

Ethics Point (less)

BHP South Flank Mine Site – recent rape allegation

Although the rape claim at BHP South Flank Mine Site is the most abhorrent of all the situations that were claimed to have been experienced at South Flank, I was most mortified by the newspaper reports of a prior complaint against the same man regarding a woman who claimed to be touched inappropriately on the bottom. The newspapers wrote that she had reported the incident. This complaint had the potential to stop the alleged rape.

I was at South Flank as a Trainer/Assessor at Mobile Equipment Maintenance for about eighteen months and during that time I had multiple personnel leaning on me for support. That is what happens when you are a good trainer with an approachable bedside manner, you are a part-time counsellor. This dynamic made me acutely aware of the growing number of personnel claiming to be bullied out and unceremoniously ejected from South Flank through false allegations, some from anonymous witnesses, and stretched stories passed off as truth.

Background – commencing employment with BHP

I began my career at BHP Yandi mine site as a fitter at the Mobile Equipment Maintenance (MEM) workshop. I had a terrific supervisor who was fair and intelligent and treated everyone with respect. I honestly can't pick fault with the man. I had secondment opportunities and gained my start in training and assessing there as well. I trusted BHP at that time which, now, knowing what I know, is purely because I was so fortunate to have good leadership.

Arrival at BHP South Flank

There were no permanent positions available at Yandi for an MEM trainer so I took a position at South Flank and arrived excited about the 'start up challenges' it might present. I thought I would walk into 'task' based challenges but instead walked into a wall of pack mentality and unethical behaviour.

In my first three and a half weeks at South Flank, I witnessed belittling behaviours at the prestart (morning meeting), a leadership team that were being described as a 'wolf pack' and the risks introduced to the workplace by having a single, ill-equipped trainer catering to many 'new to industry' personnel. During these short few swings, I attended an MEM Culture Day and all leadership personnel attended including Trainers. All leaders from Supervisor to the General Manager (at the time) attended. At one point a high up leader said, "Some of you won't make it". I was expecting a pep talk about surmountable challenges and sticking together to make it work but instead, the speech had a tone of survival of the fittest. The 'fittest' however, weren't the 'best and fairest', they were the personnel who I would describe as bullies and sporting an enormous sense of entitlement due to their involvement with the Project.

My experience supporting a colleague bullied by BHP leadership personnel

The worst scenario I had to deal with was being asked to be a support person for a woman going through a disciplinary action. She appeared very honest to me, accepting responsibility for 2-3 allegations. There was approximately a page and a half of other allegations that she firmly objected to. To me, it was clear that she was under attack and as expected, she was very upset after hearing the allegations. I tried to protect her but two leadership personnel were dogged in their approach. Her health deteriorated and she was deemed unfit for work by another Supervisor, who I would describe as highly ethical and made the only call that could be made to protect the woman and

maintain safety. The situation was naturally serving as a major distraction to the woman as it would have been demoralising to be personally attacked and falsely accused.

Over the coming days, the woman's wellbeing deteriorated further, and I offered the employee assistance services that were available however, the woman attempted to gain help from the leadership team instead. She made two distressing phone calls to a particular leader begging to go home to her kids. In one phone call she said she had a nightmare that her husband died. I offered to take her on the plane back to Perth with me the next morning, but she was kept on site until the afternoon flight and forced to attend a meeting with yet another department leader which, clear to me, was designed for damage control. I notified one of my superiors that I was calling BSS (psych service) and flying out in the morning. The morning flight I requested was extended to the afternoon flight and I was expected to attend the same meeting as the woman. I had to go through the medics to get off site. I then spent time off work coping with what I had witnessed and the fear that they would turn those same targeting behaviours against me too.

It would have been smarter to never return but I felt weakened by the experience and the only thing I felt was within my personal resources was to get back on that leaky life raft and cling to the employment.

My own experience being bullied by BHP leadership personnel

I eventually was targeted when one of the leadership personnel raised false allegations against me, and I was bullied out of the business. I raised an application for an order to stop bullying with the Fair Work Commission as there were other ongoing issues as well. The responses offered up by BHP were a plethora of lies describing me as a tyrant, swearing at people, slamming doors and talking over superiors. The most brazen lie was the denial of a person on site. The person was at South Flank on roster during the initial Covid-19 lockdown for approximately three months. There is an enormous digital footprint this person left behind with many date, time and location stamped documents as evidence. Each document leads to a witness who interacted with the person for approximately 2-4 hours.

In about October and November last year, when the toxic work environment was at its most intense, with Ethics Point complaints seemingly going in circles and a psychologically hellish atmosphere prevailing, an alleged rape occurred. As reported in recent media, the allegation of rape was preceded by the other allegation against the same man regarding inappropriate touching. The print media said she had reported it, but it was 'unsubstantiated'. Given my own experience of BHP's unresponsive reporting system, I wondered if there was any other fate the allegation could have met with.

It was devastating to me to read these news reports, considering how much I knew about BHP's Ethics Point complaint system and the pathway an allegation takes through this system. South Flank MEM was, at this time abusing confidentiality and had perfected covert bullying tactics. It had become so mechanical in its application that there was a growing sense of hopelessness and personnel expressed that they had lost faith in the Ethics Point complaint system.

BHP Ethics Point complaint system – a broken system

At this point, let me shed some light on the journey an Ethics Point complaint takes with BHP at the helm. Approximately three years ago, the then CEO sent out an email advising BHP personnel that the code of conduct for leaders had changed and from now on, **ALL** complaints received by line leaders and people managers must be entered into the Ethics Point complaint system immediately

which, is of course, confidential. You can enter it into Ethics Point yourself and choose to remain anonymous if you wish. People external to BHP can also enter a complaint as well.

I was told at BHP that Ethics Point is “independent”. I thought, “that is great, if I have a complaint, I have somewhere ethical and independent from BHP where I can go for help”.

In reality, the system works like this. Ethics Point is a third-party system which makes it ‘independent’. ‘System’ is the key word here. It’s not a place with independent, ethical investigators looking at your complaint and making sure BHP are adhering to their own Charter Values, it’s just a website being hosted by a third party where you enter data and without any third party interference, the unseen “ones and zeros” go straight into the hands of BHP and a member of the BHP Ethics and Compliance Team triage the complaint and the first human other than you, sees what you have written. This is when the real ethical party begins.

You are now in BHP’s internal complaint system, and you have just agreed to confidentiality, and they haven’t even had the courtesy to pay you to shut up. No wonder they insist on putting all complaints into Ethics Point Immediately. Think of it as a spill kit for complaints. Control, Contain, Clean up.

BHP’s Ethics team then grade the seriousness of the complaint at their discretion and determine which investigator will be given the complaint. Often complaints get handed back to the same leadership team in the same department and they investigate their own leadership personnel. For instance, a manager may investigate a complaint against the Superintendent.

Of course, there is zero tolerance for retaliation. So if you think you have been treated poorly because you raised an Ethics Point Complaint, you can enter the complaint yourself or you can go to your leadership team, and they will enter it into Ethics Point for you and it will go to the BHP Ethics Team for triage. You may get a different investigator but it is their choice.

My experience dealing with the Ethics Point system

I raised an Ethics Point complaint and asked for an independent investigator as the leadership team had been together since the beginning of the Project and initially it just went back to my own leadership team. I felt this put me in jeopardy as then, the leadership team knew I did not trust them. Eventually it was given to an ‘Independent Internal Investigator’ which was a BHP HR person. At this stage, nobody external to BHP had seen my complaint and my leadership team had now seen the complaint was regarding behaviours within leadership.

Investigations are confidential and outcomes are confidential. On one complaint, the update stated, “this matter has been investigated and is now considered closed.” I enquired as to what happened and the feedback stated, “outcomes are confidential, we believe we have the right controls in place”.

When you are in the Ethics Point confidential system, you may or may not see changes and if you don’t see them with your own eyes, you’ll never know. It is all confidential. If you become challenging in one of the confidential systems, there is another confidential system they can use if they choose, called “disciplinary action”.

The good news is that if you become aggrieved in the disciplinary confidential system, you can enter your complaint into the Ethics Point confidential system.

At this point, you are in a big confidential mess, and no one can see in, and you cannot speak out because it's all confidential. And that is it. You are in the jaws of the mining beast with nothing to keep them honest.

I find it very disappointing that an internal complaints system, entirely controlled by BHP would be branded with 'Ethics' and spruiked as "independent" simply because the data gets entered into a hosted website and without it being seen by anyone external to BHP, funnels the complainant's "ones and zeros" straight into the hands of BHP's internal complaint system which, again, is confidential, so nobody can hear your screams when your being treated like shit.

BHP, if you are as ethical as you claim to be, why don't you relocate the contents of your Ethics Point complaint system to the Department of Mines Industry Regulation and Safety and let them see your Charter Values hard at work.