

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

Name: Name suppressed

Date received: 14/08/2013

Partially Confidential

Introduction

I have drawn upon these experiences to inform the Committee of my beliefs regarding bullying at WorkCover.

The perceived problem

I believe there is a perception that there is a culture of bullying in WorkCover which in my opinion is a misinterpretation / misperception of a far greater problem that exists within WorkCover and in particular the Work Health and Safety Division (WHSD). If the problem is not addressed then I fear matters will only get worse.

So the problem as I see it is one of performance management, and in particular the management of poor performance. In the past there has been an apparent unwillingness and or inability to challenge and address employees whose performance was not satisfactory. So in the past poor performance has largely gone unchecked to the point where those poor performers now consider their behaviour to be normal and therefore acceptable. This poor performance manifests itself in many ways and in

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some cases should have warranted disciplinary action whilst in others it may have been a capability issue; either way middle to senior management had / has a responsibility to address these issues.

Poor performance that warranted disciplinary action in the past has been such things as not submitting flex sheets on time, not submitting leave forms on time or at all in some cases, repeatedly not completing work within specified time frames, repeatedly not following up improvement / prohibition notices within specified timeframes, taking extended afternoon tea breaks which are not recorded on flex sheets, repeatedly submitting inadequate reports and issuing ineffective notices. I can provide many examples of all of the above and provide names of the repeat offenders

Poor performance that may constitute a deficiency in capability, such as not consistently applying WorkCover policies and procedures out in the field, poor decision making, poor customer service, unwillingness to change i.e. difficulty in adapting to new situations such as changes in legislation, inability to deal with difficult situations. These of course can be addressed by the manager working with the employee to build capability. Again I can provide situations where these types of issues have gone unchecked and become accepted as the norm. Some employees are not given certain tasks because they are known to be incapable of completing them to the required standard; instead those who are capable carry the extra load.

This kind of behaviour i.e. poor performance on the part of the employees, including the supervisors in some cases and the failure to build capability, which has built up over a period of time going unchecked has now manifest itself into a situation that when a middle manager attempts to correct employees poor performance then they are perceived as bullying the employee, because you are trying to correct behaviour that in their eyes is normal. This issue may be down to the lack of ability on the part of the supervisor to have a meaningful and constructive discussion about performance with the employee. However, that being said I do not believe the majority of supervisors (managers) deliberately go out of their way to bully people. The problem is further compounded by the fact that the Inspectors think they are a protected species and in most cases at the first sniff of somebody being performance managed the Union jump on board and allege bullying tactics.

Team Coordinators have had a tendency to turn a blind eye and not address issues for fear of being accused of being a bully. In some cases though it is simply a 'can't be bothered attitude, anything for a quiet life' and quite frankly those people should be removed from the organisation as they are contributing to the problem. The situation created over many years makes it very difficult for people like me who come into the management stream and then try and address these poor performance issues. I have tried but found the support from senior management and People & Culture is somewhat lacking. However, I will not be deterred being a firm believer in upholding the values of the public service in particular 'accountability'. In some cases once an employee has alleged they are being bullied it is the supervisor who gets persecuted even though in the first instance they were trying to correct poor performance and in some cases address misconduct.

Everybody in WHSD knows who the poor performers are because they have got away with it for years and are actually happy to say so, but nobody wants to address the issues and make them accountable. This could be again due to lack of skill / ability on the part of the manager to deal with these types of situations. In some teams there is no leadership.

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There is no support from People & Culture

There is nothing about strategies to stop these people getting to the point of dismissal in the first place.

Suggested solutions

I believe the problem is that deep rooted that drastic measures are required.

1. Spill and fill the whole Inspectorate. You could get rid of 15%- 20% of the Inspectorate and so long as it was the right 15% to 20% (poor performers and those who have a 'couldn't care a less attitude' and are not willing to uphold the core values); you would not notice they were gone, as 80% to 85% of the Inspectorate carry the rest because they have to.

Once the spill and fill has been done then recruit new Inspectors who bring with them some private industry experience and a private industry work ethic. The last two recruitments of Inspectors has provided in the main Inspectors who have proven to be extremely motivated and with a desire to be high achievers. The public service and in particular WorkCover needs to attract this kind of person.

2. Then spill and fill the first level of management in the main the Team Coordinators. This process should be designed to weed out those Team Coordinators who just come to work with the 'all care no responsibility attitude' and with no willingness to actively engage with employees and improve performance whether it be through disciplinary action or building capability. As a Team Coordinator you have to invest time in the staff you are supervising, this is not always the case at WorkCover. Any vacancies should be recruited from within where 'talent' has been recognised and then from the private sector.
3. The introduction of the Government Sector Employment Bill, hopefully to become law in 2014 should take account of senior managers making them more accountable for their own performance and that of the staff who report to them. If they don't make the grade then they should be removed from the organisation.
4. Provide immediate training to middle and senior managers on how to performance manage employees and the NSW capability framework. Then make them accountable for poor performers. People & Culture should take an active role in supporting management when poor performers are being managed.
5. Retrain the Inspectorate on what is expected of them, demonstrate to them what a good performer looks like and explain fully the ramifications associated with poor performance. If they do not meet expectations on a regular basis then they should be removed from the organisation. If it is a capability issue then strategies should be implemented by the manager with the support of senior management and People & Culture to build capability.

- ## Conclusion

I would like to thank the Committee for the opportunity to express my views. I have no objection to being contacted directly by the Committee in the future.
