

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

Name: Name suppressed

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Partially Confidential

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Review of the inquiry into allegations of bullying in WorkCover NSW

I would like to provide information on the implementation of the Recommendations, as well as providing a case study of a recent report of bullying that has been poorly managed.

The recent apologies made to Mr Butler and staff, and the government's responses to the Inquiry are welcome. These developments are overdue and appreciated. They clear the path for WorkCover to become an employer that is willing and able to systematically manage the risk of bullying within the organisation.

Failure to apologise

It should be noted in the Committee's current review that two of the Executive Management team with hands-on responsibilities for the investigation and dismissal of Wayne Butler have left the organisation without apologising to Mr Butler and other WorkCover staff.

The former CEO of SRWS, Julie Newman, and the former General Manager of the WHS Division of WorkCover, John Watson, have retired since the Committee's Inquiry report was published on 19 June 2014.

Leaving without apologising demonstrates an inability to accept responsibility for their actions. It should not be an option for the leadership of the organisation to have such flexible ethics.

Their failure to apologise has created further reputational damage for WorkCover. It has also provided comfort to those within the organisation who deny the prevalence of bullying and are reluctant to change. Their failure to apologise has made it more difficult for the organisation to move forward.

Staff meeting on Inquiry Report

The persistence of denial about the prevalence of bullying within WorkCover was shown at an all staff meeting at the Gosford WorkCover office on 25 June 2014. About 100 staff were present.

Mr Hubby from the Office of Finance and Services introduced himself and explained the purpose of the meeting was to discuss the report from the Inquiry, which had been published on 19 June.

When opened up to the floor for questions, a Manager from the Inspectorate made the following comment:

"Can the Inquiry report be refuted? The report represents a small minority of opinion. It's all about a union agenda to undermine management at every opportunity".

Given the emphasis Mr Hubby had placed on the IRC decision being the trigger for the Inquiry, the Inspector's comments implied the IRC decision was also wrong.

Mr Hubby replied: "I can't say from my direct experience that WorkCover has a bullying problem. I accept that parliament thinks we have a problem".

The-then CEO, Julie Newman, and the People & Culture Director, Greg Barnier, were present at the meeting. They did not sit in front of the room with Mr Hubby where staff could see them. They did not introduce John Hubby or speak during the meeting.

A staff member sitting halfway to the back of the room asked Mr Hubby why the CEO wasn't present. Julie Newman then stood up, announced that she was present and then sat down again. This was quite a surprise to most in the room who could not see her and Mr Barnier sitting in the front row. The CEO looked embarrassed at having to report her presence in the room.

The Inspector's question was a chance for the CEO or the Director People and Culture to make a statement that they accepted the Butler decision and the Inquiry report.

Instead they both remained silent throughout the rest of the meeting. An opportunity to show leadership was missed. Mr Hubby was left to answer the manager's question.

Mr Hubby said that he is responsible for developing the government's response to the Recommendations. He said some of this will be "difficult" to respond to positively. He said that one of these difficult Recommendations concerns the call for new legislation to prevent bullying. He said that there are already laws in place for this risk. As several staff commented later, these laws have failed to provide adequate protection to many employees of WorkCover.

When asked about the Butler case Mr Hubby said that he had not read the IRC decision because he's only been in the job for two months.

The Inspector Manager honestly stated his opinion. It is not an isolated opinion. Before, during and after the Inquiry WorkCover management has consistently denied there is a problem of bullying.

For example, on the day of the IRC decision regarding Mr Butler, Greg Barnier said: "The IRC got it wrong". The former General Manager of the WHS Division, John Watson, opened staff meetings with comments that: "No good will come of this Inquiry". During the Inquiry hearings the former CEO, Julie Newman, insinuated that WorkCover held other information about misconduct by Mr Butler. There are many other examples of this kind of behaviour.

This pattern of denial and fantasy continues with the Manager's comments on 25 June. The comments show no respect for a decision by a court of law, and unanimous findings by a multi-party committee of parliament.

The fact that the comments were made by a WorkCover Safety Inspector who is an officer of the law is concerning. The comments give no confidence that this person can properly deal with reports of bullying from both WorkCover employees that he manages, and from other workplaces who need the services of WorkCover on bullying.

Belatedly, the new WorkCover CEO, Vivek Bhatia, has recently created a new corporate value of respect.

One factor that contributes to the continuation of denial is the lack of visible action taken at management levels within the organisation.

I have heard staff say on numerous occasions words to the effect: "Why haven't managers been investigated for misconduct and breaches of the Code of Conduct?" or "If it's so bad then why haven't managers been investigated for misconduct and breaches of the Code of Conduct?"

This is more than just fair comment. It raises issues of accountability and faith that there really is a common standard of ethical behaviour expected for all staff at WorkCover, including Executive Management.

Particular attention will need to be given to these concerns in the course of implementing the Recommendations from the Inquiry. In doing so, there is a strong need for advice and strategies that are independent of the current People and Culture leadership brand.

There are many opportunities for process improvement demonstrated by this recent report of bullying. Foremost is the quality of advice provided by the Employee Relations Team. The inability of management to properly manage reports of bullying is also of concern.

I am available to provide more information on these issues if requested.

Yours sincerely

20 October 2014