

Answers to Supplementary Questions

1. *We have been advised that on 5 April 2024, the United Workers Union's Industrial Officer emailed the RSPCA NSW CEO, Mr Steve Coleman, regarding allegations of bullying and harassment made against the Deputy Chief Inspector. On 30 April 2024, you alleged that no one at RSPCA NSW had replied to your email on air during the Ray Hadley Program on 2GB. A correction was issued that same day, noting that Mr Coleman did respond to your email on 8 April 2024, which is the following business day.*

a. *Can you confirm that Mr Coleman responded to your 5 April 2024 email within one business day?*

Yes, we received an email reply on April 8th.

b. *If so;*

i. *Did you miss Mr Coleman's email, or did you forget about it when speaking with Mr Hadley live on air?*

A leader should admit when they make a mistake, and I misspoke. What I meant to convey was that we had not received a substantive reply to the issues. The tenor of the reply was that Mr Coleman maintained that the RSCPA would comply with any Fair Work Commission directions but there was no engagement with the specific issues around bullying and harassment and how best to resolve them. The asks of our members around independent investigation and training are reasonable and a common approach to such matters. We reasonably interpreted this as a refusal to engage with the Union directly on the matter, which itself was most disappointing.

ii. *Have you apologised to Mr Coleman for making that false allegation*

No. Mr Coleman has not directly raised the matter with me, and we have corresponded subsequently. If Mr Coleman would like to have a conversation with me directly about this matter, then I will engage in such conversation in an open and good faith manner.

I would note that when I was made aware of my mistake, I made a reasonable and timely effort to correct the public record.

The underlying truth is we did not receive a substantive reply signalling the RSPCA's willingness to engage with the Union

directly on this matter until after the appearance on the syndicated radio program.

iii. When did you next respond to Mr Coleman's 8 April 2024 email?

Mr Coleman's email of April 8 did not invite a response. It directed the Union to list a matter at the Fair Work Commission if it wanted to follow up the matter. The next point of contact was a phone call that I received from Mr Coleman on April 30 (after the syndicated radio program) which was a cordial and respectful conversation that I interpreted as being open to engage on the issue. This marked a change from Mr Coleman's email reply on April 8th.

I would further note that Mr Coleman did not raise any issue with me about my good faith mistake (either in this conversation or subsequently). Indicating a willingness to engage with us directly has also reasonably delayed us from filing an application on the matter as filing at the Fair Work Commission when there is a reasonable prospect of a workplace resolution is not always good industrial relations practice.

I would also reiterate that Mr Coleman's reply on April 8th indicating a refusal to engage directly with the Union on these matters other than through the Fair Work Commission did not invite a reply or ongoing correspondence but, I believe, was written with the intention of closing off dialogue on this serious matter.

iv. Has Mr Coleman been delayed in responding to other emails or is it fair to assess the matter is being dealt with in the appropriate time these matters take?

I am waiting a reply from an email I sent on May 24th which was a question of clarification around an email response I received on May 23rd. It is seeking clarification to attempt to understand the CEO's position and actions on the matter.

I cannot yet say whether the overall matter is being dealt with in an appropriate time frame as it has not yet been resolved.

Generally, the Union office has experienced a lack of replies with respect to other individual matters and grievances for Inspectors in recent months with other senior managers within the RSPCA.

2. *RSPCA NSW stated in their FY22/23 Annual Report that they employed 560 staff. Of those 560 staff, how many are United Workers Union members?*

The only active agreement that the United Workers' Union is party to with the RSPCA in New South Wales, as far as I am aware, is the *RSPCA New South Wales Inspectors Workplace Agreement 2020 – 2024*. As authorised officers under law, Inspectors have a unique and important role to play within the RSPCA, and it is a role that comes with its own challenges, safety risks and rewards.

Not including senior managerial staff, to the best of our knowledge, there are approximately 50 Inspectors, and there are 27 United Workers' Union members at the RSPCA NSW. There has been considerable growth in the Inspector membership in the last 12 months.

3. *In their answers to supplementary questions provided to this committee, RSPCA NSW advised that there have been allegations of bullying by the RSPCA NSW Deputy Chief Inspector made by five employees. All allegations were investigated, and three were substantiated. Noting 560 staff are employed by the charity, do you think three substantiated allegations against one senior manager signify a sizeable workplace culture problem across the entire organisation?*

There were seven allegations from five employees as far as I am aware, three were substantiated internally, all from the one work group of about 50 Inspectors. This represents approximately 10% of the applicable workforce making an internal complaint. Moreover, five complaints with respect to a single senior manager contained 29 instances of disputed conduct.

In my experience as a Union official of nearly 20 years, where 10% of staff in a discrete workgroup feel sufficiently motivated to make separate complaints of bullying and harassment internally then this in of itself warrants attention, and this is without prejudice to any formal findings. Making a bullying and harassment complaint internally is a serious step for any worker to take. It often comes with its own perceived costs and risks even when a management team has given no indication, whether subtle or explicit, that such a move might be prejudicial to an employee's career.

To this end, I am aware of two other employees who do not have the confidence to lodge an internal complaint, have determined not to lodge an internal complaint and have endorsed an independent investigation into the behaviours.

Moreover, members have raised with the Union office concerns about the complaints being handled internally within the RSPCA, hence their ask for an external and independent investigation of the matter. This ask for an independent investigation goes beyond mere disputation of the outcomes but is grounded in objective process defects. For instance, members report that a member the HR team was subject to one of the complaints, Inspectors are

aware of relevant known witnesses who were not interviewed, the specific grounds of grievances were paraphrased in at least one negative outcome letter, and some Inspectors report that they no longer feel safe to raise these matters with senior management.

4. *Are you aware of any workplace culture issues being raised by any other Unions that have members employed by RSPCA NSW?*

The issues and complaints our members have raised are particular to the Inspectorate and we are the only Union representing this group of workers.

5. *Regarding usual practices, can you please advise;*

- a. *Is a Parliamentary Inquiry the usual forum to handle three substantiated allegations against one senior manager at an organisation with 560 employees?*

We were invited to participate and give evidence by the Parliamentary Inquiry. It is quite normal for us to do this and give evidence to assist such processes, particularly where it relates to the deliberative processes of Australian democracy, and when we have been specifically invited.

This whole fact scenario is unusual. As a Union official I am carrying out my obligations by responding to member concerns and speaking up about such concerns where I have been specifically invited. I would note that highly experienced Inspectors with many years of experience are telling the Union office that things are unusual and abnormal, and this is backed up by 10% of the workgroup making a difficult decision to initiate a formal complaint.

- b. *Is a syndicated radio program the usual forum to handle three substantiated allegations against one senior manager at an organisation with 560 employees?*

We were invited to participate by the radio program to talk about the issues as they were already in the public domain. I have a duty to defend the livelihood and reputation of our members when that has been very publicly called into question. Other instances of bullying and harassment are not necessarily connected with an issue of salience in the public domain.

In fact, I held off doing any media in relation to this matter until after mid-April this year when it became clear to me that unless the Union spoke up

then the reputation and dedication of individual Inspectors would be unfairly damaged.

Where a member issue is either itself a matter of public importance or otherwise connected to one, it is quite common for democratically elected Union leaders to talk about the matter publicly.

The fact that there is a parliamentary inquiry that overlaps on these matters is itself evidence of this connection to matters of public policy importance.

- c. *Can you advise what the common forums are for resolving workplace disputes like these?*

The most common forum for resolving workplace issues is internally within the workplace. Respectful and open communication between workers raising concerns, sometimes in conjunction with their democratically elected Union representatives, and their managers, is generally the best way to resolve important issues.

- d. *Where this is not possible then reaching out to the most senior leadership within an organisation becomes the next step.*

Should things not resolve at this level, and members, in this case Inspectors themselves, are determined to press ahead with an issue then there are a range of other bodies from SafeWork, the Fair Work Commission or agreed independent/external investigators that might become involved.

- d. *Can you outline if the United Workers Union utilised any of those common forums regarding the issues raised with RSPCA NSW?*

Yes, our members have attempted to deal with the matters in their own workplace first, we have entered into correspondence with the employer and we have suggested the utilisation of independent investigators to determine the matter. We also reserve the right and have sought member endorsement, at a meeting that occurred before these questions were read or reviewed, to take the matter to the Fair Work Commission.

- e. *Is it possible that the United Workers Union's decision to raise these matters on a syndicated radio program and at a parliamentary inquiry before utilising the common forums designed to handle issues like these will adversely affect the outcome?*

I do not know what will happen in the future. What I would say is that the employer requested my opinion of a suitable independent investigator after the Union appeared on a syndicated radio program.

I do not think that as a matter of basic principles appearing at a parliamentary inquiry, at the invitation of the inquiry, and answering the questions that were put to the best of my knowledge should be prejudicial to an outcome, especially where that institution exercises authorities vested by the people of New South Wales and is subject to public funding. If it does, this is likely a separate public policy matter for Parliament and its representatives to consider.

6. *Regarding the RSPCA NSW's Deputy Chief Inspector;*

- a. *What steps have the United Workers Union and its Members taken to protect the well-being and privacy of RSPCA NSW's Deputy Chief Inspector?*

I have aimed to be as measured and calm in our communications as possible, sticking to the issues as they have been raised and expressed by our members. If these matters were not otherwise generally a matter of public record, Union members might otherwise choose a different approach. The decision with respect to the public discussion was not a decision that rested in our hands.

The well-being and privacy of our members, however, was already threatened. Late last week, a member was telling me directly how his wife was subject to negative verbal commentary in her own place of work due to the perceived standing and capacity of her husband as an Inspector.

Many Inspectors are currently experiencing a degree of community opprobrium because they have a role of trust in using public funds and public authority to fulfil a public good of animal welfare. To the extent that the Union is involved in the public discourse it is to positively shift the discussion away from finding an individual, particularly those on the frontline, to blame to thinking through the structural, cultural and leadership changes required to satisfy the general public that animal welfare is effectively protected. Senior leadership needs to take responsibility rather than letting it all fall on frontline Inspectors.

I should also note that an independent investigation being agreed to and actioned in a timely manner would have been the best possible way of dealing with privacy and safety of everyone involved.

- b. Are you concerned that the United Workers Union's decision to raise these matters on a syndicated radio program and at a parliamentary inquiry before utilising the appropriate forums designed to handle issues like these may adversely affect the wellbeing and privacy of RSPCA NSW's Deputy Chief Inspector?*

I think given these are already issues in the public domain to the extent that the Union is involved in the public discourse it shifts the discussion away from being the fault of any one individual to thinking through the structural, cultural and leadership changes required to satisfy the public that animal welfare is effectively protected.

- c. Is it at all possible that the RSPCA NSW's Deputy Chief Inspector is being targeted by those who have ulterior motives and are, in fact, guilty of bullying in a coordinated campaign?*

I think this is extremely unlikely. Workers are responding to the facts, the situation as they see it and their experiences. Each of the complaining Inspectors are experienced, and qualified workers with either many years of service directly with the RSPCA or with other complementary experience. The fact some Inspectors who have experienced negative behaviours in the workplace have felt the need to complain needs to be read with that context.

- 7. Do you think 3 substantiated allegations against one senior manager at RSPCA NSW have significantly impacted the enforcement of the Prevention of Cruelty to Animals Act across the state?*

I would reiterate the objective issues with internal processes with what is substantiated internally and what has not been. And this is by Inspectors who have an excellent grasp of investigative processes.

I think any workgroup that has gone to the risk of 10% of the staff putting in their own complaints around bullying and harassment is indicative of a cultural and leadership problem within either that work group or the broader workplace, especially where other workers feel like they have had the same experiences and do not feel safe enough to follow internal processes. This impacts the collective ability of Inspectors to fulfil their mandate (even as individual Inspectors are

working hard and doing their best). There are good Inspectors who are on long-term leave, other good Inspectors who are concerned about their own reputation in their communities. They are human. This is impacting their ability to work to their best.

8. *Concerning the matters being raised by the United Workers Union;*

- a. *Can you confirm that the United Workers Union is raising seven complaints by staff with RSPCA NSW?*

The United Workers' Union has raised the volume (seven) and their temporal connection to the employer as indicative of a more serious issues that requires an organisational approach beyond internal handling. Our primary and continuing ask is that the matters form part of an independent investigation. Inspectors want good investigative processes to be followed, and they are qualified to know what good investigative processes look like. This is the best way to protect everyone involved.

- b. *Has the United Workers Union specified which seven complaints they take issue with to RSPCA NSW, and what documentation has been provided to substantiate the concerns being raised?*

No. Neither am I aware of any request on the employer's part to provide further information based on our correspondence. If RSPCA management feel like there is anything not readily apparent to them in our correspondence, then they are free to seek clarification with us.

9. *Concerning a review of these matters by an external body;*

- a. *Does the United Workers Union take issue with RSPCA NSW's bullying and grievance policies, or does the Union dispute the results of these specific allegations?*

The United Workers' Union, based on the feedback and views of our Inspector members, believes that the volume and concentration of these complaints combined with the objective defects in process requires external investigation.

- b. *If it is the result of these specific allegations or both, on what basis does the Union dispute the results, and what part of the organisation's bullying and grievance policies were not followed?*

Our members believe that the complaints themselves need to be handled externally and independently given their sensitivity, complexity and concentration.

- c. *If it is the RSPCA NSW's bullying and grievance policies, or both, what specific parts of the policy do you take issue with, and what has RSPCA NSW committed to do to review that document?*

Our members believe that the complaints themselves need to be handled externally and independently given their sensitivity, complexity and concentration.

- d. *Is the Union satisfied that Holding Redlich is a suitable firm to review the organisation's policies and procedures?*

Yes. We have also made it clear that while we have provided one suggestion, we expect management to have other firms and experts in mind. We believe this is within a managerial skill set.

- e. *Is it reasonable to conclude that RSPCA NSW is managing these matters in accordance with legislative requirements and processes?*

The United Workers' Union has reasonable concerns, based on direct feedback of Inspectors, that the employer is failing to provide a safe and healthy working environment for Inspectors. We think an independent and external investigation is the most thorough way to get to the bottom of all of this rather than drawing people into public litigation that often can be more about legal wrongs and rights than getting to truth.

10. *Are there any matters that the United Workers Union wish to clarify regarding the issues heard in this inquiry?*

Inspectors report that RSCPA management have told them that 36 Inspectors would need to be laid off if funding is not secured. Yet, the additional funding enabled putting on 21 extra positions. We have concerns about the discrepancy between the two numbers.