

Submission
No 6

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

Name: Mr Gregory Lynch

Date received: 6/08/2013

Partially Confidential

Submission
by
Mr Gregory Lynch
to
the
General Purpose Standing Committee
regarding the inquiry
into allegations of bullying in
Workcover NSW.

I have read the Terms of Reference of this inquiry. I am of the belief that my submission is relevant to point "b" that being "Workcover's role as the state regulator of occupational health and safety as it relates to bullying in the workplace."

I offer to the General Purpose Standing Committee the following:

ISSUE

Failure of Workcover NSW to adequately address my complaint of bullying in the workplace by senior management.

BACKGROUND

In early 2008 attended the regional offices of Workcover NSW located in to seek guidance on an employer's responsibility in following internal policies and procedures when a notification of bullying in the workplace had been made. The Workcover NSW representative with whom I spoke was a held the senior position of provided advice. At the of meeting with , I was employed and held the position of :

On 10 September 2008, I again attended the regional offices of Workcover NSW. On this occasion I lodged a formal complaint citing exposure to bullying in the workplace by and the failure of to address my reported occupational health and safety concerns.

On the 11 September 2008, sought input from suggested that the complaint may be best dealt with by the Public Sector and Community Service Team.

On the 7 January 2009 I lodged a workers compensation claim citing workplace stressors as a result of workplace bullying and harassment.

My workers compensation claim was accepted .

On 20 January 2009, [redacted] in a Workcover NSW report (7 pages) states "I am of the opinion that S/O Lynch may be subjected to bullying in the workplace. [redacted] goes on to say " the persons of interest are senior officers of the [redacted]. Due to the potential gravity of this matter ,direction is sought as to whether this matter be investigated by the District Office or the Public Sector and Community Service Team"

On 29 January 2009 [redacted] decides to progress my complaint to the Working Environment and Workplace Solutions Team.

[redacted] is recorded as stating the reason for taking such action was due to the nature of the complaint that being "serious allegations against senior officers

On the 20 February 2009, I attended the regional offices of Workcover NSW in [redacted] and spoke with [redacted]. I expressed my concern at the delay by Workcover NSW to address my complaint. [redacted] stated the delay was as a result of analysing the extensive information that I provided to support my complaint and what strategy Workcover NSW will use to address my complaint.

On the 17 March 2009, I again attended the regional offices of Workcover NSW seeking information on the progress of my complaint. I spoke with [redacted]. [redacted] informed me that my complaint was still under consideration.

Some seven months had now passed and still no decision on what action Workcover NSW would be taking to address my complaint.

On the 13 May 2009, I again attended the regional offices of Workcover NSW seeking information on the progress of my complaint. I spoke with [redacted]. [redacted] informed me that my complaint had been now been referred to [redacted] and was still under consideration. [redacted] stated that he should know what action Workcover NSW would take to address my complaint in "next few weeks."

On 4 June 2009, some 9 months since I lodged my complaint with Workcover NSW, [redacted] in his report states/finds-

- Inappropriate language from supervisors, including sarcastic humour
- Email items from managers indicating email supervision use in lieu of supervision
- Failure of supervisors to open email items from Lynch
- Failure of supervisors to follow organisational procedures
- Obstruction of (internal) health and safety investigation into the matter.

[redacted] in his report recommends that Workcover NSW obtain a commitment from [redacted] to provide appropriate information and training to supervisors and managers to improve the psychosocial working environment of employees by treating them with respect.

On 24 August 2009 [redacted] sought to have my workers compensation claim re assessed.

On 25 August 2009 my workers compensation claim was overturned and any further liability declined.

On 25 September 2009 I initiated action to lodge an appeal with the Workers Compensation Commission seeking to reinstate my workers compensation claim.

On the 20 November 2009, some 5 months hence after the release of [redacted] report, [redacted] met with [redacted]

[redacted] and [redacted] to discuss my complaint. At that meeting [redacted] was informed that my "bullying allegations had been heard and dismissed with by the Industrial Relations Commission."

The information provided to [redacted] by [redacted] and [redacted] is false and misleading. The Industrial Relations Commission did not hear and dismiss my "bullying allegations."

On 12 February 2010, some 3 months after his meeting with [redacted] wrote to me stating that Workcover NSW was unable to pursue my matter any further. [redacted] also supplied a copy of Workcover NSW's publication "Preventing and Responding to Bullying at Work."

On 28 April 2010 I wrote to [redacted] h expressing my concern that Workcover NSW as a result of being provided false and misleading information by [redacted] senior management it had not adequately addressed my complaint. In my letter I provided documented evidence in support of my assertion. As a result of my correspondence on the 7 May 2010, I attended a meeting in Sydney with [redacted]

[redacted]. At the conclusion of the meeting, [redacted] tasked [redacted] to assign an experienced investigator to review my complaint. In an email dated 11 June 2010 [redacted] wrote to me and I quote "After discussion with [redacted] and a review of the documents you provided at our meeting we have assigned one of our state inspectors from the Public Sector and Community Services Team in Sydney to further investigate your complaint. He is very experienced in dealing with bullying complaints."

On the 24 June 2010, [redacted] attended [redacted] to interview me regarding my complaint. My wife was also in attendance during the interview. I was interviewed by [redacted] for two days that being the 24th and 25th of June 2010. My interview was documented by Workcover NSW. [redacted] during interview stated on a number of occasions in front of wife and Workcover NSW representatives that (in his 2) year plus with Workcover NSW he had not seen a worst case of workplace bullying and harassment. I provided to [redacted] the names of the [redacted] senior managers and their work locations. [redacted] assured me in front of witnesses that he would contact the named [redacted] senior managers and seek to conduct respective interviews. I [redacted] did not conduct interviews the named [redacted] senior managers. The reason/s for not doing so is unknown.

On the 27 July 2010 [redacted] tabled his report. [redacted] made four recommendations. Included in the four recommendations was and I quote "I strongly recommend that Workcover NSW senior representatives meet with senior management representatives from [redacted] as a matter of urgency and assist them with this matter."

On the 25 August 2010, [redacted] met with [redacted]. In a letter to [redacted] dated 26 August 2010, [redacted] provided [redacted] misleading information.

On the 9 September 2010, [redacted] wrote to me stating that Workcover had found that no evidence of bullying as defined under occupational health and safety legislation had been disclosed. I promptly contacted [redacted] and expressed my concern. In the ensuing conversation [redacted] conceded that it had no power to appropriately address workplace bullying.

It is my understanding that [redacted] resigned from Workcover NSW soon thereafter.

On 27 October 2011 my workers compensation claim appeal was successful.

On the 8 November 2011 I was informed by [redacted] that my appointment/employment was to be terminated as he believed that I was not able to perform my duties.

On 1 December 2001 after 34 years service my appointment/employment was terminated.

COMMENT

I sought assistance from Workcover NSW to ensure that my workplace was safe.

However despite two years of involvement by Workcover NSW it failed to do so.

As a result of my of severe workplace injury I am now unemployed/unemployable.

Yours sincerely

Mr Gregory Lynch

6 August 2013