actually tried my best to do the work involved, and was able to satisfy the requirements where I could.

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<https://www.aihw.gov.au/reports/hospitals/ahs-2013-14-non-admitted-patient-care/contents/table-of-contents>

But note the bureaucrats and politicians attitude to the issue. There was no outrage that a national reporting task was compromised. No interest in that whatsoever. No, instead they managed to turn the issue into it being my fault. That it was 6 years later and the VO is quite within its rights to enforce the 12 months rule. If you add up the two and a half years of the VI enquiry plus the 1 year of the VPSC, that's 3 and a half years. Also these national reports are published usually more than one year after the data they refer to. So the 2013/14 report would have still been relevant in the year 2016.

But, beside this, apparently these authorities see no issue in a public servant's experience of bullying aborting a national reporting obligation. It's all "reasonable" the politicians write.

**"We spent two and a half years examining your case details and we only asked to see the VO files at the very end of that time"**

The politicians found the two and a half years the only point they agreed with me on. Too long. A last minute panic call up of the files by the VI, no doubt, to try to impress. But it's not very impressive asking for the details well beyond two years.

**"The VO files show that the VO Officers had a lively debate about the issues you raised. So that demolishes your argument that they ignored your arguments. Unfortunately, you can't view those files"**

That was the VI talking. Apparently that is all that is needed to show that my arguments were considered before being crushed by their legislative prerogative.

**"You Speak of Your Your Human Rights to be Heard. It's Not relevant to us".**

The politicians and bureaucrats didn't actually say this, but they might just as well have because I never received one word about this argument.

The issue is how they uphold human rights in reality, not how they talk about human rights publically. In particular, Section 24 of the UN Charter of Human Rights, sets out my right of reply in my bullying appeal. A right that the Victorian Equal Opportunity and Human Rights Commission stipulates must be recognised by all Victorian government departments.

But the general line seems to be that the bureaucrats' rules and legislative protections overrides any human right. They will talk endlessly in public about human rights, but that's about it, talk.

**"We take bullying seriously and are confident in the accuracy of the reasons we gave as to why you were denied a right of reply. As for the VPSC Year Long VPSC Investigation, we don't have any record that it happened".**

A departmental officer wrote along these lines to me in reply to a letter I sent the Minister. Fairly alarming for me to hear that the year long VPSC investigation and reports and the department's contributions to them, may not have actually happened. Did I imagine that or is it just that the officer's records search was a bit average?

**Why did I Pursue This for 6 Years?**

Whilst I was still employed and being bullied I should have acted immediately. I should have made an appointment with the Director to tell him what was happening. But I didn't. Instead of that I followed a path of "not making a fuss", "trying to work around the problem" etc. Then, when my psychologist became involved, I just assumed that the department would make the very easy accomodation of shifting me to a new unit or a new manager. But the department ignored every solution my psychologist offered.

Then I was terminated without warning and my bullying appeal quashed. That's when I made a very late decision that I would pursue this matter, and pursue it down every possible 'burrow'. I wasn't on Workcover, and the actual termination was legally sound, so I had no other option.

And, for the next 6 years, I came up against everything I have outlined above. Once again, I faced off against arrogant bureaucrats and politicians. Once again, these people tried to bully and intimidate me with their endless repetition of their legislative protections. For example, trying to browbeat me into false narratives about how IBAC had "dismissed" my complaint when IBAC wasn't even involved in my case.

But I guess what peeved me most was the arrogance of bureaucrats, taking evidence and facts and contorting them so that my former employer wouldn't need to explain their gross failure of their duty of care towards me.

Of somehow thinking that an apology letter containing a lie was a proper apology.

The politicians absolutely outraged by my use of the word "lie".

But when they front the general public, these organizations are full of self praise, telling anyone who would listen about their great work. Words like accountability, values, integrity. These words they throw around like confetti, but when no one is looking, such as in my case, it's a very different story.

### **THEIR WEBSITES: Here is just a very brief skimming of these Bodies Self praise**

Victorian Public Sector Commission (VPSC) outlines core public sector values : responsiveness; integrity; impartiality; accountability; respect; human rights.

The Victorian Ombudsman (VO) says they promote fairness, integrity and respect for human rights. That they hold the Victorian public sector accountable to the people of Victoria.

The Victorian Inspectorate (VI) oversees 14 integrity bodies (including IBAC and the Victorian Ombudsman). Their purpose is to provide Parliament and the people of Victoria with independent assurance that the bodies they oversee act lawfully, properly and with integrity.

The Parliamentary Integrity and Oversight Committee (IOC) is responsible for monitoring and reviewing the performance of the above agencies; it can undertake inquiries into issues related to the work of the agencies and make recommendations for improvements.

### **The Power Imbalance in Public Service Bullying Scenarios**

In my 8 year experience with the original departmental bullies and then the bureaucrats who analysed my situation, one thing is abundantly clear: and that's the massive inequality of power. I had none. They had the lot : warped explanations, legislative protections, the ability to make nonsensical statements without challenge. The politicians then got into the act and they had even more power. They made statements about how IBAC had "dismissed" my case - totally untrue and misrepresenting the facts.

In today's environment , a public servant can go to the Fair Work Commission on bullying. However I would wager that, even if that employee was successful, they would still be a marked man or woman when they returned to their job.

I never got to the Fair Work Commission. The only support I had was from my doctor and psychologist. And after termination, when I soldiered on, bringing my case to all the authorities outlined above, I was on my own.

A public servant who is being bullied has not committed any civil offence. They haven't stolen money or assaulted anyone, but they are subjected to a sustained mental abuse for no other

reason that the bullies want them to quit. In my case, I was a senior, 40 year veteran of the service, transitioning to part time work . The unit manager made false statements to the departmental investigator that I had performance issues. This was in response to a bullying review I had asked for.

As I outlined above, I then went down the "rabbit hole" of public sector review bodies. These bodies used every weapon in their armoury to kill off my complaint. These bodies used their own form of bullying, their own immense levels of advantage and power. Their weapons being : legislative exemptions, wilful blindness to facts, contortion of facts, victim blaming, acceptance of lies. I was being bullied and intimidated a second time.

Bullying in any setting is a pernicious and cowardly act and public service bullies and their enablers should be disciplined, penalised and sometimes sacked.

The reality I found was bureaucrats are unaware of public sector rules, conventions, duty of care, codes of conduct. Whether it's integrity, accountability, ethics, it's all foreign to them in all my interactions with them. Thus, the VPSC accepts incompetence between departmental bullying review officers as if it's nothing. They jump onto my 'performance issues' ignoring my last performance review. The VO can't 'see' lies in a departmental letter. The VO insists I could have gone to Fair Work, despite the reality that I couldn't. A departmental 'apology' letter stated that I had not been given an avenue of redress because the officers administering the bullying complaint were unaware of my invalidity process. It wasn't true

Not only do they ignore it, they actively manipulate the facts, gaslight and contort the truth in order to protect their fellow bureaucrats.

The truth, in my case, was that there was no confusion, no lack of communication, no misunderstanding as the official excuses made out.

If there had have been an honest mistake I would have accepted the apology. If there had been the slightest bit of truth in the departmental apology letter.

And these functionaries could act this way, confident that "privacy and confidentiality" would ensure that no outsider would ever know how they conduct themselves privately. But I waive my own privacy, to tell this story. My privacy is the shield they have used to protect themselves from scrutiny. Bureaucrats protecting bureaucrats. Politicians protecting bureaucrats. Politicians who would not be keen for their constituents to know how they make decisions behind a 'wall of secrecy' or how they interpret and ignore human rights.

At the outset I quoted their weasel words, "We take bullying seriously".

How "seriously" did the department take bullying in my case ? They terminated my employment half way through the process. How "seriously" did subsequent bureaucrats and politicians treat the actions of my department when they examined the facts?

How "reasonable" were the actions of my department and all the succeeding authorities?

Now I can add these statements based on how these authorities act, and using the politicians' assessment that everything was "reasonable":

"It's reasonable to withhold a bullying report for 6 weeks, then claim I had not met the 28 day timeline"

"It's reasonable to contort facts so that a department can be deflected from blame"

"It's reasonable for an apology letter to not be truthful"

"It's reasonable for the department to not answer my questions on my final payments for 3 months"

"It's reasonable for the department to claim staff did not know about my dual processes, even though I told every officer involved"

"It's reasonable for bureaucrats to justify their arguments that I could have gone to the Fair Work Commission on bullying, because the bureaucrats' arguments were of a general nature and unrelated to my circumstances. That it's reasonable for this argument to be used in my case, even though it doesn't relate to my circumstances".

"It's reasonable for the VO to not investigate the VPSC report because their legislation empowers them not to".

"It's reasonable to ignore the fact that bullying aborted my work on a national reporting task because the work was so long ago".

"It's reasonable to find that the department did not have systemic issues, despite officers making false claims".

"It's reasonable that my supervisor told the investigator that I had performance issues, even though she had signed a previous document stating that my performance was satisfactory and met the key criteria".

"It's reasonable that the Director, HR could write to me acknowledging both process would proceed and then being summarily terminated".

"It's reasonable that the politicians made it out that IBAC had dismissed my complaint and that was the end of the matter, even though this was a distortion of the truth".

"It's reasonable that the only criteria that matters, is that the VPSC conducted an enquiry. It's completely unimportant that this organization created a fictional set of facts".

"It's reasonable that every attempt by me to raise the issues of the UN Charter of Human Rights and the Public Sector Code of Conduct was ignored".

"It's reasonable to show no empathy or care for the complainant who has no power, but to lavish concern on the bureaucrats who have overwhelming advantages".

"It's reasonable for my former departmental employer to not have any information on an VPSC enquiry that they contributed to for one year".

How reasonable?

I'll let the reader judge.

### **ADDENDUM : "We Do Great Stats on Bullying but just Don't Ask Us to Do Anything Else"**

#### **A few quotations from the Victorian Public Sector Commission (VPSC) website:**

"Each public sector organisation must have policies in place that provide employees with a reasonable avenue of redress against unfair and unreasonable treatment....considering all relevant facts, and giving both parties the right to be heard".

"People Matter Survey results over the past ten years reveal that around one in four people witness what they believe to be bullying and one in five experience behaviour that feels like bullying" (13.3% in 2023).

"Work-related stress is significantly higher among those experiencing bullying with 65 per cent experiencing high to severe stress" (Data Insights: Bullying in the VPS, 2023).

"76 per cent of those experiencing bullying indicate that work-related stress regularly has a negative impact on their personal life" (Data Insights: Bullying in the VPS, 2023).

"Organisations need to ensure that employees are aware of, and have confidence in, grievance processes and that these processes produce fair outcomes".

"Of those who submitted a formal bullying complaint, only 23.3 per cent were satisfied with how their complaint was handled" (2023 result).

#### **Now considering my experience**

My situation should have been the perfect opportunity for the VPSC to show their mettle. They had all my documents before them. They could see that my former unit manager had lied about my performance, because the VPSC had my last performance review sitting on their desk, "satisfactory" on the key criteria.

They knew that I had been terminated before I had completed my bullying investigation.

All their website statements should have stimulated them to charge into action. I didn't even get to complete my process. A golden opportunity for the VPSC to put my department under the microscope.

So what did they do? Did they come down hard on my departmental employer? Did they grill them as to why they withheld my bullying report for 6 weeks? Or why the bullying investigator "didn't investigate". Or why the unit manager felt it necessary to lie about my performance?

No, they didn't do that. Instead they contorted my evidence to come up with the farcical explanation that one bullying review officer had no idea about my incapacity process. That her co-worker hadn't told her, that she hadn't read the handover material. That I didn't 'educate' these officers about the effect of my termination. They just parroted what my employer told them.

This is how they see themselves tackling bullying? Gathering statistics on it and disappearing at any real instance of it before them.

And years later the politicians say:

"The VPSC's investigation of your complaint was conducted under section 63 of the Public Administration Act 2004 (Vic), which relates to the **VPSC's systemic oversight** of VPS bodies' compliance with VPS values, codes of conduct, employment principles and standards, rather than the conduct of individual employees. The VPSC's investigation and report therefore focused on the systemic aspects of your complaint, (i.e., the processes followed by DHHS with respect to your bullying complaint, including its compliance with the VPSC standards for the reasonable avenue of redress employment principle), **rather than the improper conduct allegations** made against individual DHHS officers with respect to their handling of, or involvement in, your bullying process. **The inevitable outcome** of this kind of investigation was that the VPSC would take appropriate action to address any issues identified with respect to the processes followed by DHHS in your matter to ensure that, in future, employees subject to a medical incapacity review process would have a reasonable avenue of redress in relation to a concurrent bullying process".

What the politicians failed to address was that in the VPSC's "systemic oversight" they manipulated my evidence to arrive at a conclusion that exonerated the departmental officers. The VPSC made statements that changed the facts which I had presented. The politicians apparently think that all public sector misbehaviour which isn't "corrupt" (and thus referable to IBAC) is acceptable. Thus VPSC does not need to address a situation if they are able to sufficiently contort the facts.

I maintain that a VPSC 'systematic oversight' does not include the ability to take my evidence and change it to their own liking. I also maintain that the politicians need to broaden their definitions of 'misconduct' to take in something more than corrupt behaviour. I ask why do the politicians treat the Public Sector Code of Conduct with such disdain?

The politicians were happy with the VO's non-investigation of the VPSC report, a report which took my evidence and distorted it.

None of these functionaries take bullying seriously. They find no systemic issues in my former department's behaviour. They have no respect for bona fide bullying enquiries. I never got to complete mine, but the statistics above indicate that only 26% of those who actually are brave enough to submit a complaint are satisfied with the outcome. On this figure alone, the VPSC mission on bullying (such that it is) is a complete failure.

The VPSC states that its figures show no improvement in bullying statistics over the past 10 years. Why don't they actually do something about the problem instead of publishing surveys that show it's endemic in the service.

How did all these authorities treat me as I ploughed on seeking justice and truth telling? In the end, they had to resort to bullying and reliance on nonsensical arguments. In the end, my long 6 year campaign to see justice done by me, in recognising my right to be heard on my department's bullying, was silenced by.....bullying!

### **Final Words**

The values the Victorian Public Sector Commission and the others list are - responsiveness; integrity; impartiality; accountability; respect; human rights.

But in my experience I saw none of them. They were just empty slogans. That coupled with their enormous legislative powers which they used to close down any meaningful examination of the facts in my case..

The State Government needs to completely overhaul the "public sector justice system" which I have described here on my website. As it currently stands, it's a disgrace.

**Injustice anywhere is a threat to justice everywhere.**

**Martin Luther King Jnr**



