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Refugee sues amid claims of racism

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Article from: Sunday Herald Sun

Sue Hewitt

December 07, 2008 12:00am

AN AFRICAN refugee has won the first round in a fight against alleged workplace bullies at supermarket giant Safeway.

He claims he fled his homeland to escape persecution only to find he was subjected to racial taunts, sexual harassment and discrimination in his adopted home.

He alleges a superior deliberately pushed a trolley into his knee, causing injury, and another threw a carton at him, but later apologised.

A County Court judge ruled workplace bullies left Sioum Tewolderberhan, 44, of Melbourne, with serious psychological injuries.

She ruled he could sue for compensation.

"My claim is about getting justice," the former supermarket cleaner and trolley collector said.

"The judge's ruling makes me feel like I am born again and that there is justice, which makes me proud to be an Australian."

Mr Tewolderberhan, who fled his homeland, [Eritrea](#), in fear for his life, likened his battle to a confrontation between an "ant and an elephant, and I am the ant".

His lawyer, Harry Nowicki, of Nowicki Carbone, said there were a growing number of cases of bullying in the workplace, but it was difficult to prove workers had suffered severe psychological injuries.

He said his client's injuries, which led to the loss of his family and friends, was so severe a judge had ruled Mr Tewolderberhan could sue.

He said refugees came to Australia for a new life and needed to be welcomed into work, but his client had suffered a different experience.

Mr Tewolderberhan said he arrived in Australia in 1994 and got a job the next year at Safeway, believing he had a future in a big organisation and could improve life for his wife and children.

"My dream was to improve myself and now that dream has gone far, far away," he said.

Judge Katherine Bourke said in her recent judgment the refugee was given a glowing reference during his early years at Safeway, but had been transferred to another supermarket at which bullying caused so much trauma he was unlikely to work full-time again.

The psychological injuries led to Mr Tewolderberhan's marital break-up and loss of friends because of changed behaviour, the judgment says.

Mr Tewolderberhan said he put up with harassment to feed his family instead of living off welfare payments.

In the five years to 2004, he claimed he was:

CALLED a black ----.

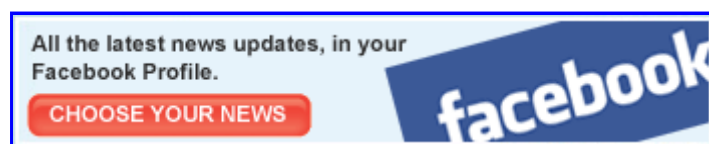
NOT paid allowances or given rostered days off until union action.

CONTINUALLY transferred between stores, not knowing to whom he should report.

CALLED a troublemaker for alerting the union.

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