

**Employment** Judge says conduct affected whole workplace

# Court backs sacking of 'bully' manager

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Workplace editor

A human resources manager for the Catholic Education Office in Parramatta who was compared to Margaret Thatcher and once advised to "do the *Pretty Woman* thing" was sacked for bullying her co-workers and making them appear incompetent.

The employee relations team leader took her former employer to court for unfair dismissal, but the court found she was sacked for bullying other workers to whom she gave the "silent treatment".

The Federal Court accepted the Catholic Education Office's position that the woman was sacked

after she created "a climate of intimidation and fear" leading to a complete breakdown in workplace relationships.

The employee-relations specialist for the Catholic Education Office in Parramatta alleged she had been sacked for taking sick leave to recover from a mental breakdown.

She also made allegations of sexual harassment after one of her bosses asked her to take part in an interview in his hotel room. On another occasion, she said he had advised her to "do the *Pretty Woman* thing" when addressing her male colleagues.

She said the executive had complimented her for looking "particularly fresh" and referred to her as

"Maggie Thatcher", adding: "I bet you don't have frilly lace around your bed."

Another boss had allegedly "leered" at her breasts, saying: "I think we are going to get along just fine."

However, the court found the allegations of sexual harassment were not borne out.

In rejecting the allegations, it was argued the Skype interview involving two others had been moved from the hotel reception area to a private room to avoid the interference of background noise.

It was argued that the *Pretty Woman* movie reference was not about acting like a "woman of the night" but was aimed at encouraging be-

haviour like that of the Richard Gere character, who secured the attention of sales staff after assuring them he would spend an "obscene amount of cash" in their store. The allegation of "leering" was not tested.

However, Justice Geoffrey Flick accepted an independent investigation that found "resounding evidence" the human-resources team leader had behaved aggressively to co-workers. Examples included humiliating the workers, giving them the "silent" treatment and making "competent employees appear incompetent in the hope they will resign". These complaints were substantiated with "resounding evidence" of bullying.

Justice Flick said the employee was unable to establish a complaint had ever been made about her alleged discrimination, other than "oblique" references which were not properly explained.

Not only had the conduct created fear and intimidation, it was also found to have harmed other teams and workplace productivity, he said.

The application that the woman's sacking was related to a mental illness, absence from work or the violation of any workplace rights was rejected.

It was found the termination of employment was related to the woman's lack of trust, respect and confidence in the workplace.