

**INQUIRY INTO 2023 REVIEW OF THE WORKERS
COMPENSATION SCHEME**

Name: Name suppressed

Date Received: 6 September 2023

Partially
Confidential

With all due respect,

I work as a non-custodial Programs Officer in the Metro Cluster of Corrective Services NSW. I was on a claim for psychological injury from February 2020 until 6 months after I reached retirement age in 2022.

It's an unfair system that penalises workers on claims because of their age. Many of us are working well past retirement age for financial reasons or because we like our jobs and can still do them exceptionally well.

While I was on a claim, I could have returned to full-time work months, even a year sooner than I did, except for the toxic, bullying culture entrenched in Corrective Services NSW. The leadership (includes but isn't limited to the Executive branch), as well as Injury Managers, are either ignorant of Return to Work Legislation, or choose to ignore it, instead, making their own rules or following the directions of their superiors, with the aim of driving the claimant out of the workplace for good.

As a result, psychological injuries are exacerbated and claims drag on indefinitely, at great expense to the taxpayer. In addition, there are claims for psychological injury, for both non-custodial and custodial staff, which have resulted in large settlements for damages, because of the leaders actions. This is likely to continue even though Corrective Services NSW has implemented new reforms, which include treating ALL workers with dignity and respect.

Unfortunately, the reforms seem to be to be more spin than substance. The Commissioner, Deputy Commissioners, Assistant Commissioners, Directors, and the staff who follow their lead seem to lack knowledge of Work, Health and Safety Legislation that states clearly that they have a duty of care, which includes consultation, to prevent psychological risks, which includes but is not limited to micromanaging (comprising CCTV as one monitoring tool), undermining, ignoring the concerns of frontline staff and sexual assault/harassment.

Unsurprisingly, in August 2023 Safework NSW issued sexual assault/ harassment improvement notices to all the prisons.

Since I returned to my full-time position, I haven't observed any positive changes to the entrenched toxic culture that contributes to workers lodging claims. I've observed and supported workers who are experiencing the same psychological injuries I did. And for those on RTW plans, the interference has continued.

Over the last few years, the organisation has become increasingly top heavy. The new reforms reinforce a multi-tiered bureaucratic structure. All non-custodial grades from 7/8 upwards are considered the 'leadership'. This means the 5/6 grades report to a 7/8, who then reports to a 9/10, who then reports to an 11/12, who then reports to Directors, who then report to an Assistant Commissioner, who then reports to a Deputy Commissioner, who then reports to the Commissioner.

The current leadership is littered with staff that have been named in more than one successful claim, as well as the NCAT Tribunal, for causing psychological injury, some quite severe. At least one claimant attempted suicide, one had a stress related heart

attack, and more than one has spent considerable time in a psychiatric unit, and others resigned for the sake of their sanity. The Respondents do not suffer any consequences, often get promoted, then continue to reinforce a culture of fear that leads to even more claims, as well as mismanagement of Return-to-Work Plans!

Claimants aren't informed of their rights, get little or no support from their line managers and are left feeling isolated, alone and disengaged from their work life.

It is exceedingly difficult for claimants to access the help they need when they don't know what their rights are or when their RTW plans are mismanaged. SIRA will only help with certain matters, then advises one to contact Safework NSW for other matters. They then refer the claimant back to SIRA. Little gets resolved, leaving claimants despondent.

One of the reasons the toxic culture has flourished is because of 'no fault' policies that are paid for by taxpayers through TFM. This allows Corrective Services to focus on building the resilience of the frontline by providing well-being strategies, rather than addressing the systemic nepotism, cultural problems.

For the Workers Compensation Scheme to be more cost-effective and less psychologically harmful to claimants, Work, Health and Safety and Worker's Compensation Legislation needs to be adhered to by all those in leadership positions. This would include consulting workers about risks, then trying to prevent those risks in the first place. Additionally, Safework NSW would need to be more active investigating complaints made to them. They've been known as a toothless tiger for years and for good reasons.

The non-custodial programs branch has a long history of not consulting the program facilitators regarding risks. The culture has been for line managers to do risk assessments without consultation. If you were to ask most program facilitators (Services and Programs Officers) if they know they are to be consulted, you will get a resounding "No."

The duty to consult was brought to the attention of the Programs branch numerous times over the years by PSA delegates and members to no avail. Complaints made to Safework were then ignored. As a result, more than one successful claim for psychological injuries could have been prevented (including mine). Challenging the hierarchy is not viewed favourably and those that do often are exposed to a backlash which is another breach of legislation!

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