

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

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Allegations of bullying in WorkCover NSW (Inquiry)

Statement of John McPhilbin

Having read the Terms of Reference for this inquiry I am of the view that more is at stake than a simple review of systemic bullying within WorkCover NSW. There are significant economic and human costs associated with the failure of WorkCover to address workplace bullying, not only internally but also in the wider community. How can any organisation charged with overseeing the prevention of workplace bullying as well as providing workers compensation benefits, rehabilitation and support for those affected be able to address these issues on a larger scale when they are unable to address the same issues within their own organisation?

I think my own experience highlights this point.

I have been waiting for this opportunity for a long time—ten years in fact. I have prepared a brief statement so I cover all the points I need to cover. In 2003, I was forced onto workers compensation as a result of a work-based injury. I suffered a psychological injury as a result of workplace bullying. I had blown the whistle on the culture of workplace bullying and corruption and was subsequently fired as a result.

My claim was initially declined and I was forced to fight for basic entitlements from the Workers Compensation Commission. I was successful in winning my case. However, that was only the beginning of the nightmare. Despite suffering from major depression as a result of the ordeal I received very little help from the insurance company or WorkCover ,NSW. It took the insurance company, even after years of lobbying New South Wales politicians for help, six years to provide me with the support I desperately needed. I was left with very little support from the system for six years.

Furthermore, from 2003 until late 2005 I was subjected to numerous psychiatric assessments. Many of the recommendations that were put forward by many of these psychiatrists was for a complete change in career and career retraining. Yet despite this advice, from late 2005 to 2009 I received little or no contact from the insurer. When I was finally contacted I received an apology for the failure of previous case managers to appropriately assist me at the time. I found this incredibly insulting. This meant that I was left to languish for far too long and almost lost everything as a result. I even contemplated suicide on my darkest days.

It was in 2009 that the insurer finally then provided me a rehabilitation counsellor who was a trained psychologist. This specialist was amazed by the fact that when I first sustained my injury another psychologist had not made available to assist me. Just recently I completed a degree in Applied Social Science, paid for by WorkCover, which I think highlights their understanding of their own failures in the past regarding the management of my case. It has since cost WorkCover approximately \$45,000 to re-educate me, which could have been done years ago, instead of just ignoring my increasingly dire situation.

None of this, however, can compensate for the years of pain and suffering caused firstly by my employer and then by a system that fails to protect victims of workplace bullying. In fact, it can be reasonably argued that the system only makes the problem much worse. I also think my case highlight the grave injustice done to many people who suffer injuries as a result of workplace bullying.

I would also like to enter into evidence an article published by Federal Parliament around last years national inquiry into workplace bullying, titled Slow Poison: Confronting Workplace Bullying, in which my case was featured. This article highlights both the financial and human cost of failing to deal with workplace bullying.

For the last 18 months or so I have been involved with the Injured Workers Support Network and during that time I have spoken with many people affected by workplace bullying. Tragically, many of the cases reflect my own experience.

Despite claims by WorkCover that they take workplace bullying seriously they seem to be doing remarkably little to address the issue in workplace across NSW. Their policy allegedly is to only investigate claims of widespread systemic bullying claims and refuse to become involved in individual claims of bullying. Like many others, including myself, who make complaints, the basis of making a complaint is that the problem is not just of being an individual target of bullying but one of many who are receiving similar treatment – in other words a culture of bullying cultures exists in the workplace. This fact, it seems, is conveniently ignored. This also seems evident going by the lack of legal action taken against offending companies.

This sad fact was confirmed at last year's workers compensation inquiry where a senior inspector from WorkCover claimed they were strongly discouraged from investigating safety violations to the point of being able to prosecute offenders. I suspect this is also the case with workplace bullying claims.

It was also revealed in last year's national inquiry into workplace bullying that WorkCover do not cross-reference workers compensation claims with the offending organisations with multiple claims made against specific organisation. If this was the case WorkCover would be able to readily identify organisations with multiple claims and thereby launch an investigation and perhaps prevent further damage being done.

However, as it stand targets of workplace bullying are often forced out of the workplace and then required to make a claim for workers compensation. They are then subjected to a daunting process of attempting to have liability for injury accepted. More often than not, liability is often declined after insurance companies conduct their own largely biased investigations.

What is even more troubling is that in a recent survey conducted by IWSN fewer people trust WorkCover to address workplace bullying fairly and objectively than their employers. Less than 4% of respondents claimed to have any faith in WHS regulators, like WorkCover, to adequately address workplace bullying.

Yours Sincerely

John Mc Philbin