

26 November 2013

Merrin Thompson
Principal Council officer
Legislative Council

Dear Ms. Thompson

Thank you for your letter of 19 November enclosing the transcript of my evidence before the Inquiry into allegations of bullying at Work Cover. Apologies for my hand-written reply herein. I have difficulty typing at present due to a back and hand injury for which I am currently receiving medical treatment.

I have reviewed the Transcript and have made minor alterations on the document, which are self-explanatory.

Please note also my change of address - I am now not occupying the address any longer.

I now turn to the questions on notice and provide the following comments and information in response.

Question from the Hon. Catherine Cusack (page 19)

Firstly, I meant to say, in the existing response, that I should know the answer to that question as Chair of the Delegate's Committee of the PSA at SRWSD. That is what I thought I had said, but the Transcript says "as Chair of the Public Service Association of New South Wales".

Secondly, in WorkCover we have about 1100 staff. About 45 percent of them are members of the PSA.

Question from the Hon. Adam Searle (page 20)

The current toxic environment at WorkCover, in my view stems from a number of aspects of its organisational culture.

There is a culture of Cronyism which seems to have been built over time and which is characterised by failure to authentically consult with staff on key issues affecting their health and well being. Progression appears to be based on willingness to behave in punitive ways towards staff.

The inability, or unwillingness, to consult has been particularly apparent during the current year in relation to re-alignments and re-structures. The inherent uncertainty and stress such changes produce has been significantly compounded by distinct shutting out of the union (PSA) from meetings and other discourse regarding the realignments. When you exclude the PSA from discussions, you exclude staff and ignore their concerns. This was done disgracefully in a number of realignments this year.

In relation to change generally, I have noticed a distinct tendency to simply tell people what is going to happen, and then proceed with it. Any concerns, objections, suggestions or requests are rarely taken into account.

Historically, Workcover had a steering committee for re-structures. The PSA was involved as part of that steering process. This no longer occurs. Instead, the union is now often excluded from the decision-making processes on key issues affecting staff.

There is now an atmosphere of unfettered power to make changes and a corresponding feeling of vulnerability and lack of opportunity to voice concerns on the part of ordinary individuals. This, along with lack of accountability has in my view contributed to the organisation's systematic bullying culture. It operates beyond the actions and any individual prejudices of particular individuals.

I think this has been compounded by some long-standing managers who may have imposed their personal imprint on other managers, which in turn has led to patterns of behaviour by leaders. The resulting patterns of behaviour have gone unchecked by inadequate accountabilitys.

Question from Mr David Shoebridge (page 20)

There have been no prosecutions against WorkCover for bullying by WorkCover.

As far as I am aware, there have been two bullying prosecutions conducted by WorkCover. One was in the Industrial Court of NSW. The other was before the Chief Industrial Magistrate's Court. I am aware of a further bullying case which is shortly to be the subject of a coronial inquiry. No decision has as yet been made in relation to whether that will lead to a prosecution.

Finally, I am anecdotally aware that in 2009 there was an investigation by WorkCover as the Regulator into WorkCover as the employer into a bullying issue. I do not have personal knowledge of this matter. However, it is addressed in the PSA submission that has been provided to this Inquiry.

I trust that the above information is of assistance. I do not have any concern with any of my transcript, or this letter, being published. I am more than happy for the Committee to publish my material in full.

Yours Sincerely

Howard Bell