



PREVENTION in focus

When does workplace bullying reach the threshold for corrupt conduct?



Cases in which public sector workplace bullying reaches the threshold of corrupt conduct must be reported to the CCC

The Crime and Corruption Commission (CCC) regularly receives notifications from public sector agencies and complaints that involve allegations of workplace bullying. While some of these complaints do not reach the threshold for corrupt conduct, others involve aggravating factors which bring the conduct into the CCC's jurisdiction. Without understanding exactly what those factors are, it can be difficult to know which matters are within the CCC's jurisdiction and must be reported to it.

What you should know

- The CCC considers there must be a connection between the alleged conduct and the officer's job – that is the “breach of the trust” necessary for workplace bullying to amount to corrupt conduct.
- Workplace bullying involving officers at the same level while serious is **unlikely** to amount to corrupt conduct because it will not involve an exercise of the officer's powers, functions, duties or responsibilities attaching to their job.
- Workplace bullying **may** amount to corrupt conduct if the alleged conduct involves a breach of the trust and would, if proved, be a criminal offence OR a disciplinary breach providing reasonable grounds to terminate the officer's services. The latter would include conduct of a serious or systemic nature, for example, conduct that forms a pattern of behaviour intended to cause a detriment to an employee or favour another employee, in a financial way or otherwise, in the workplace.
- Agency employees at all levels should be made aware that workplace bullying may be referred to the CCC as suspected corrupt conduct.

This publication is designed to assist CCC liaison officers, supervisors and HR staff recognise cases in which workplace bullying reaches the threshold of corrupt conduct or raises a suspicion of corrupt conduct and must be reported to the CCC. It includes case studies from across the public sector to illustrate the types of bullying allegations that have been assessed as corrupt conduct and referred to agencies for investigation.



Workplace bullying is defined as repeated and unreasonable behaviour directed towards a worker or workers that creates a risk to health and safety



Further information

Visit the following Queensland Government websites:

- **Identify bullying:**
www.forgov.qld.gov.au/identify-bullying
- **Work-related bullying:**
www.worksafe.qld.gov.au/injury-prevention-safety/mentally-healthy-workplaces/guidance-and-tools/work-related-bullying
- **Unlawful discrimination and sexual harassment:**
www.qhrc.qld.gov.au

The significance of workplace bullying

Workplace bullying – defined as repeated and unreasonable behaviour directed towards a worker or workers that creates a risk to health and safety² – adversely affects employee productivity, can damage the reputation of a public sector agency, and can erode public confidence in the public sector.

Such behaviour is a breach of an agency’s Code of Conduct and other policies, and is generally dealt with through an internal disciplinary process.

But beyond its devastating personal and professional consequences, workplace bullying may also constitute corrupt conduct, and has been identified during CCC investigations as a strategy used to mask other forms of corrupt conduct.

Bullying that is “a breach of the trust”

When assessing allegations of bullying, the positions held by each party and nature of their relationship between their roles are important in determining whether there has been a breach of the trust, an essential element in the definition of corrupt conduct in this context.

Senior officer bullying subordinate

Generally, the CCC takes the position that allegations of workplace bullying against an officer who is senior to the complainant/victim, and who has supervisory responsibilities towards them, may involve a breach of the trust. This is because a supervisor or manager is likely to have specific responsibilities vested in their position to protect staff they supervise from harm within the workplace.

If a supervisor or manager engages in workplace bullying towards a subordinate, this is arguably a breach of the trust that is placed in that officer by virtue of their position. This type of conduct, if proven, would be of such seriousness that it could result in the termination of the officer and therefore it would amount to corrupt conduct.

Breaches of personal conduct principles or general employment obligations (as found in an agency’s Code of Conduct and workplace health and safety policies) do not necessarily constitute a breach of the trust.

Officers employed at the same level

In relation to allegations of workplace bullying involving officers employed at the same level, there is no supervisory relationship and the officers have no specific responsibilities towards one another outside the personal conduct principles and general employment obligations imposed on all employees by the employer.

Accordingly, the CCC takes the view that allegations of bullying involving officers employed at the same level do not amount to corrupt conduct because there is no breach of the trust.

² www.qld.gov.au/law/your-rights/workplace-rights/workplace-bullying; Section 272 *Industrial Relations Act 2016* (Qld)

Examples of workplace bullying that may be corrupt conduct

Below are some examples of conduct associated with workplace bullying that constitute corrupt conduct.

- **Protracted and repeated behaviour** of victimising, humiliating, intimidating or threatening another employee where there is a power imbalance between the offender and victim.
- Conduct that involves a **serious or criminal offence**, for example:
 - » Blackmailing or bribing the victim as a means of controlling their behaviour or preventing the bullying behaviour from being exposed.
- Deliberately **obstructing or preventing the reporting of an offence**, breach or complaint by the person subject to bullying behaviour (where there is a power imbalance).
- **Misusing authority/position** as a senior employee/manager to bully an employee through:
 - » Aggressive or intimidating behaviour
 - » Unfair rostering of an employee
 - » Refusing to allow an employee to do (and be paid) over-time that is warranted
 - » Placing an employee on a performance management plan without reason
 - » Unreasonably denying professional development opportunities to an employee
 - » Denying an employee recreation leave without reason.



Case study

School principal bullied staff and misused government resources

The Department of Education notified a complaint to the CCC in relation to a school principal who allegedly bullied staff and also misused government funding for personal benefit. The allegations included the school principal calling staff members “lazy”, “useless” and “nutcase”, failing to forward complaints about themselves to the Department’s Ethical Standards Unit, failing to address complaints made by staff and intimidating staff into not making complaints about them.

The matter was assessed by the CCC as suspected corrupt conduct and referred back to the Department for investigation subject to a Merit and Compliance Review (MCR).

An investigation into the conduct of the school principal substantiated allegations that they had:

- Behaved in an aggressive and intimidating manner towards teachers on various occasions
- Humiliated and belittled a student³
- Used government funds without authorisation for personal development.

The principal did not participate in the disciplinary process on medical grounds and subsequently tendered their resignation to the Department.

The Department issued the principal with an official caution and placed a Notice of Further Consideration on their employment record. This Notice is an internal mechanism to closely monitor and consider applications from employees seeking to return to work following separation from the Department.

³ The allegations of bullying against a student were not classified as corrupt conduct as they do not meet the definition.

Case studies



Long term impact of substantiated bullying complaints

A series of complaints were received by QPS about a Senior Sergeant who was the officer in charge of a specialist unit and was allegedly bullying their staff. It was alleged that the officer behaved inappropriately, including shouting and swearing in anger at several subordinate staff, over a six-year period. QPS notified the matter to CCC and it was assessed as corrupt conduct and referred back to QPS for investigation. The QPS investigation into the conduct of the Senior Sergeant substantiated allegations that the officer had:

- Engaged in serious and systemic bullying behaviour towards many work colleagues and other individuals in the workplace.
- Bullied a subordinate QPS officer by changing rosters as a form of punishment and intimidation
- Verbally and physically threatened a subordinate QPS officer
- Subjected a subordinate QPS officer to ongoing harassment and ridicule

The subject officer resigned prior to the disciplinary process being finalised. QPS made a disciplinary declaration under 7A of the *Police Service Administration Act 1990* on the grounds that the subject officer would have been demoted in rank because their conduct was improper and showed unfitness to be, or continue as, a senior officer/manager.



Employment of senior council manager terminated after investigation

A regional council notified a complaint (of allegations of negative workplace behaviour) to the CCC in relation to the conduct of an Information and Communications Technology (ICT) manager towards one staff member in particular, as well as towards other subordinate staff.

The CCC assessed the complaint as suspected corrupt conduct and referred the matter back to the council for investigation, subject to a Merit and Compliance Review.

When interviewed, the subject officer denied the allegations, however the investigation found internal emails and text messages that corroborated the versions of subordinate staff members.

The investigation substantiated allegations that the ICT manager had:

- Engaged in intimidating, unprofessional and unwanted contact with a subordinate employee by text message
- Engaged in frequent and unwanted visits to a subordinate employee's office, particularly after work hours, which made the employee feel uncomfortable
- Engaged in intimidating, inappropriate and unprofessional behaviour towards another council employee.

The conduct of the ICT manager was considered to be of a serious nature, and as a result the Council lost trust and confidence in their continued employment. A disciplinary process resulted in the Council terminating the ICT Manager's employment.



Further information

Please contact the CCC's Integrity Services Assessment Unit for further guidance or clarification on circumstances where bullying is classified as corrupt conduct.