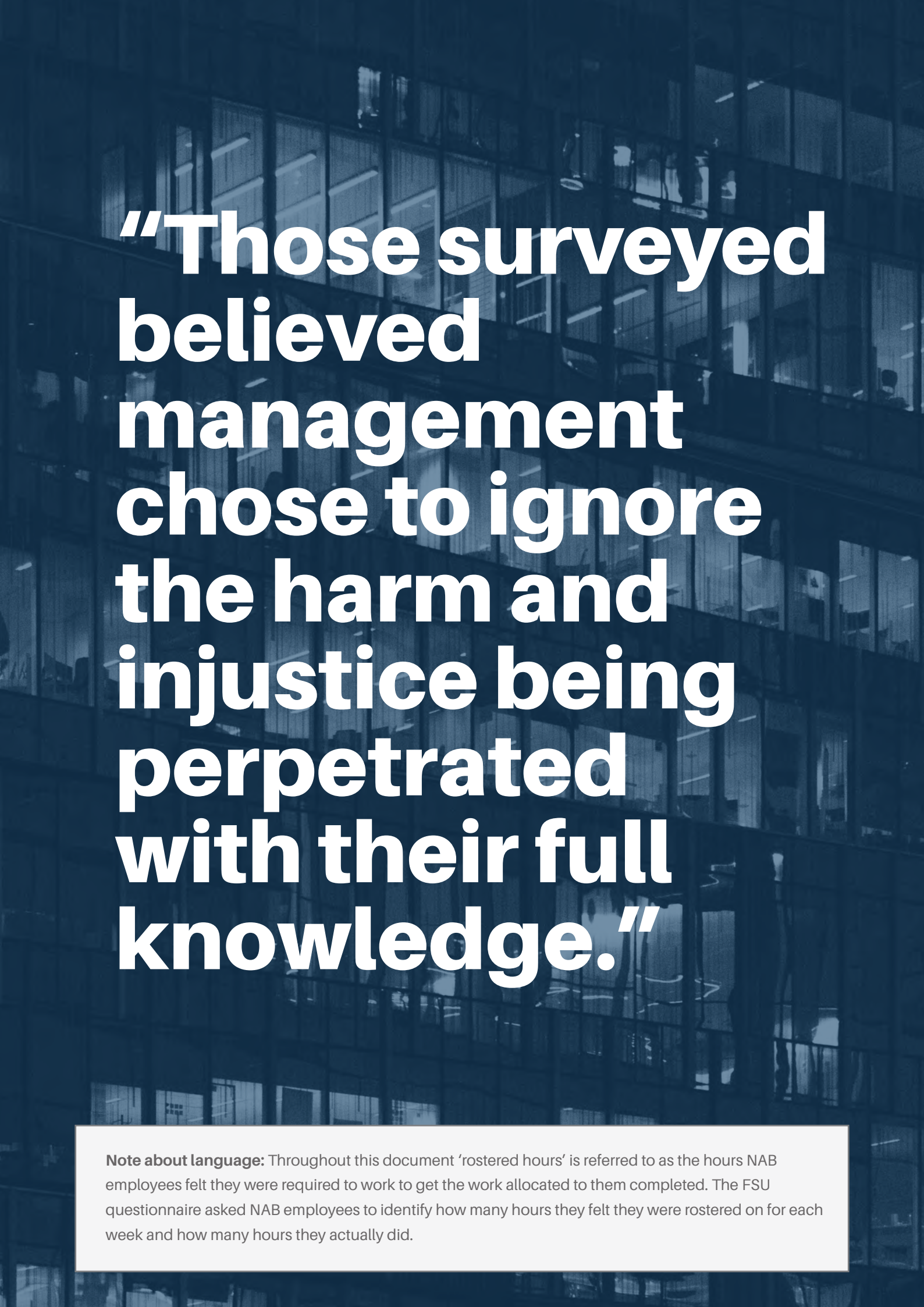




WORKING FOR
NOTHING

**How NAB robs employees' pay,
health and family time.**



“Those surveyed believed management chose to ignore the harm and injustice being perpetrated with their full knowledge.”

Note about language: Throughout this document ‘rostered hours’ is referred to as the hours NAB employees felt they were required to work to get the work allocated to them completed. The FSU questionnaire asked NAB employees to identify how many hours they felt they were rostered on for each week and how many hours they actually did.

Contents



| | |
|---------------------------------------------------------|-----------|
| Executive Summary | 4 |
| Introduction | 7 |
| Hours worked | 8 |
| High workload with unpaid hours is the NAB norm | 10 |
| Workload and unpaid hours: a culture of fatalism | 11 |
| Worked to death: health impacts of work overload | 16 |
| Home and family impacts of work overload | 21 |
| Discussion | 24 |
| What is reasonable? | 24 |
| Material concerns | 24 |
| Workplace health and safety matters | 27 |
| Harm to home and family relationships | 28 |

Executive Summary

“More than four out of five participants who were rostered for more than 45 hours per week worked more than their rostered hours.”

This report has been prepared to assist the Finance Sector Union (FSU) prepare a Federal Court action using the findings from a Union survey of a strong sample of NAB members’ experience of unreasonable work hours and related underpayments.

For 93 per cent of survey participants, it is almost universal for Group 3 and above workers to work beyond 38 hours per week when performing their ordinary role duties.

Participants kept a four-week diary recording their rostered and actual work hours. In week one, two-thirds of participants recorded working more than their rostered hours for every category of hours surveyed.

Almost two-thirds, 664 (63.3%) said this pattern of work had continued for more than three years. Indeed, at NAB, extensive levels of unpaid hours and persistent and consistently high workload levels have been normalised by management fiat. Three-quarters (75%) of respondents said working additional hours is ‘expected’ of them. However, almost half (48%) had raised their concern about these unpaid hours with their manager.

What is surprising from the viewpoint of wage justice and management’s responsibility for workplace health and safety, is that those surveyed believed management chose to ignore the harm and injustice being perpetrated with their full knowledge. Respondents’ comments reveal

a culture of resignation, even fatalism about the ‘necessity’ of their heavy workloads and excessive unpaid hours, saying that their concerns will be ignored by management, nothing will be done, and nothing will change their situation. Eighty-nine per cent of respondents believed neither their line manager nor their next up manager (93.7 per cent) had ever done anything to stop this practice of persistent working beyond rostered hours. They express a very real fear of being subjected to material and psychological abuse by NAB, quoting examples that justified their fears.

The 2018 Royal Commission into the Banking, Superannuation and Financial Services Industry found the profit maximising culture of the corporations created a harmful culture for customers. This research suggests NAB’s culture is equally harmful to staff, with more than four out of five (81.6%) respondents saying they did not agree with their employer that working unpaid hours was ‘reasonable’. In fact, more than four out of five (86.9%) reported their workload and working additional hours negatively impacted their physical and/or mental health. The most often reported health impact from working additional

hours was increased stress/anxiety (87%), followed by loss of sleep (76%), mental health impacts (48%), and physical injury (e.g., back/neck pain) (33%). Over half of those surveyed (52%) reported experiencing three or more of these ailments. The proportion suffering these health effects increased with increased hours worked.

These results are consistent with a growing body of international research demonstrating the causal relationship between work pressure and impaired mental and physical health. But none of these work-related harms from work overload, underpayment and work stress is new. A UK study in 1831 is one of the first research reports on the damaging physical results of work, while a 1915 study reported the impact on workers who worked increasingly long hours. The psychological harm caused by work began to be researched in the 1960s, and a 1988 study first encountered the psychological problems of anxiety/depression and stress due to work.

Recent national harmonisation of work health and safety laws and regulations mean the outcomes shown in this survey report now constitute an offence against psycho-social provisions in all Australian jurisdictions. This report of work harm to employees' physical and mental health demonstrates NAB is in breach of its legal responsibility to its workforce. By refusing to see or hear the harm and pain these breaches cause, the corporation is also causing secondary harm to loyal staff. There is a coercive dimension to this wilful blindness, with NAB governance and culture forcing staff to "choose" keeping their toxic work conditions over keeping their physical and mental wellbeing.

The level of impact on their family life is almost universal, with 88 per cent reporting work harm impacts. Work intrudes on weekends for more than three-quarters (79%) of the participants and for more than half (59%), on their annual leave. Working for NAB is robbing these employees of their family life. Some dimensions of this violation are obvious: work overload causes relationship difficulties (52%) and missed family celebrations (45%) and school events (39%). Almost one-third of those who experienced family relationship difficulties due to unpaid workload reported this upheaval had continued for longer than three years. NAB's violation of the work/family boundary

is persistent and systematic. Work-life balance seems impossible. NAB is stealing time from its employees to maintain maximum profit for the corporation, and the families of staff are being sacrificed to achieve corporate targets. Some married staff believe their marriage has broken down due to the constant pressure to work unpaid and extensive unpaid hours.

The evidence in this survey about the way NAB deals with its employees mirrors the findings of the Royal Commission into financial services entities' misconduct towards their customers. In its final report, the Commission stated in relation to NAB (along with AMP, ANZ, CBA, and Westpac), 'It is necessary to keep steadily in mind that entities took money (a lot of money) from their customers for nothing. The conduct was so widespread that seeing it as no more than careless must be challenged.' This is precisely the same criticism NAB employees make of their employer. The Commission made three criticisms of financial services entities dealing with customers that are congruent with NAB employees' criticisms of their employer's unreasonable arguments for unpaid hours:

1. Putting the pursuit of profit before all other purposes is unreasonable because it 'ignores basic standards of honesty'.
2. 'An employer of a financial services licensee or a representative of a licensee must not give employees conflicted remuneration' because in establishing targets and dispensing bonuses they have a conflict of interest.
3. In contract negotiations, the bank has an 'obligation to engage in a fair, reasonable and ethical manner'; this makes the bank's position unreasonable because of its systematic reliance on coercive dealings with its employees in such negotiations.

The health and welfare harm suffered by staff is comprehensively documented by the health and welfare professionals to whom employees have turned for support. The range of harms diagnosed by health professionals and reported is profound: stomach ulcers, stress, panic attack, burn-out, anxiety, back pain, high blood pressure, irritable bowel syndrome, depression, post-traumatic stress disorder, and sleeplessness.

NAB has a legal obligation to ensure the health and safety of its employees when they are working from home, which is the same legal obligation as working at the office, and reportedly was a common practice for years before COVID-19. 'The model Work Health and Safety laws still apply if workers work somewhere other than their usual workplace, for example, from home.' From the time this practice began, to what extent has NAB taken steps to assess each worker's home environment to ensure it complies with work health and safety standards and risk management policies?

Finally, there is a poisonous paradox when employees believe they must sacrifice their family relationships so that their family receives the financial benefit of the employee's employment. This paradox highlights a weakness in current work health and safety policies because the violence experienced by NAB employees is then also inflicted onto those employees' home and family relationships. Until work health and safety policies include the experience of family members subjected to the damage from psychological violence brought into the home and family by an overworked and underpaid worker, the holistic dimensions of this injustice and violence will continue to cause injury, harm and death.

A number of people have been involved in the compilation of this report, Mark Pannowitz (FSU) for drafting the survey, Amelia Clancy (FSU) for the stats, FSU Communications & Marketing for editorial and layout, FSU Research & Policy for oversight and John Bottomley (Transforming Work) for drafting, analysis and commentary.



Introduction

Some 2388 NAB current and former Group 3 and above members of the Finance Sector Union (FSU) were asked in an email from the FSU to complete a questionnaire to assist the Union prepare a Federal Court action over unreasonable hours and related underpayments.

Participants were advised their responses would be critical to ensuring FSU presented a strong and comprehensive case. Participants were also assured their contribution would be treated with the strictest of confidence in the campaign and ongoing work with the Union's Senior Counsel to progress the case.

The questionnaire was returned by 1,254 participants, a response rate of 52.51 per cent.

The questionnaire covered topics about how many hours a week employees worked, the impacts it has on their physical and mental health and personal/home life, as well as NAB attitudes and behaviours. The questionnaire combined fixed-choice and open-ended questions to focus respondents on

standardised themes, as well as to encourage participants to respond in their own words. This report provides statistical summaries of the key themes, along with a sample of quotes from respondents in their own words. A number of respondents wrote lengthy responses detailing in depth their pain and grief at the way their employer had violated their integrity and willingness to provide their customers with quality and timely service. All open-ended responses were taken into account for this survey report.

“Three-quarters (75%) of participants said they worked more than their contracted hours because it was ‘necessary’ to complete their duties.”

Hours Worked

Only seven per cent of NAB Group 3 and above participants in the FSU survey reported they were not required to work beyond 38 hours per week when performing their ordinary role duties.

At 93 per cent of survey participants, the requirement for this group to work beyond 38 hours per week when performing their ordinary role duties is almost universal (table one). That is, the decision to work unpaid hours each week is not a reasonable negotiation between an employee and their manager for a particular circumstance, it is a circumstance that has become almost a universal requirement of employment for Group 3 and above employees at NAB. Survey participants kept a diary for four weeks to record their rostered and actual hours worked (table two). Table two illustrates the normalisation of actual unpaid work hours beyond even the work hours for which employees were rostered.

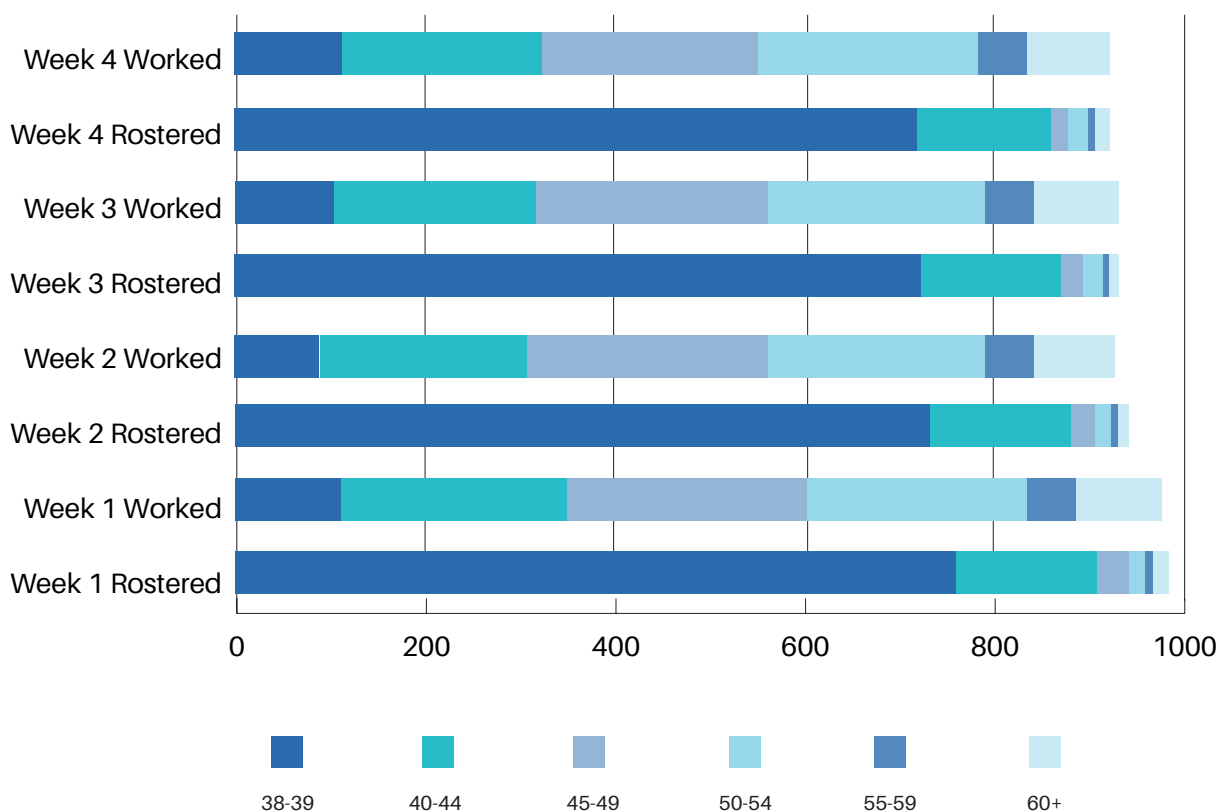
The percentage of participants who were rostered for 38-40 hours per week work is remarkably stable across the four weeks, ranging from 77.7 per cent to 77.9 per cent of all workers for each of the four weeks studied. The percentage of participants who worked those rostered hours is also remarkably stable, ranging from 10.0 per cent to 11.9 per cent of all workers for each of the four weeks studied.

Table One: Required to work beyond 38 hours when performing ordinary role duties

| | Number | % |
|--------------|-------------|------------|
| No | 84 | 7 |
| Yes | 1119 | 93 |
| Total | 1203 | 100 |

Table Two: Hours rostered, and hours worked per week over four consecutive weeks

| Hours per week | Week one | | Week two | | Week three | | Week four | |
|----------------|---------------------|---------------------|---------------------|----------------------|----------------------|----------------------|-----------------------|----------------------|
| | Rostered | Worked | Rostered | Worked | Rostered | Worked | Rostered | Worked |
| 38 - 40 | 761 77.7% | 110 11.3% | 730 77.7% | 93 10% | 728 77.9% | 104 11.2% | 717 77.9% | 110 11.9% |
| 40 - 44 | 147 15% | 241 24.8% | 147 15.7% | 218 23.5% | 141 15.1% | 215 23.1% | 142 15.4% | 216 23.4% |
| 45 - 49 | 31 3.2% | 249 25.6% | 27 2.9% | 251 27% | 26 2.8% | 242 26% | 21 2.3% | 226 24.5% |
| 50 - 54 | 22 2.2% | 233 23.9% | 20 2.1% | 232 25% | 21 2.2% | 226 24.3% | 21 2.3% | 229 24.8% |
| 55 - 59 | 6 0.6% | 55 5.7% | 4 0.4% | 52 5.6% | 7 0.7% | 57 6.1% | 7 0.8% | 53 5.7% |
| 60+ | 13 1.3% | 85 8.7% | 11 1.2% | 82 8.8% | 11 1.2% | 86 9.2% | 13 1.4% | 89 9.6% |
| Total | 980 100% | 973 100% | 939 100% | 928 99.9% | 934 99.9% | 930 99.9% | 921 100.1% | 923 99.9% |

Table Three: Hours rostered vs hours worked (week on week)

That is, in week one of the survey, of the 761 participants rostered to work 38-40 hours, 85.5 per cent (651) did not work their rostered hours. Of the 651 participants who recorded not working their rostered 38-40-hour week, 642 (65.5% of all participants) recorded working more than their rostered hours for every category of hours surveyed. This suggests only 9 (0.9%) participants worked less than their rostered hours in week one, and two-thirds of all those surveyed worked more hours than their rostered hours.

Also, in week one:

- Of those who were rostered for 40-44 hours, 94 (39%) worked more than their rostered hours.
- Of those who were rostered for 45-49 hours, 218 (87.6%) worked more than their rostered hours.
- Of those who were rostered for 50-54 hours, 211 (90.6%) worked more than their rostered hours.
- Of those who were rostered for 55-59 hours, 49 (89.1%) worked more than their rostered hours.
- Of those who were rostered for 60+ hours, 70 (82.4%) worked more than their rostered hours.

To summarise week one: while almost two out of five participants who were rostered for 40-44 hours worked more than those hours, more than four out of five participants who were rostered for more than 45 hours per week worked more than their rostered hours.

This pattern of overwork is consistent across the four weeks surveyed. For example, for those who were rostered to work 50-54 hours:

- In week one, 211/233 or 90.6 per cent worked more than their rostered hours.
- In week two, 312/233 or 91.4 per cent worked more than their rostered hours.
- In week three, 205/226 or 90.7 per cent worked more than their rostered hours.
- In week four, 208/220 or 90.8 per cent worked more than their rostered hours.
- That is, for any participant rostered to work 50-54 hours per week over the survey period of four weeks, 4.5 out of five employees worked more than their rostered hours every week.

High workload

High workload with unpaid hours is the NAB norm. When asked how long they had experienced this level of working more than their rostered hours, 209 (19.9%) said it took place over a period of 12 months, 101 (9.6%) said it had gone on for 24 months, 74 (7.1%) mentioned it went on for 36 months and almost two-thirds, 664 (63.3%) said it was even longer. Indeed, at NAB, extensive levels of unpaid hours and persistent and consistently high workload levels have been normalised by management fiat. Less than one in five (17.9%) of the survey participants had been offered time off in lieu (TOIL) in response to these exploitative work practices.

The normalisation of excessive workloads and unpaid hours is demonstrated by respondents' views on the attitude of their managers to employees working additional hours. Using the exact same word, 239 respondents said working additional hours is 'expected':

- It is now considered normal and expected if we are to meet service standards and targets.
- Expected and to never be questioned.
- It's the norm - expected.
- It was expected. The demands and deadlines set were frequently not achievable unless significant additional hours were worked including weekends.
- Expected. Otherwise, you are not a team player or don't have the right behaviours or values.
- It was an expectation to compensate for lack of staffing resources and experience. As a seasoned banker with outstanding achievements, I was expected to take on higher duties without being paid for it.

The questionnaire provided three options for participants to indicate their reasons for completing unpaid hours, but because participants could select all the options that applied to them, it is unclear exactly what their precise motivation was. At most, three-quarters (75%) of participants said they worked more than their rostered hours because it was 'necessary' to complete their duties. What made their decision 'necessary'? One factor is clear for twenty-five per cent of survey participants: they were directed by their manager to do so. That is, 15 per cent of respondents were directed to complete duties and 10 per cent were directed to meet service demand.

Table Four: Number of participants x length of time they experienced unpaid hours

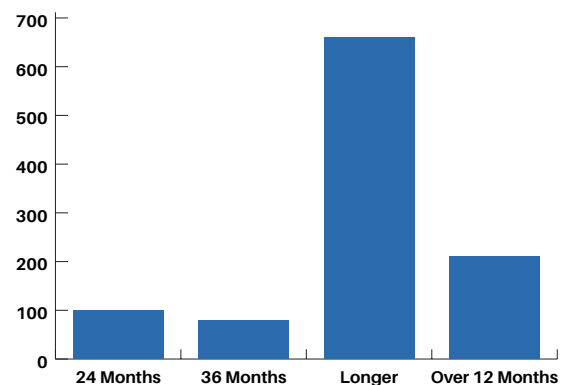
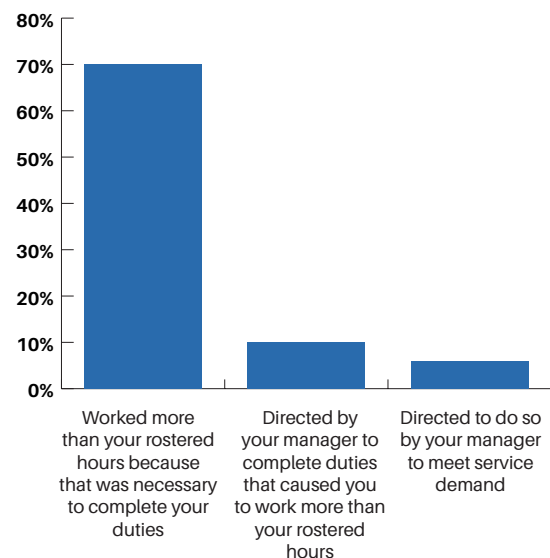


Table Five: Number of participants x their reasons for completing unpaid work



Culture of fatalism

The survey also makes it clear that the decision that it was 'necessary' for employees to work unpaid hours was contested by almost half (48%) of all survey participants, who had raised their concerns about the unpaid hours with their manager. It is therefore not possible that management was unaware of workers' discontent about the 'necessary' nature of unpaid work, because in 85 per cent of times when survey participants raised their concern with their manager about 'necessary' unpaid work, they did so verbally, and in a further 15 per cent of times, they did so both verbally and in writing. It is not surprising almost all (86.1%) respondents thought their line managers knew how many hours they were working each week. What is surprising from the viewpoint of wage justice and management's responsibility for workplace health and safety, is that those surveyed believed management chose to ignore the harm and injustice being perpetrated under their direct sight and jurisdiction. Respondents said:

- Management turns a blind eye, so they don't have to address workloads.
- They turn a blind eye because at the end of the day we are measured on our scorecard metrics.
- Management preferred to turn a blind eye and just let the employees work late into the evening to meet customer deadlines.
- Management turns a blind eye to the unrealistic workloads of front-line employees.
- Turns a blind eye, doesn't care and regularly leave work earlier than team members.

'Turning a blind eye' is a euphemism for management's wilful refusal to respond to the concerns of employees for wage justice and their workplace health and wellbeing needs: the injustices of NAB's wages policy, work overload and the violation of employees' family and leisure time are systematically ignored. One worker exposed the hypocrisy of their manager turning a blind eye to injustice, saying, 'I've been told to leave on time and take my laptop home and once I've had dinner/family time then I can log in again to finish. Here the manager condones unpaid and excessive work hours, while hiding the injustice behind the veil of the employee's home, itself a potential unsafe work environment.

"I've been told to leave on time and take my laptop home and once I've had dinner/family time then I can log in again to finish tasks."

Fatalism is a belief that 'events occur in an unavoidable way, and therefore causes attitudes of passivity with respect to reality that is perceived as inexorable.'¹ Respondents' comments about what they said to their line managers reveal a culture of resignation, even fatalism about the 'necessity' of their heavy workloads and excessive unpaid hours. For example:

All in the same boat

- The previous people leader's response was to share the workload with colleagues, who I knew were all in the same boat doing same hours. We requested additional FTE to assist the team, which was laughed at because the bank didn't have the FTE at the time (circa Oct 2019).
- We try to tell them in our team meetings, but generally everyone is in same boat.
- We have discussed this as a group several times. Everyone is in the same boat, so the sharing of workload is not achievable.

Concerns ignored

- Myself and my team were often tasked with projects that had ridiculous deadlines. When concerns were raised, they were met with stony silence. It was all about getting the tasks out ahead of schedule, so they looked good in front of the Executives.
- My people leader is aware of our concerns because our team complains about it frequently in team meetings etc.
- Told on multiple occasions to not ruffle feathers and not mention it.
- When this was raised, we were advised NO that's it.
- This is what is required of bankers under the new CLS model. It is widely known and ignored by management.

Table Six: Consequences for refusing to work unpaid hours and the feared consequences for those never refusing to work unpaid hours

| | Refused to work unpaid hours: Consequences | Never refused to work unpaid hours: Feared consequences |
|-----------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Dismissal | <ul style="list-style-type: none"> I was sacked. I was dismissed. I was politically downpinned and terminated. I was totally helpless. Poor performance reviews and termination under the guise of the never-ending rolling restructuring and redundancy. | <ul style="list-style-type: none"> I would be sacked, or performance managed out of the organisation. Work would pile up and we would never catch up. Bad customer experience, resulting in bad KPI then the sack. Threats to have discussions with Employee Relations to terminate employment. Loss of customers, failure of duties, loss of job. |
| Threats of punishment | <ul style="list-style-type: none"> NAB managers were bullies who favoured certain people and made me feel like I did not have a voice. Bonus would be threatened due to ratings. Looked down on in the management ranks. Advised it could impact my career if I made things too difficult by questioning. I was told that I was a liability to NAB, and I can be replaced. Have a poor performance discussion outcome, which directly impacts performance payment outcome. People leader advising ..." we are heading towards a performance discussion." | <ul style="list-style-type: none"> I would not be able to get my job done, or even come close. Performance management, loss of job. My manager would just try to bully me into doing more hours. Reflection on KPI discussions, not meeting, therefore no bonus. You would be discriminated against. Performance reviews will always be poor, it would impact my career, and will also be used to justify not giving any bonus or pay rise. Might not get all tasks complete and then either miss out on a bonus or be put on performance management. |
| Bonus withheld | <ul style="list-style-type: none"> No Short-Term Incentive (bonus) awarded for refusal to work additional hours. Bonus reduction. Not met targets and so not received a bonus. | <ul style="list-style-type: none"> Audit ratings would drop and consequently loss of bonuses. No bonus and potentially being performance managed. Not met targets, not received bonus. |
| Stigmatised | <ul style="list-style-type: none"> Made to feel like you are not a team player. Poor perceptions. Negative reactions. Not a team player. Comes back to haunt you at appraisals. You are accused of not being a team player and at end of year appraisal would be marked down, which affects remuneration. Verbally made to feel inadequate. | <ul style="list-style-type: none"> You get branded. You won't receive bonuses, raises. You want to seem like a team player and if you didn't you are reprimanded by not receiving a bonus, not thriving as a team player, is how this was defined. Reputational damage. Made to feel guilty. Letting the team down. If you didn't work, then project would not deliver, and you would be the point of failure. PMs (G4s) were ruthless with this unwritten rule. Shunned by colleagues who have been led to believe it is normal. |

Line managers caught in the same situation

- They are working the same hours as we are.
- They worked the same hours.
- My line manager is usually online as well on weekends.

Direct communication but nothing ever done.

- I raised this at every 1:1 with my direct line manager, and with the Portfolio Manager who was the one expecting the excess hours. Nothing was done.
- I have informed them in 1:1s.

The fact that so many survey participants believe their workload and unpaid work are essential aspects of their employment at NAB is embodied in a fatalistic attitude, shown by the above comments that their concerns will be ignored, nothing will be done, and nothing will change their situation because they are all stuck in the same boat. The pervasiveness of this culture of fatalism is reflected in the fact that:

- Only 14.5 per cent of those surveyed had ever refused to work additional hours outside of their rostered hours. This reflects their resignation to their fate.
- Neither 81.9 per cent of respondents believed their line manager nor 93.7 per cent of their next up manager had ever done anything to stop this practice of persistent working beyond rostered hours. Even many of those above the surveyed employees in the NAB hierarchy appear caught in the same 'necessity' and feel powerless to help change things.

However, comments from both those who refused and those who never refused to work unpaid hours underline the violent ethic behind the fatalistic culture of NAB. Simply put, their comments indicate their decision whether to work or to not work only their rostered hours elicited a strikingly similar range of consequences for those who refused unpaid work with the feared consequences of those who never refused unpaid work, as indicated here:

The culture of fatalism is not the result of individual pathology of NAB employees but appears to have developed as a survival response to the very real material and psychological coercion implemented by NAB. But what is driving this toxic culture? The 2018 Royal Commission into the Banking,

Superannuation and Financial Services Industry found that the toxic culture in the financial service industry was due to the profit maximising culture of the corporations. This finding of the Commission into the misconduct of banks in relation to their customers applies equally well to NAB's misconduct towards their employees: 'Much if not all of the conduct identified ... can be traced to entities preferring pursuit of profit to pursuit of any other purpose.'²

More than four out of five (81.6%) respondents said they did not agree with their employer that working additional hours was 'reasonable'. In response to a question why they thought this way, respondents mentioned it was unreasonable because such work had such a devastating effect on their health and their home and family life (see more on this below). The third reason given for judging work overload to be unreasonable was not being paid for the unpaid hours they were forced to work. As one respondent summarised, 'NAB are effectively reducing salaries by use of unpaid hours. As a group three my staff were often paid more than me per hour if my unpaid hours and RDOs were factored in.' Comments such as the following were common:

- It is never reasonable to be expected to use your own personal/family time to complete unpaid work.
- They made us work 40 hours per week on 38-hour week contracts, how is that reasonable? You were then expected to work hours over and above the 40 hours (unpaid) to ensure the work got done and as G3 and above you weren't entitled to pay increases each year as you weren't under the EA which quite often meant G2 employees overtook you in salary as they got pay increases every year and were paid OT (as well as RDO's). This was a widely known issue amongst staff and nobody ever willingly wanted to move groups because of the disparity.
- The hours required are significantly higher than a reasonable person would expect necessary to perform the role tasks. These additional hours are unreasonable and unpaid!
- Unpaid hours are never reasonable. It was an entrenched expectation. Not an exception. With implicit or explicit promise of rewards that didn't come or were substantially cut at end of year.

- This business has been built on a huge number of unpaid hours. All their metrics are now based on this assumption.
- Every hour of unpaid work decreases the hourly rate of pay.
- I could work elsewhere for the same pay without the stress and pressures Nab provides.
- 15 to 20 hours extra unpaid is not reasonable when senior managers are paid 3 and 4 times the amount for less worked hours.
- Unpaid work was just expected, and it was known that if you didn't work extra hours, it would impact your performance rating/brand/perception/ future opportunities.

To summarise, unpaid work hours is unreasonable at NAB because:

- It is unjust; it goes against the principle of a fair day's pay for a fair day's work.
- It is coerced, that is, to work unpaid hours or not work unpaid hours is not a matter of free choice. The right to freedom of choice for employees has been taken away by the corporation.
- It is dehumanising, that is, employees are reduced in their humanity to 'slaves' of the corporation's productivity and efficiency principles.

Less than one-in-five (18.4%) respondents said working unpaid hours was reasonable. Some of those added why they thought their employer's requirement for them to work unpaid hours was reasonable, saying:

A necessity determined by NAB

- Had to be done to meet ridiculous target expectations.
- The sales targets do matter.
- NAB believes that we need to work the hours required to achieve set targets.

An expectation determined by NAB

- If your job requires it to be done, then they consider it reasonable.
- They expected the additional hours because the work was there and had to be done.
- It is expected in the culture of the bank.
- Otherwise, there would be a definition in the EBA of what unreasonable overtime is.

- We could not apply for overtime, as this was not available for group 3/4.
- It was just expected of Regional Managers.
- It had been stated that it's in our contract on many occasions.

A necessity determined by the work

- There are peaks and troughs in the amount of work.
- You needed to do what's required to meet deadlines.
- It's expected that you will work as many hours as required as you will get a bonus.
- Whilst it's my personal choice to work additional hours it's just to keep on top of demand.
- A few hours here and there is reasonable. ... It takes me away from my family every single night. However, it is what I must do FOR my family.

An expectation required by customers

- They are reasonably required to meet our customers' needs.
- To get the job done and keep supporting clients.
- Needs to be done to meet client needs.

A choice expressing employees' professionalism

- Additional hours worked to satisfy self that an excellent job has been done.
- Without it we would not perform to standards required.

To summarise, most employees who said unpaid work at NAB was reasonable thought it reasonable for their employer to determine what was a matter of necessity or what was expected from them as employees. However, their attitude to what was reasonable reflects the culture of fatalism identified above as a survival mechanism in a toxic work environment. That is, these employees give voice to a passive acceptance that what is necessary and expected by NAB is inevitable and 'written in stone'. In only a few cases did employees note it was reasonable for them to choose to work unpaid hours because it sustained their professional identity.

"I almost self harmed one night driving home. I drove my car off the road deliberately to try and have a serious enough accident to stop the insanity, but not so much to die. When I was sitting on the side of the road, I was shaking from what I almost did to myself. ...My relationship at that time ended, I think largely because I had lost the essence of me."



Worked to death

How could it happen that working at NAB would literally drive someone to self-harm that was almost tragically fatal? The following insights from those surveyed show several paths from their toxic work environment from work overload to a level of health harm that touched the shadow of death:

- I went from a super fit healthy person to slightly overweight and unfit due to missing out on doing my daily exercise and eating shit on the road. All to meet unrealistic targets.
- Don't have time to exercise. Don't have time to spend with family. By the time my day ends just drop into bed to start it all again the next day. Often start work again at 5 a.m. Due to lack of time, don't have enough time to prepare healthy meals.
- The continued pressure eats away over a time, and you don't realise given this has been conditioned into you as this is a cultural position. Senior Leaders within the organisation would not have been aware of the extent and extreme that this had reached. My GP advised me that high blood pressure and irritable bowel syndrome would not relent until I changed my lifestyle. I now have left NAB and these health conditions are no longer an issue.
- I developed high blood pressure and was impacted by shingles. I had nightmares and heart palpitations.
- Working unpaid hours leads to exhaustion and anxiety and depression.
- Mental and physical health has deteriorated significantly. I am on long term medication to treat depression. This is a direct result of the working environment. I have also begun drinking much more alcohol than I had previously consumed.
- I crashed my car once as a result of driving home so tired after a string of 20-hour days. Manager just waived it off as a non-NAB issue.

More than four out of five (86.9%) of those surveyed reported their workload and working additional hours impacted their physical and/or mental health. Work overload could lead to poor health due to less time for exercise and/or healthy eating. It could cause stress that affected the cardio-vascular system and high blood pressure and damage heart functioning. And overloaded work could have a direct impact on depression, anxiety or other mental health concerns. The conclusions these employees have come to regarding the link between their toxic work environment and impaired health outcomes are

Table Seven: Health effects from working additional hours x hours worked in week one

| Health effects from working additional hours (Respondents could tick all that applied to them) | Hours worked per week in week one | | | | | | | | | | Total for each health effect | |
|---------------------------------------------------------------------------------------------------|-----------------------------------|-----|------------|-----|------------|-----|------------|-----|------------|-----|------------------------------|-----|
| | 38 - 40 | | 40 - 44 | | 45 - 49 | | 50 - 55 | | 55+ | | | |
| Increased stress/ anxiety | 77 | 70% | 200 | 83% | 229 | 92% | 219 | 94% | 128 | 91% | 853 | 87% |
| Loss of sleep | 60 | 55% | 156 | 65% | 192 | 77% | 204 | 88% | 128 | 91% | 740 | 76% |
| Mental health impacts | 31 | 28% | 95 | 39% | 118 | 47% | 137 | 59% | 89 | 64% | 470 | 48% |
| Physical injury e.g. back/neck pain | 22 | 20% | 65 | 27% | 79 | 32% | 92 | 39% | 66 | 47% | 324 | 33% |
| Total responses for each category of hours worked | 110 | | 241 | | 249 | | 233 | | 140 | | 973 | |

regularly supported by their reports from their doctors, psychologists, and other health experts.

The most often reported health impact from working additional hours was increased stress/anxiety (87%), followed by loss of sleep (76%), mental health impacts (48%), and physical injury (e.g., back/neck pain) (33%). Over half of those surveyed (52%) reported experiencing three or more of these ailments. From a baseline of working 38-40 hours per week in week 1, the table below indicates the percentage of employees impacted for each of the health effects is increased from the baseline for every subsequent level of hours worked. For example, the percentage of staff suffering increased stress/anxiety increased from 70 per cent in the 38-40 hours per week worked, to 83 per cent for the 44-50 hours worked, then 92 per cent, 94 per cent and 91 per cent experiencing increased stress/anxiety in each of the next three categories of hours worked respectively. The percentage of employees reporting a mental health impact for the 55 hours plus (64%) and 50-55 hours (59%) per week are both more than double the percentage reporting mental health impacts in the baseline group (28%). The pattern is similar for those reporting a physical injury from working additional hours, with more than a double increase from the baseline (20%) to those working 50-55 hours (39%) and 55 plus hours (47%) per week.

The table above indicates that if the pattern of health effect has been established after 12 months from it starting, the proportion of workers who continue to suffer that health effect is frighteningly stable over time. For each of the health effects, the proportion who report a health effect is consistent for each length of category of work from 24 months to longer than three years. For example, the proportion of 85 per cent of those who report increased stress/anxiety over a 12-month period of employment shows little change after 24 months (90%), 36 months (91%), or longer (88%). This suggests that NAB pays little or no attention to remedying the detrimental harm of the corporation's working environment, which after making people mentally and physical ill perpetuates their pain and distress over time. This seems to reverse a recent NAB advertising slogan, 'more give, less take'. The impact on these NAB employees is more of their health is taken by the corporation, less health is given.

"My mental health deteriorated significantly. My Programme manager joked about nearly working me to death."

Table Eight: Health effects from working additional hours x length of time employee has experienced work overload and underpayment

| Health effects from working additional hours (Respondents could tick all that applied to them) | Length of time employee has experienced work overload and underpayment | | | | | | | | | |
|---------------------------------------------------------------------------------------------------|------------------------------------------------------------------------|-----|-----------|-----|-----------|-----|------------|-----|------------------------------|-----|
| | Up to 12 months | | 24 months | | 36 months | | Longer | | Total for each health effect | |
| Increased stress/anxiety | 169 | 85% | 88 | 90% | 61 | 91% | 523 | 88% | 841 | 87% |
| Loss of sleep | 139 | 70% | 71 | 72% | 50 | 75% | 470 | 79% | 730 | 76% |
| Mental health impacts | 92 | 46% | 42 | 43% | 33 | 49% | 298 | 50% | 465 | 48% |
| Physical injury e.g. back/neck pain | 62 | 31% | 36 | 37% | 19 | 28% | 200 | 34% | 317 | 33% |
| Total responses for each category of hours worked | 199 | | 98 | | 67 | | 592 | | | |

However, these statistics can hide the brutal and profound consequences of egregious work overload on employees, as the following painful truths from survey participants reveal:

Stress

- I didn't realise how much stress I was under until I had left and we as bankers at NAB had dealt with that level of stress for years on end. It's not normal.
- I have been hospitalised with stomach ulcers which doctor advised was a result of work stress.
- I have been diagnosed with severe depression, and this has been caused by the constant stress and pressures of management wanting more from us no matter what.
- My stress and anxiety got out of control because I was exhausted, in pain, and not getting rest. It impacted my home life and relationship because it encroached on our time and impacted my ability to regulate my emotions.

Anxiety

- I got anxiety, went on antidepressants, my heart rate was elevated for 2 years, my sleep was poor, I put on 10kg in weight, I didn't exercise. It was terrible.
- I have known all along we are being robbed and that hurts. It creates a great deal of anxiety knowing that we are powerless to do anything about it and just get on with the job.

- The benefit of moving to a new organisation has meant that I now know how badly the workload was affecting me. I even attended emergency at hospital, which was found to be anxiety and stress.
- I started having to take anti-depressants for anxiety due to loss of sleep.

Loss of sleep

- Stress impacts my health, loss of hair, trouble sleeping, joint pain.
- I am on medication to reduce stress. I only get around 5 hours sleep per night. By the weekend, I am totally exhausted.
- I was stressed all the time, I had problems sleeping due to workload. I had put on a lot of weight.
- Mental health has declined, fitness has reduced, sleep is broken, and work has invaded home space.

Mental health

- Mental health deteriorated significantly. My Programme manager joked about nearly working me to death.
- Absolutely detrimental and crippling to my mental health. They don't give a shit though.
- Over a long period of time, it wears you down mentally. I have been on mental health sick leave for over 7 months.

- Reduced mental health, feelings of isolation due to having no friends/life outside of work, missing family, lack of connection with the world outside NAB.

Physical injury

- It meant that I had little time for my mental and physical wellbeing. My diabetes was constantly out of control.
- Physically I have been tired for a long time. When you are at your desk all day and don't have the chance to move all day, followed by sleepless nights where you lay awake thinking about what you need to get done the following day.
- I was mentally and physically broken when I left NAB, I had 4 months off before I began to seek further work.
- I joined NAB in May 2015 and in Oct 2015 I was in the hospital due to major stress and physical breakdown.

The psycho-social pain revealed in these quotes, in combination with the statistical pattern of widespread and pervasive mental health and physical pain, reflect an organisational culture of institutional violence that appears to be ignored by NAB's governance and senior executives, who have legal responsibility to provide a safe and healthy work environment. That employees' pain is the result of institutional violence is highlighted by the language these workers use to describe their plight: the corporation's demands have impacted their home life and relationships; encroached on their time; robbed them of agency and left them powerless; invaded their home life; crippled their mental health; worn them down; and left them mentally and physically broken.

Yet none of these work-related harms from work overload, underpayment and work stress is a new finding. A UK study in 1831 is one of the first research reports on the damaging physical results of work, while a 1915 study reported the impact on workers who worked increasingly long hours. The psychological harm caused by work began to be researched in the 1960s, and a 1988 study first encountered the psychological problems of anxiety/depression and stress due to work.³ The results of this FSU survey are consistent with a growing body of research demonstrating the causal relationship between work pressure and impaired mental and physical health.

"I didn't realise how much stress I was under until I had left and we as bankers at NAB had dealt with that level of stress for years on end. It's not normal."

Recent national harmonisation of work health and safety laws and regulations mean the outcomes shown in this data constitute an offence against psycho-social provisions in all Australian jurisdictions.

Those surveyed viewed the harmful impact of working at NAB on their mental and physical health constituted an unreasonable work environment, as the following comments illustrate:

- My workload led to unbearable levels of stress and anxiety, which ultimately and directly lead to chronic mental health issues.
- There were times I would work in the evening and on weekends. To the point I started sleepwalking downstairs to work on a pack for work.
- They only care about bottom line profits and little about the physical and mental well-being of staff.
- I was already working 10-hour days. And when I couldn't fit in extra demands or reacted badly under stress, I was put in performance management.
- The corporation put a cohort of staff under impossible workload expectations, eroding away their work-life balance to the point that thousands of staff have experienced elevated levels of stress, leading to mental health issues, physical health issues, and family life issues due to the impossible demands. I was constantly shocked at the toxic culture and the deceitful way that Senior Leaders deflected any culpability for pushing staff to mental breakdown.

- Bankers are cutting their lives short due to stress and depression because of these expectations.
- I have no issue working 1-2 hours a night more but 4 hours a night is insane. Waking up at 3.30 a.m. being stressed about workload, what you might have missed - it is not acceptable.
- No one's mental or physical health should have to suffer to keep a job.
- It is completely unsustainable. I was not sleeping, having anxiety and panic attacks, and my relationships with my 10-year-old son and my partner were badly affected due to the stress and not having any time to spend with them. Management is totally aware of the workload/hours not being reasonable - there is abundant commentary to that effect in the employee surveys. They are lying if they suggest otherwise.
- Over time my workload led to unbearable levels of stress and anxiety, which ultimately and directly lead to chronic mental health issues.
- We're in it to make money. And they don't care at employees and their wellbeing. It's the last thing they think of.

To summarise, the impact of unpaid work on employees' physical and mental health makes the working environment at NAB unreasonable because:

- It is illegal. NAB as an employer has a legal responsibility to provide a safe and healthy work environment for all staff. These reports of work harm to employees' physical and mental health demonstrate NAB is in breach of its legal responsibility to its workforce.
- It is captive to the capitalist ethic of profit maximisation, at the cost of a humanising justice ethic that gives priority to human wellbeing. The corporation refuses to see or hear the harm and pain it is causing to loyal staff.
- It is coercive. NAB governance and culture forces staff to choose keeping their toxic work over keeping their physical and mental wellbeing.

“We're in it to make money. And they don't care at employees and their wellbeing. It's the last thing they think of.”



Home and family

“ More than three-quarters (79%) of the participants work intrudes on their weekends and for more than half (59%) on their annual leave.”

Eighty-eight per cent of those surveyed reported detrimental impacts of workload and working excessive hours home on their family life.

These impacts are therefore almost universal. It is easy to see why this high level of impact is being experienced by these NAB employees when they list the ways in which they are suffering. The impact is due to the way their work at NAB violates the boundary of their home and family life; in particular, for more than three-quarters (79%) of the participants work intrudes on their weekends and for more than half (59%) on their annual leave. Working for NAB is robbing these employees of their family life.

It is not only on weekends and annual leave that this time theft from their employees is occurring. Over three-quarters (78.3%) of respondents reported that before COVID-19 they were taking work home with them to complete. So, work overload is a source of conflict for employees between their working lives and their home and family responsibilities. Some of the dimensions of this violation of the personal sphere of home and family are clearly obvious: work overload causes

relationship difficulties (52%) and missed family celebrations (45%) and school events (39%). It is also linked to employees needing to postpone medical appointments (59%) when work is required to be prioritised over the employee's health. Not surprisingly, the more hours staff worked per week, the more often they worked on weekends and on annual leave. This is a significant factor in the staff grievance that their workload takes them away from time with their families.

Well over half of those who worked for NAB while on annual leave (63%) and on weekends (69%) reported this has been a pattern for their work at NAB for longer than three years. It is not surprising that those surveyed expressed the view so strongly and consistently that this 'normalised' practice at NAB was unreasonable. The table also suggests the pattern of relationship difficulties and relationship breakdown has been persistent

Table Nine: Home and family effects from working additional hours x hours worked in week one

| Home and family effects (Respondents could tick all that applied to them) | Hours worked per week in week one | | | | | | | | | | Total for each home and family effect | |
|------------------------------------------------------------------------------|-----------------------------------|-----|------------|-----|------------|-----|------------|-----|------------|-----|---------------------------------------|-----|
| | 38 - 40 | | 40 - 44 | | 45 - 49 | | 50 - 55 | | 55+ | | | |
| Increased stress/ anxiety | 34 | 31% | 111 | 46% | 151 | 61% | 165 | 71% | 116 | 83% | 740 | 59% |
| Loss of sleep | 54 | 49% | 163 | 68% | 184 | 74% | 164 | 70% | 96 | 69% | 993 | 79% |
| Mental health impacts | 22 | 20% | 78 | 32% | 87 | 35% | 67 | 29% | 31 | 22% | 648 | 52% |
| Physical injury e.g. back/neck pain | 5 | 5% | 6 | 2% | 15 | 6% | 12 | 5% | 6 | 4% | 212 | 17% |
| Total responses for each category of hours worked | 110 | | 241 | | 249 | | 233 | | 140 | | | |

over time, with almost one-third of those who experienced relationship difficulties at home reporting this upheaval in their lives continued from the time they experience unpaid workload and then for longer than three years.

Not surprisingly, but tragically, NAB’s coercive work overload constitutes a violation of employees’ home and family life, which these employees link to the breakdown of their marriage relationships. Lest the use of percentages hides the destructive reality of this violation, it must be emphasised that the violation is reported by 212 people, impacting onto 212 families. This is what some of them said:

- Sleeping short hours per night has also been a cause in my marriage breakdown, which has caused significant stress.
- My marriage has now ended, which I can directly relate to the ridiculous number of hours I was giving to my ungrateful employer.
- I first joined NAB in 2005 and experienced a marriage breakdown soon after as my husband wasn’t supportive or understanding of the long working hours and high expectations of the role.
- Marriage broke down. Husband said I work too much.
- The stress of my workload was a reason that my first marriage broke up.

“60-hour weeks are not reasonable. Working weekends and late into the evening is not reasonable. My kids asking me why I am always working, is not reasonable.”

Those surveyed viewed the harmful impact of working at NAB on their home and family life constituted an unreasonable work environment. One employee expressed the depth of so many grievances, saying, ‘I sacrificed my family and health and well-being.’ The following comments are similar:

- Reasonable doesn’t pay the bills or return lost family time. All unpaid hours should be financially compensated.
- 70 hours a week is almost double the time I am expected to work and paid to work. I have lost financially, including super.
- I have family, and my workload resulted in a bad relationship with my wife. Almost on the verge of divorce due to long hours.

Table Ten: Home and family impacts from working additional hours x length of time unpaid workload has been occurring

| Home and family impacts from working additional hours (Respondents could tick all that applied to them) | Length of time unpaid workload has been occurring | | | | | | | |
|------------------------------------------------------------------------------------------------------------|---------------------------------------------------|-----|-----------|-----|-----------|-----|------------|-----|
| | Over to 12 months | | 24 months | | 36 months | | Longer | |
| Worked during annual leave | 92 | 46% | 62 | 63% | 41 | 61% | 375 | 63% |
| Worked on weekends | 125 | 63% | 70 | 71% | 49 | 73% | 407 | 69% |
| Experienced relationship difficulties | 59 | 30% | 30 | 31% | 19 | 28% | 172 | 29% |
| Experienced a relationship breakdown | 12 | 6% | 6 | 6% | 2 | 3% | 24 | 4% |
| Total responses for each category of hours worked | 199 | | 98 | | 67 | | 592 | |

- Taking away 2hrs from spending time with family Monday-Friday is not reasonable. Considering you only get 5-10 hrs a week Monday-Friday with young children during a normal work week. So that is almost 20-40% of your weekday family time. Sounds unreasonable to me.
- It has a big impact on my marriage ultimately causing divorce.
- It is never reasonable to be expected to use your own personal/family time to complete unpaid work.
- It was stealing. They stole my time from my family.
- I've heard management say that they are all for work/life balance - as long as the work is done first!
- I'm paid to work a 40-hour week not weekends not nights, not to work when me or my family is sick. But we have to. Intimidation is rife within NAB to work unconscionable hours. Senior Leaders are bullying staff and silencing staff.
- Work-life balance is important ... you can't have an engaged business if everyone is overworked and stressed /burnt-out.
- 60-hour weeks are not reasonable. Working weekends and late into the evening is not reasonable. My kids asking me why I am always working, is not reasonable.

To summarise, the impact of unpaid work on employees' home and family life makes the working environment at NAB unreasonable because:

1. It has made work-life balance impossible. Employees who want to work to live are not able to live the life they wish with their families because NAB demands that their first priority is to live for work.
2. It is time theft. NAB is stealing time from its employees to maintain maximum profit for the corporation, and the families of staff are being sacrificed to achieve corporate targets.
3. It coerces married staff to put at risk breaking their marriage vows. That the coercion to work unpaid and extensive unpaid hours has led to the breakdown of so many employees' marriage/intimate partner relationships is heinous.

"It is wage theft and white-collar crime."

"They want something for nothing."

Discussion

"I was so stressed that I was taken to hospital."

"What's the point of life when it's like that?"

What is reasonable?

This research report indicates the overwhelming majority (81.6%) of NAB employees in the Group 3 and above categories surveyed believe the demands upon them to work unpaid hours are unreasonable. While what is 'reasonable' is defined in the Fair Work Act, this report has marshalled evidence to contribute to the argument that unpaid work is unreasonable from the experience of NAB employees. This evidence covers employees' material concerns about unpaid work, then workplace health and safety matters, and the deleterious harm of unpaid work to home and family relationships.

Material concerns

NAB employees working at Group 3 and above see the material reality of unpaid work hours as unreasonable because it is unjust, going against the principle of a fair day's pay for a fair day's work; employees are coerced to work unpaid hours; and it is dehumanising, making them 'slaves' of the corporation's productivity and efficiency principles. The evidence of those surveyed about the way NAB deals with its employees mirrors the findings of the Royal Commission into the Banking, Superannuation and Financial Services Industry into financial services entities' misconduct towards their customers. In its final report, the Commission stated in relation to NAB (with AMP, ANZ, CBA, and Westpac), 'It is necessary to keep steadily in mind that entities

took money (a lot of money) from their customers for nothing. The conduct was so widespread that seeing it as no more than careless must be challenged.⁴ This is precisely the criticism of NAB employees:

NAB took employees' money for nothing

- NAB is trying to squeeze more out for nothing.
- It is wage theft and white-collar crime.
- They are happy for people to work as long as it doesn't cost anything.
- They want something for nothing.
- Forcing people to work nights or weekends to get the work done whilst giving nothing in return is the MO of this organisation.

Widespread normalised pattern of behaviour

- Everyone works additional hours for free.
- Everyone is overworked and stressed /burnt out.
- It went on for months or years - it had a negative effect on everyone.
- Everyone has to do over and beyond else will be ranked 1 or 2.
- We all just accepts that we work 40-hour week and get paid for 38.

Taking a lot of money from customers for nothing is only one-half of the story of NAB misconduct. The evidence of NAB employees from this research is that the bank has also taken a lot of money from its employees week-in, week-out, for years, for no remuneration. The Commission concluded, 'taking something for nothing' is dishonest.⁵ This principled finding about dishonesty is as true for employees as it was for customers. Further, this abuse of the corporation's power over its employees is systematic and also 'must be challenged' because as the Royal Commission concluded, 'Much if not all of the conduct identified ... can be traced to entities preferring pursuit of profit to pursuit of any other purpose.'⁶ And putting the pursuit of profit before all other purposes is, in the eyes of the Commission, unreasonable because again, it 'ignores basic standards of honesty.'⁷

The Royal Commission's analysis of financial services misconduct raised a second standard for considering what is reasonable, when it dug into the foundations of the pursuit of profit and highlighted the problem of conflicted

remuneration. The Commission adopted the definition of conflicted remuneration from Section 963A of the Corporations Act, whereby 'any benefit, whether monetary or non-monetary' could 'reasonably be expected to influence' the beneficiary's behaviour.⁸ This definition could reasonably be applied to these respondents' managers and NAB executives, who are seen to benefit financially by exploiting staff to work unpaid hours, to ensure their own bonuses. Those surveyed said:

- Management gets big bonus for their performance, but we are not rewarded for doing overtime and getting the job done for them. Is that fair?
- Group 3s did a majority of the grunt work and senior managers got paid soooo much more (plus way bigger bonuses). It was just stupid.
- They met their targets so that they could get a bonus/promotion.
- They don't care as long they get ... the \$\$\$\$\$\$ that you fund and help them to get their bonus.
- They couldn't care less as long as the work got done so they got their bonuses.

The standard applied by the Commission for conflicted remuneration provisions is where the payment is one that 'could reasonably be expected to influence'⁹ the behaviour of the beneficiary towards the other person in the negotiation. It is clear from the evidence of those surveyed that when their managers press them to work unpaid hours for any purpose, the managers engage in conflicted remuneration because they have a conflict of interest. The Royal Commission was unambiguous in its conclusion about how to end the harm caused by conflicted remuneration. 'An employer of a financial services licensee or a representative of a licensee must not give employees conflicted remuneration¹⁰ and a product issuer or seller must not do so.'¹¹ (author's underlining).¹² The standard that applies to bank-customer relationships reasonably will apply to internal relationship within NAB, that is, management-employee relationships about hours to be worked beyond normal hours cannot be negotiated by management having conflicted remuneration. Further, the Royal Commission found that this standard is the responsibility of the employer, that is, the NAB Board and its senior executive.

The third standard identified by Royal Commission for considering what is reasonable emerged from the Commission's analysis of conflicted remuneration in financial services entities. Again, while this analysis focussed on the relationship between the entity and its customers, the principle applies equally to the internal relationships of management-employees within entities. The principle is that in contract negotiations between the bank and its customers, the bank has an 'obligation to engage with customers in a fair, reasonable and ethical manner'.¹³ The misconduct identified by the Commission in relation to entities dealing with their customers persists in NAB's coercion of its workforce to work excessive unpaid hours, for example:

Non-compliance with working unpaid hours leads to threat of dismissal

- I would be sacked, or performance managed out of the organisation.
- I was put on performance management because I couldn't keep up with the workload despite working 60+ hours per week.
- Told if I couldn't keep up then perhaps NAB wasn't the place I should be working. I was then put on performance management.

Compliance with working unpaid hours is forced, including bullying

- I was forced to work additional hours.
- The pressure nearly killed me. We are forced to work long hours to get our job done.
- Verbal intimidation and bullying.
- NAB Management is a bully disguised in a tuxedo!
- Always pressure from very high up to complete unfunded work.

Psychological pressure to comply with working unpaid hours

- Verbally made to feel inadequate and reminded that others had to complete the work.
- Made to feel like you are not a team player.
- The expectation of your manager is a pressure from the top down and unrealistic timelines, workload, and lack of staff.
- Accused of not being a team player, and end of year appraisal would be marked down which affects remuneration.

- Our work environment is not safe due to unrealistic workloads due to lack of support staff. The last support staffer to resign stated 'dissatisfaction with team' as a reason for leaving, so it becomes each team members' fault.

NAB has both formal and informal strategies for achieving employees' compliance with what 81.6 per cent of employees believe to be unreasonable unpaid work hours. The formal mechanism is the threat of dismissal, and this mechanism is often triggered by the threat of performance management, a euphemism for 'helping' an employee to improve their productivity, with dismissal being the sting in the tail for 'unsatisfactory' improvement. Given that this negotiation between manager and employee takes place in the context of the manager's conflicted remuneration, the strategy of threatened dismissal is distinctly lacking in fairness. Lack of fairness is equivalent to a lack of justice.

Two informal mechanisms to coerce compliance were most often mentioned. One involves an employee's manager exerting pressure on the employee to meet their unit's task goals, and this can include bullying. Again, given the context of the manager's conflicted remuneration, exerting pressure and the use of bullying to enforce compliance with management supports the argument the employment contract is based on coercion.

The second informal pressure involves establishing team tasks and team goals, so that team members then apply pressure on other members of the team to improve their performance to achieve the bonus available for the team members. Forty-six respondents wrote that they never refused to comply with management demands for working unpaid hours because they feared 'letting down their team'. This substantial level of response to an open-ended question may indicate not only how coercive this is in forcing employees' compliance, but how psychologically damaging and isolating it is as a method of social control. The evidence from this survey suggests the mechanism of using team dynamics to psychologically pressure compliance with work overload targets and unpaid work hours is both dehumanising and does not meet the Royal Commission's standard for NAB's engagement with its workforce in an ethical manner.

Health and safety

NAB employees working at Group 3 and above believe the impact of unpaid work on their physical and mental health is unreasonable because it is illegal, being in breach of its legal responsibility to provide a safe and healthy work environment for staff; it is captive to the capitalist ethic of profit maximisation, which fails to give priority to human health and wellbeing; and it is coercive, forcing staff to 'choose' a toxic work environment over their physical and mental health and wellbeing.

Because NAB governance and management have consistently turned a blind eye to employees' grievance about the harm staff suffer to their health and wellbeing, employees have of necessity turned to health and welfare professionals to cope with the harm they have endured working unpaid hours at NAB. The quotes of those surveyed provide disturbing evidence from the diagnoses of their health professionals.

Being hospitalised

- I have been hospitalised with stomach ulcers which doctor advised was a result of work stress.
- Like many NAB employees I broke down - hospitalised at my own expense in a mental health ward.
- I was so stressed that I was taken to hospital in ICU where I spent 1 week and 2 months to recover at home from major stress and physical breakdown.
- I was taken to hospital by ambulance from work after a panic attack.
- Burn-out and ended up in hospital for a few days having MRIs. Half of my body went numb, and the surgeon said I had serious burn out and had to change my circumstances at work.

Doctor consultations

- I developed anxiety and doctors have diagnosed it has impacted my physical health in addition to my mental health. My doctor advised I should leave NAB due to the impact on my health.
- Extended periods sitting exacerbated serious back issues including lumbar nerve impingements and disc protrusions causing

pain and reduced mobility and requiring physiotherapy and neurosurgeon treatments including 3 spinal epidurals. ... I was directed by my doctor to take an extended period off work.

- My GP advised me that high blood pressure and IBS would not relent until I changed my lifestyle. I now have left NAB and these health conditions are no longer an issue.
- Felt very unwell and went to doctor during workday - put me straight on ECG machine and then he sent me straight home with a week off due to stress.
- I have seen myself hit rock bottom and sought help from GP. I now do continue to take medication.

Treating psychologists/psychiatrists

- It's eroded my mental health so much, so I now regularly see a psychologist.
- I have been diagnosed with depression and am taking pills and see a psychologist.
- During 2015-2016 I was seeing a psychologist on a monthly basis to cope with my high levels of work stress as well as workplace toxic culture and bullying culture.
- Medically diagnosed unfit for work owing to mental health and wellbeing. Series of 6 psychologist meetings over 3-4 months to cope.
- Significant contributing factor to being diagnosed with depression in late 2016 and a serious relapse 2019 requiring ongoing psychologist treatment.
- Still seeing a psychiatrist monthly. ... So my time at the NAB has left me with life-long issues.

Counselling therapy

- With the added pressure of losing my job if I didn't perform, I was on several anxiety medications and was having counselling.
- Has made me unable to deal with any type of stress hence why I am still under counselling.
- I experienced prolonged periods of high stress, resulting in my needing to access EAP/ Counselling services regularly.
- Even after I left the organisation in 2017, I needed regular counselling for a time as I had PTSD from working under such toxic and oppressive conditions.

- The mental stress was unbearable, and I started having counselling appointments with EAP.
- I don't sleep well, and I developed a short temper - which resulted in me seeing a counsellor.

The violence that has been and is being done to the Group 3 and above employees of the National Australia Bank because of the corporation's failure to provide a safe work environment for its workforce is devastating the physical and mental health of its employees. And the harm caused by this violence is witnessed, evaluated, and cared for by health professionals across Australia. These professionals have testified to their clients that the person's illness or injury is due to their employment in an unsafe and unhealthy work environment at NAB. The range of harm reported and diagnosed by these health professionals is profound: stomach ulcers, stress, panic attack, burn-out, anxiety, back pain, high blood pressure, irritable bowel syndrome, depression, post-traumatic stress disorder, and sleeplessness.

It is unreasonable that NAB apparently contracts out of its legal responsibility to care for the health and wellbeing of its employees, then passes the cost of that care onto both the victims of its harmful unpaid work hours policies, and to the Australian taxpayer. Only two work-harmed employees reported they had accessed NAB's Employee Assistance Program's counselling service for care, and one mentioned being on workers' compensation. For the majority of NAB employees, the cost of NAB's work-related harm was either borne by the injured worker or the Australian public health system. That is unjust and unreasonable.

"60-hour weeks are not reasonable. Working weekends and late into the evening is not reasonable. My kids asking me why I am always working, is not reasonable."

Harm to home

NAB employees working at Group 3 and above believe the impact of unpaid work on their home and family relationships is unreasonable because NAB has made their work-life balance impossible; it is stealing time from its employees, sacrificing them to achieve corporate targets; and it coerces married staff to risk their marriage by working extensive unpaid hours. In addition to long hours of unpaid work in the office, over three-quarters (78.3%) of respondents reported that before COVID-19 they were taking work home with them to complete.

- On occasion you brought work home just so you are home.
- Worked late at night at home after family went to bed.
- Home life deteriorated due to need to work when at home and then the associated stress for all parties.
- My kids don't get attention because I am working. They want to spend time with me, and I haven't stopped working in the home office so I can't spend time with them.
- I spend a lot of my home time accessing work emails and duties for fear that things will build up and cause me significant stress throughout the weekdays.

Yet working from home falls under the same legal obligations as working at the office. 'The model Work Health and Safety laws still apply if workers work somewhere other than their usual workplace, for example, from home.'¹⁴ So, NAB has a legal obligation to ensure the health and safety of its employees when they are working from home. Safe Work Australia emphasises several work health and safety (WHS) risks workers may face working from home, which have been identified in the FSU survey, such as:

- Management of the work program, workload, activities and working hours.
- Pre-existing injuries the worker may have.
- Mental health and wellbeing of the worker.

Of particular concern are the psychosocial risks of working from home that may cause prolonged or severe stress leading to physical and psychological injuries.¹⁵ It may be important for

FSU to understand from their members whether, and to what extent, NAB has taken steps, as recommended by WHS regulators, to assess each worker's home environment to ensure it is compliant with work health and safety standards and risk management policies.

As noted above, the intrusion of NAB work into employees' homes is not the only concern of those surveyed about how work impacts on their home life. Survey respondents emphasised their concern for how working for NAB caused them stress due to lack of appropriate boundaries between work-life and home-life, and the lack of work-life balance.

- Lack of work life balance, bringing work stresses home.
- There was no work life balance, my kids missed out and they now think it's normal to work like I have.
- No work life balance. Juggled everything all the time. So many friends told me to stop, and this was not healthy.
- Work life balance means I spend the day with NAB and the nights with NAB and family.
- Very disruptive and stressful to try and achieve work life balance, which NAB always promoted but never supported given the high sales targets.
- There has been difficulty finding a work life balance. Trying to fulfil job requirements and maintain normal times for meals and family time has been hard. Physical health has also suffered.
- Whilst NAB promotes work life balance no doubt you put work first and sacrifice family and kids.
- The so called "work/life balance" by the bank is a load of BS. It is a marketing and PR tactic.

But perhaps NAB's even worse violation of the boundary between working life and home life is none of the above. There is a disconcerting reality largely hidden in the hearts and minds of those whose personhood is violated by the unreasonable demands on their lives of unpaid work for the NAB. This is particularly heartfelt when a worker says, 'it is what I must do FOR my family'. It is a poisonous paradox when an employee believes they must sacrifice their family relationships for the family to receive the financial

benefit of the employee's employment in meeting NAB's targets and bonuses by working unpaid overtime. In their open-ended comments, those surveyed report their deep unhappiness with the person they have become, being trapped in this life-denying paradox.

Self loathing

- I found myself yelling at the kids and my partner and then having to go to work and be nice to complete strangers.
- I'm not the same person when I have to work excessive additional hours.
- It's shit.
- It was the dumbest thing I ever did. I put a greedy bank and their shareholders before the happiness of my wife and children.
- Became a bit of a recluse. Avoided everyone.
- I'm not pleasant to be around.

Often angry

- I hate the NAB. It's a terrible organisation that hates its staff, I was treated like nothing by NAB.
- I take the stress out on family members.
- I have been irritable which impacts on the children.
- Snappy. Loss of sense of humour.
- I am not in the best mood and take it out on my family.
- I get angry, upset, and stressed very easily. NAB has forced its way into my personal life.
- Having frequent meltdowns with family.
- I find it hard to regulate my mood at home. It can escalate where I vent and yell at my partner.

Suicidal thoughts

- Sucks joy from life because I'm tired on weekends and have to recover. No energy to socialise and do anything fun. What's the point of life when it's like that?

Sense of failure

- A feeling of failing in either one or more parts of your life.
- I wasn't the husband and father I should have been at times. My family weren't getting the best of me.
- Unable to support my daughter when she needed it.

- I was not present and as a result my relationship broke down and my daughter didn't get the attention she deserved.
- It makes me ... sad when I don't spend much time with my son after hours.
- It causes immense guilt, that I cannot spend time with loved ones.
- Absolutely terrible. It felt like you were constantly letting everyone down.

Helpless

- Tense. I can come home stressed out.
- Always thinking about work gives me anxiety and makes it hard to be really present.
- I went from a very relaxed ... person to being a bit short and grumpy.
- It makes me want to quit most days.
- The 2 or 3 hours a day that I am able to be with my family are usually in frustration and anxiety.

Always tired

- Being stressed and tired all the time meant I was not a very nice person to live with.
- You're constantly tired, irritable.
- The anxiety I suffered due to workloads and time pressures effected my sleep patterns, which meant I was sleeping only 3-4 hours a night. This made it increasingly difficult to function.
- I'm grumpy from tiredness most of the time.
- I'm not at my best because of being tired, anxious and not concentrating and being present.
- I feel tired and mentally drained.

A South African study of work-related violence identified a number of spheres where psychological violence is manifested in a cluster of behaviours such as 'bullying, harassment, victimisation, abuse, threats, intimidation or other violent behavioural descriptors. ... the essence of psychological violence seems to lie in its repetitive nature. It is the cumulative effect of repeated behaviours that cause the most harm to victims.'¹⁶ The proportion of employees who reported a negative health effect was consistent for each length of category of work from 24 months to longer than three years, while well over half of those who worked for NAB while on annual leave (63%) and on weekends (69%)

reported this has been their work pattern at NAB for longer than three years. Psychological violence was a normalised and persistent pattern of work at NAB, and a pattern international research has documented causes the most harm to its victims.

Workers reported that some of the behaviours reported above are examples of psychological violence in the ecological sphere or living environment, where 'family lives and relationships are disrupted and negatively affected'.¹⁷

The feelings expressed above of bitterness, resentment, and loss of hope and meaning in life are examples of psychological violence in the spiritual sphere. Employees who expressed negative cognitive effects (sense of failure), fantasies of violence against the employer (hatred of NAB), and suicidal ideation are examples of psychological violence in the psychological sphere.¹⁸

Meyer and Kirsten take a holistic approach to understanding the fragmenting and devastating impact of psychological violence. Their emphasis highlights the current weakness in work health and safety policies for work-life balance, in that current policies fail to understand the worker as a whole human being with relationships and life experience beyond the workplace. In particular, the concept of psychological violence highlights how the violence experienced by NAB employees intrudes into those employees' home and family relationships. This is what the evidence from this survey demonstrates, and which NAB governance and management largely ignore. The truth of the injustice suffered by these employees' is that they see and hear how their pain is present in the lives of their partners and children. And this poisonous paradox fills many of them with self-loathing, anger, a weary helplessness, and sense of failure as a partner and parent. Until work health and safety policies include the experience of family members subjected to the violence brought into the home and family by an overworked and underpaid worker, the holistic dimensions of this injustice and violence will continue to cause injury, harm and death.

NAB's persistent denial of the testimony of their employees about the psychological harm they suffer from unjust unpaid work hours is a cause of secondary harm committed by NAB governance and executive management. Because employees have not been believed about the stress and violence in their work environment, the employer has not provided the redress support their employees need, and it fosters a 'divide and conquer' culture that stifles a proper reckoning with the causes of abuse.

This report is an important first step in FSU's attempt to demonstrate to NAB how to proceed. The FSU survey provided a significant opportunity for workers to give voice to their pain with confidence they would be listened to. Yet this first step would not have been completed without the trust of those who have given voice to their pain through the survey. The integrity and openness of respondents is a reflection of their trust in FSU to listen closely to their experience. Within this trust there is a powerful desire for justice for workers and their desire for a transformation in the integrity of NAB as a trustworthy banking corporation.

Notes

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