

Chloe's Story - The Australian Public Service Commission Condones Compulsory Psychiatric Referrals and Other Unfair Conduct

Is it lawful for APS agencies to influence medical opinions? Is it acceptable practice for APS officers to make false statements to other staff about an APS employee's mental health? Based on the response I received from the Australian Public Service Commission (APSC), it appears to be both lawful and perfectly acceptable for APS agencies to do so.

I blew the whistle by writing to the Prime Minister and Auditor-General about impropriety and maladministration in a government-owned enterprise, leading to a (later publicised) multi-million dollar loss. I also referred to bullying issues in my APS agency. My letters were referred to my APS agency for a response.

I was subsequently suspended from duty and Management in my APS agency compelled me to undergo a psychiatric examination under reg. 3.2 of the Public Service Regulations. I was cleared of the allegation of having a mental illness via an assessment. However, it was during the course of the referral that I started to become aware of the lengths that Management went to in trying to influence the medical opinion of the psychiatrist. Essentially, do not think for a moment that the experience of being compulsorily referred to a psychiatrist only involves you attending an appointment. It is far more involved than that and Management will set out to do as much damage to you as they can in the process.

In my case, Human Resources had obtained and passed on personal information about me on to two psychiatrists, without my knowledge, in their attempt to try to obtain an opinion to the effect that I had 'psychosis' (a form of severe mental derangement where a person cannot distinguish between that which is real and that which is not real). Shortly prior to this, my work performance had been praised and Management had never raised issues relating to my mental health.

A colleague later advised me that during the period that I was suspended, Human Resources and Management had told nearly a dozen staff members during a meeting that I had been suspended from duty because I had mental health issues and were told not to speak to me if I approached them, but to walk away and contact Human Resources immediately.

To be subjected to an experience like this is very traumatic and, even if you are cleared of the hurtful allegations through a psychiatric assessment, the damage is considerable and it is long-lasting. But that, of course, is precisely the objective.

I made a complaint about my treatment to the APSC and a review of actions was subsequently conducted. The review officer refused to discuss the matter further with me and closed the case, providing me with no remedy. I subsequently escalated the matter to the relevant Minister, which was referred back to the APSC for a response. The APSC's response to my escalation was that they believed my APS agency behaved professionally and responsibly and in a manner consistent with duty of care responsibilities. My complaint was considered vexatious and an investigation into my allegations was refused.

I then decided to write to my APS agency's Human Resources area to express my concerns about the way I was treated. The Secretary of the APS agency deemed the way I framed my allegations in my email to Human Resources a breach of the APS Code of Conduct for failing to be courteous, respectful and free of harassment, and my employment was terminated.

I ask: where is the fairness and equity in the APS?