

**INQUIRY INTO ALLEGATIONS OF BULLYING IN  
WORKCOVER NSW**

**Name:** Name suppressed  
**Date received:** 22/08/2013

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Partially Confidential

# **General Purpose Standing Committee No. 1**

## **Inquiry into allegations of bullying in WorkCover NSW**

**Due date: 23 August 2013**

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### **Claim of confidentiality**

**This submission is lodged on the condition that its contents and my identity remain confidential at all times. If the Committee is unable or unwilling to preserve my confidentiality, then I request the opportunity to withdraw this submission.**

**My reasons for my request are that I am concerned that I may be subject to adverse treatment in my employment if my identity were to be revealed. Further, some of the content of this submission reflects personal experiences or reflections which I prefer not to be publicly attributed to me.**

**However, I do consent to the Committee referring generally to the content of my submission in a public inquiry, or a public report that the Committee may prepare, as**

long as material that may reasonably identify me (eg. my position title or the date that I began in my position) is not disclosed. Information which I do not wish to be publicly disclosed is . I do not intend to give oral evidence to the Committee.

### Executive Summary

This submission's main themes are as follows:

1. WorkCover NSW (being part of the Safety, Return to Work and Support Division or "SRWSD") generally has an inadequate management capability and this contributes to unfair treatment or even overt mistreatment of some staff,
2. WorkCover NSW lacks effective means of ensuring that managers (of all levels) and staff are trained in management and dispute resolution techniques, and are held accountable for their conduct towards subordinates or peers,
3. WorkCover NSW lacks effective methods for ensuring proper management of grievances that staff may have, and the fact and perception of this problem makes staff unable or unwilling to express grievances effectively, or at all,

4. Managers and staff at WorkCover NSW sometimes display high-handed, disrespectful and hostile behaviours towards staff and this is improper as well as negative for morale, and
5. The difficulties identified above can be addressed by better compliance with SRWSD policies (eg. in regard to leave, part-time work and grievances), improved people management training for SRWSD managers and generally a more communicative and approachable interface by management with staff. This list is not meant to be exhaustive.

### **Introduction**

It is noted that the General Purpose Standing Committee No. 1 proposes, under its terms of inquiry, to “inquire into and report on allegations of bullying in WorkCover, and in particular:

- a. the culture of WorkCover,
- b. WorkCover’s role as the State Regulator of occupational health and safety as it relates to bullying in the workplace,
- c. appropriate recommendations to address issues raised; and
- d. any other related matter.”

I know that I share many of my colleagues’ views when I express my gratitude to the Committee for its decision to conduct this inquiry. There are significant issues in WorkCover’s management practices and work culture which require public attention and remediation. Unfortunately, it appears that other recent scrutiny of WorkCover’s work culture, including a previous Parliamentary inquiry into bullying at WorkCover, has not lead to significant or systemic improvements.

It is my hope (and the hope of many of my colleagues) that the Committee's inquiry will provide a forum in which the staff of WorkCover NSW may raise their concerns and contribute to improvements in management and work practices at WorkCover NSW.

**Background information**

My decision to lodge my submission should not be seen as a statement that WorkCover NSW as a whole is an ineffective, unjust or unsafe organisation. WorkCover NSW, and SRWSD as a whole, have many positive characteristics, and many managers and staff discharge their functions capably and equitably.

## Observations on the management practices and work culture at WorkCover NSW

I will not attempt to recite all events, policies, systems or behaviours that may be of relevance to the Committee's inquiry. However, I can refer to particular matters that, in my view, show significant deficiencies in WorkCover's management practices and overall work culture. My concerns are as follows:

### **1. Unfair allocation of benefits and workloads**

WorkCover NSW (like NSW public sector bodies generally) is required to treat staff fairly and equitably. However, I am aware of instances in which staff have been deprived benefits to which they are entitled. For example, over the past 2 years there have been repeated instances in which temporary part-time staff have been refused the right to take flex days, even though they are **expressly** permitted by SRWSD policy to take flex days (subject to operational requirements).

In such cases, supervisors have claimed (in private conversations) that, temporary part-time staff already enjoy "flexible" work arrangements by virtue of their being temporary part-time employees, and are thus not entitled to take flex days. This is directly contrary to SRWSD flex leave policy, and was itself over-ruled by the NSW Industrial Relations Commission some years ago.

All SRWSD staff should be entitled to take flex leave regardless of their particular work arrangement (eg. part-time), as required by SRWSD flex leave policy.

Further, some staff are effectively pressured into not taking annual or extended leave which they have accrued, on the basis that work demands do not allow it.

However, other staff and some managers in the same branch have been allowed to take long periods of leave (say a month or more at a time). This is corrosive to morale and causes frustration and annoyance to those staff adversely affected.

I understand that it is a difficulty across SRWSD. SRWSD should actively support staff to take their leave entitlements (whether flex, annual or extended) and that they not pressured (even informally) into not taking leave entitlements.

## **2. Unfair allocation of workloads**

there has been a tendency for some years to allocate additional work to staff who are perceived as more competent and to refrain from giving it to staff who are considered as less competent. This is inequitable for 2 reasons: firstly, it results in staff who already have heavy workloads becoming even more busy and becoming subject to unnecessary stress. Secondly, staff who are perceived as less competent are deprived the additional work opportunities that may enable them to develop their skills further.

## **3. Re-alignment not well-handled or fair**

The last 18 months in particular have seen widespread re-alignments across SRWSD work groups. Many staff have been obliged to compete for their positions as a result of the re-alignments and a significant number have been made redundant. The re-alignment process has

not been well-handled. For example, it has taken much longer than initially indicated, with staff being kept waiting for extended periods as to the outcome of the selection processes in which they have been involved.

#### **4. General lack of support or information from managers towards staff**

During the re-alignment process, and generally in the day-to-day environment at SRWSD, there is a notable lack of managerial support to SRWSD staff.

For example, the SRWSD executive (including the CEO) seldom share information or announcements with SRWSD staff about current developments, proposed agency actions, or general information of concern to SRWSD staff. Staff are often left wondering about what the SRWSD executive is planning or doing. This is negative for SRWSD staff morale and confidence. The SRWSD executive seems “remote” and unapproachable and even disdainful toward staff.



For example, there is a widely-held perception that the SRWSD executive does not take SRWSD staff Work Health and Safety representatives seriously, and is even overtly hostile to them. Staff are aware of accounts of the SRWSD executive dismissing concerns raised by staff representatives about health and safety matters.

This perception is bolstered by a judicial decision, specifically, the Industrial Relations Commission judgment in *Wayne Butler v SRWSD* [2013] NSWIRCom 45 (21 June 2013) (<http://www.austlii.edu.au/au/cases/nsw/NSWIRComm/2013/45.html>) which set out an account of managerial bullying of a SRWSD officer (Mr Butler) over relatively minor alleged infractions, for which the officer was wrongfully dismissed. Mr Butler was subsequently reinstated. The judgment shows a range of unfair processes, prejudgments and active connivance by SRWSD executives (including the CEO) in taking action that resulted in the officer's wrongful dismissal. Although it may be a relatively extreme case, SRWSD staff are disappointed and troubled, but not necessarily surprised, by the revelation of systematically unfair and unlawful treatment of an officer.

There is currently a real lack of engagement of staff, and staff morale is low, especially after the prolonged and stressful experience of the realignment (which concluded in June 2013).

A more communicative approach by SRWSD management and a guarantee of fair treatment towards staff in all circumstances, including alleged misconduct or poor performance, would help to address this aspect of staff concern.

Even a regular (say weekly) email from the CEO, and regular emails from General Managers, would help to inform and engage staff. Meetings in person between branches and the CEO

and/or General Managers or Directors would also be helpful in breaking down these perceived “walls” between managers and staff and between different branches and groups.

#### **5. General lack of people skills and professional behaviour**

The difficulties identified above are combined with, and exacerbated by, a range of negative and socially maladroit behaviours by SRWSD management, which are sometimes mirrored by SRWSD staff. For example, in a work context, SRWSD managers (even at senior level) are often high-handed, dismissive and intimidating towards staff in interpersonal dealings or meetings. I have witnessed situations in which SRWSD managers have dismissed, ridiculed and even become abusive towards officers in front of colleagues.

There is a general lack of professional respect and collegiate attitudes by SRWSD managers towards staff (though, to be even-handed, it should be acknowledged these behaviours can be expressed among staff or even by staff towards managers). This negative behaviour is particularly pronounced among senior managers of the Workers Compensation Insurance Division of WorkCover, whose behaviour can be markedly hostile, petulant, immature and downright rude towards staff. The effect of this behaviour towards staff can be quite upsetting and degrading, and contributes to low feelings of morale and cohesion.

There can often be an approach of what I would call “subtle intimidation” from managers towards staff, in which it is made clear that questioning a manager’s views or wishes (eg. a particular deadline, or way of doing a particular task) is not welcome and may result in adverse action for the staff member.

SRWSD managers (including those at the General Manager and Director level) should be required to adopt healthy and constructive behaviours towards staff and, preferably, to undergo training in people management and dispute resolution techniques. Such techniques should also be included in staff training.

### **Conclusion**

The difficulties that I describe above are significant, but they need not be insurmountable. There are still positive features to working at SRWSD. The problems I describe above are largely due to the unfair or inconsistent application of SRWSD employment policies (eg. in regard to part-time work or leave) or generally poor people management skills by managers.

These problems can be addressed by better training, better systems of accountability, and a clear, protected and confidential process for raising grievances. Staff must have confidence that if they have a grievance, they can raise it without being victimised, shunned or simply being made to “feel bad” about their complaint.

Managers and staff should also have to undergo management training when first employed by SRWSD and on a regular basis thereafter. Managers need in particular to gain proficiency in addressing staff complaints and generally handling staff in a fair and constructive way, and not criticising or excluding staff whom they may dislike or perceive somehow as unsuitable for their jobs. Managers should encourage and support staff, especially when there may be performance issues, and not target those staff for adverse treatment (eg. shunning, ridicule, etc).

More generally, SRWSD managers (whether senior or not) need to show more skill in communicating regularly and clearly with staff about SRWSD's activities, aims and goals, and the identification of problems in staff management and how they are to be addressed.

The above problems are significant. However, they can be addressed by improved training (especially in people management skills), fairer application of SRWSD policies and a commitment by managers and staff to behave professionally and appropriately in a work context. Such measures, if implemented, could contribute to an improved SRWSD work environment and one in which managerial bullying is excluded. SRWSD staff – and the public at large – should expect no less of the New South Wales health and safety regulator.

Safety, Return to Work and Support Division

22 August 2013