



Lyttleton Port Company  
Cashin Quay 2  
Lyttleton  
**Christchurch 8082**

20 November 2020

#### **ALLEGATIONS OF BULLYING CONCERNING KATRINA HEY - EXECUTIVE SUMMARY**

1. I was engaged to investigate allegations that Katrina Hey suffered serious and sustained bullying in the period that she was employed as a Container Controller for Lyttleton Port Company from 2012 to 2019, and that as a result of bullying she died by (suspected) suicide on 25 December 2019.
2. I used the Worksafe definition of bullying to test these allegations. It defines bullying as:  
*repeated and unreasonable behaviour directed towards a worker or a group of workers that can lead to physical or psychological harm.*
3. I interviewed nine people for this investigation. With the exception of Katrina's family members, the witnesses were users or employees (including former employees) of Lyttleton Port Company. Some witnesses were unwilling to talk to my investigation. I also received and reviewed a large volume of documents that I was told Katrina had compiled and marked "evidence" before her death.
4. There were elements of Katrina's working arrangements that contributed to a challenging set of circumstances. In particular, she worked in a high demand environment, which was recognised to cause her stress. Because she worked only on night shift, she was socially isolated over a long period, did not always have access to the same training support as her colleagues, and ordinary reasonable communications that might have been better handled in person (eg identifying a minor error in work), were communicated by email.
5. It is clear from Katrina's actions and comments that she genuinely believed she was mistreated by her manager and supervisor, although there was also evidence that she had had, at least at certain times, positive relationships with these people. Katrina's contact with those who were alleged to be the key perpetrators appeared on the evidence available to me, relatively limited in the last year of her life.

6. With the exception of two incidents, in 2013 and 2017 respectively, I found that the communications I reviewed (both in written form and, where possible, from witness accounts of events) were reasonable decisions and communications and did not amount to bullying of Katrina. In relation to the two exceptions, although I took the view that they were unkind or unreasonable communications, I did not see evidence of repetition or a specific course of conduct directed at Katrina.
7. Indeed, it appeared to me that Lyttleton Port Company acted reasonably and at times, with significant compassion towards Katrina, in circumstances where other employers might have turned their back on her. I found that formal investigations in relation to Katrina (of which there were two in the period covered) were dealt with in a reasonable manner, and reached reasonable outcomes, which were apparently accepted as such by Katrina's representatives.
8. Therefore, I concluded:
  - a. The internal investigation conducted by Lyttleton Port Company in 2013 was completed thoroughly and in good faith. I was not able to determine whether its outcomes were sound because of the loss of witness information from that investigation;
  - b. Although there were two incidents of unreasonable behavior towards Katrina in the period covered by the investigation, there was no evidence to support the allegation of serious and sustained bullying, or to link actions by Katrina's manager or supervisor to her death in 2019.
9. The following matters stood out to me at the conclusion of this investigation:
  - a. Katrina was very isolated at work over a long period of time. This was part by her design, and part as a result of the workplace arrangements. These arrangements in my view made it difficult to understand the health of this employee;
  - b. Although there were positive interactions with her managers when Katrina returned to work in November 2019, LPC staff were not well equipped to manage the circumstances presented to them at that time.
10. This investigation serves as a reminder of the 'iceberg principle' - that we frequently do not see the challenges people carry under the surface, and the circumstances which have arisen in this case provide Lyttleton Port Company with an opportunity to develop its practice in the area of employee mental health.

Yours sincerely,



**AMY KEIR**  
BARRISTER