

REVIEW OF THE INQUIRY INTO ALLEGATIONS OF BULLYING IN WORKCOVER NSW

Responses to Questions on Notice – Mr Vivek Bhatia – 28 October 2014

1.

The Hon. ADAM SEARLE: *That is okay. As Mr Shoebridge indicated, we would be most interested to see its contents. I understand that is something you have taken on notice. In your response, you indicate that scheme agents will be responsible for meeting a new code of conduct under a new deed from 2015. Can you tell us where the development of that document is up to and can we see a copy, even if it is provided to us confidentially?*

Mr BHATIA: *Yes. The document is well developed. It has been discussed as part of the deed renewal process with the scheme agents. I can take it on notice and provide it to you in confidence. It is a commercial-inconfidence document—*

The Hon. ADAM SEARLE: *I well understand that.*

ANSWER:

The Code of Conduct for Scheme agents was specifically drafted to apply the same values and principles that Safety, Return to Work and Support (SRWS) adheres to when dealing with its stakeholders, to its fiduciaries who are dealing directly with injured workers and employers. As with SRWS, the Code of Conduct is to apply equally to their internal and external interactions.

The principle of the Code of Conduct is that these organisations are an extension of WorkCover's insurance business and as such, Scheme agent staff dealing with the public to operate under the same framework and exhibit the same values and behaviours. The intention is for Scheme agents to implement the requirements of the Code of Conduct from 1 January 2015 under both the current and proposed new Deeds. However, most Scheme agents have already commenced plans for rolling it out.

Given the recent addition of the new value "Respect", the Code of Conduct is being updated to incorporate this value for commencement from 1 January 2015.

The underlying principles of the Code of Conduct was a key topic discussed at WorkCover's recent road show presentations to all Scheme agent claims and underwriting operations located in metropolitan and regional offices. A total of 27 presentations were given to over 1,800 Scheme agent staff.

The WorkCover Customer Service and Complaints Framework was also updated to include referral of escalated and unresolved complaints involving the behaviour of Scheme agents directly to the Commercial Management Team managing them. This is to be included as part of their formal performance management plans under the deed.

A key way that WorkCover will help ensure that the Scheme agents are appropriately implementing the Code of Conduct, is to replicate the WorkCover training modules for the values and behaviours, including bullying, and direct Scheme agents to incorporate these modules in their own staff training programs and provide confirmation that all staff delivering workers compensation services under the Deed have successfully completed the modules.

A copy of the Code of Conduct is provided at Attachment A.

2.

Mr DAVID SHOEBRIDGE: *Mr Bhatia, how many employees within WorkCover are temporary employees who will see their employment status potentially dramatically change in the middle of February when the new arrangements under the new statutory regime come into effect?*

Mr BHATIA: *Sorry, I do not know the exact numbers, but I can take that on notice and come back.*

Mr DAVID SHOEBRIDGE: *Do you have any rough idea of how many employees would be in that situation?*

Mr BHATIA: *No, I would not.*

ANSWER

WorkCover, which comprises the Workers Compensation Insurance Division and Work Health and Safety Division, has 19 temporary employees as per sections 27 and 29 of the *Public Sector Employment and Management Act* (PSEM Act). Of these, six temporary employees have contracts expiring on or before 23 February 2015. Recruitment needs are currently being assessed to determine ongoing requirements (past current contract end date). If it is established that the role requires further recruitment action, the roles will be advertised and a GSE compliant recruitment exercise will be conducted. Current temporary officers will be able to apply.

The remaining 13 temporary employees were employed under PSEM provisions either before commencement of the GSE Act in February 2014, or shortly after under transitional arrangements. These 13 temporary employees have contract end dates post 24 February 2015. At present, GSE Regulations – Schedule 4 transitional provisions state that a person may not be employed in temporary employment under the former recruitment provisions for a period that extends beyond 24 February 2015. Accordingly, it is anticipated that recruitment action will be commenced in the near future to ensure GSE compliance. Current temporary officers will be able to apply.

The action outlined above is proposed in line with current GSE rules and requirements. It is understood that the Public Service Commission (PSC) is in discussion with agencies and the Public Service Association regarding concerns about the current GSE requirements with regard to temporary employees.

Note: WorkCover forms part of Safety, Return to Work and Support (SRWS). Across SRWS there are 42 temporary employees as per sections 27 and 29 of the PSEM Act, including the 19 assigned to WorkCover. Similar action to that outlined above will occur for all SRWS temporary employees.

** Data provided is current as at 3 November 2014 (includes sections 27 and 29 PSEM temporary officers)*

3.

CHAIR: *I have some questions for Mr Bhatia. I note in your submission that you talk about the ongoing improved bullying support options and response procedures. One of the procedures is the use of the dedicated wellness and employee relations consultant role and a registered psychologist and you emphasise on a confidential basis where employees could go to that person. I am wondering how that process is enacted within WorkCover, how confidentiality is maintained where other staff do not know that their work associate is going to the psychologist because he or she has a problem.*

Mr BHATIA: *The answer for that is that it is a professional code of conduct for a person in that role and, to be honest, most people within human resources functions of an operation have that Chinese wall between what they do from a professional perspective, that is, offering advice or a service or a specific concern, and ensuring that that is not really shared with either their work colleagues but also other parts of human resources that they are part of. I see that as a function where even if you look at, say, payroll where they have access to privacy and information and it is not really shared across any other function, it is professional etiquette, it is code of practice, and we expect that there is no leakage from that perspective.*

CHAIR: *I was also including how that person operates as to whether other staff members would see a staff person going to that person. Where is the office for that psychologist located within the WorkCover headquarters?*

Mr BHATIA: *They are co-located within the human resources team and there is utmost care taken to ensure that their interactions are not really visible to any employees. So there is a process which I can take on notice and I can provide in terms of the various steps that are undertaken to ensure that the privacy of the individual is kept.*

CHAIR: *I was looking at the whole physical arrangement.*

Mr BHATIA: *Yes, and that is a fair point. I will take that on notice and I will provide that.*

ANSWER:

Employees are able to access the Employee Relations and Wellness Consultant through a number of avenues:

- Direct contact (employee contacts Employee Relations & Wellness Consultant, or Employee Safety & Wellbeing Team)
- Contact via another employee
- Request from direct people manager/manager/director (with employees' consent)
- Referral from another team within P&C (with employees' consent)
- Injury/hazard notification
- Request from Chief Human Resource Officer

For those staff located in the Gosford office, meetings are generally held in a private meeting room near the People and Culture Group. Employees also have the option of meeting off site if preferred. For employees not located in the Gosford office, options for phone meetings, off site, or at a location that the employee is comfortable with within the building they work in, is usually arranged.