

GPSC1 INQUIRY – ACTION PLAN – progress report July 2015

Rec #	Recommendation description	Government response	SRWS and WCA action Actions to date	SRWS and WCA action Actions planned
1	<p>That the WorkCover NSW Executive Team and the Safety, Return to Work and Support Board make a public statement that genuinely:</p> <ul style="list-style-type: none"> • accepts that WorkCover, as an organisation, has a significant problem with workplace bullying; • apologises to employees for past wrongs, including in respect of Mr Wayne Butler • accepts the findings of the NSW Industrial Relations Commission in respect of Mr Butler • commits to addressing at an organisational level the problem of bullying. 	<p>A statement has been issued by the Chief Executive Officer of Safety, Return to Work and Support and is also addressed in the WorkCover submission to the review of the Inquiry.</p>	<ul style="list-style-type: none"> • A statement has been issued by the Chief Executive Officer of Safety, Return to Work and Support advising zero tolerance of bullying and harassment and apologising to employees affected by bullying • WCA submission to the review of inquiry acknowledges that Mr Butler has been reinstated and remains a valued employee • Additional value of 'Respect' added to SRWS values of Integrity, Trust, Service and Accountability • OFS Dignity & Respect Charter adopted by SRWS on 19 August 2014. Revised commitment issued January 2015 following consultation with PSA • Discussions held with people leaders throughout SRWS during October and November 2014 to clarify expectations and ensure fair management practices • Consultation via focus groups held with employees on how best to implement new value of 'Respect' • Dignity and Respect workshop / kit developed for use by Managers 	<ul style="list-style-type: none"> • Ongoing commitment to addressing bullying.
2	<p>That the WorkCover NSW Executive Team sincerely apologise to Mr Wayne Butler for how he was treated during his investigation, for his dismissal, and for their failure to accept the findings of the NSW Industrial Relations Commission.</p>	<p>An apology has been issued by the Chief Executive Officer of Safety, Return to Work and Support.</p>	<ul style="list-style-type: none"> • CEO of SRWS met with Mr Butler to discuss issue and has apologised in writing to Mr Butler for his dismissal • WCA submission to the review of inquiry acknowledges that Mr Butler has been reinstated and remains a valued employee 	<ul style="list-style-type: none"> • Nil – Recommendation finalised
3	<p>That WorkCover NSW report to the Safety, Return to Work and Support Board on actions to be taken to address the punitive use of process within the organisation, especially in human resources matters.</p>	<p>Supported. Regular reports have and will continue to be provided to the Safety, Return to Work and Support Board on actions taken to address punitive use of process and foster a constructive, empowered, productive and safe workplace culture.</p> <p>The Human Resources Board Sub-Committee will monitor and oversee the implementation of actions.</p>	<ul style="list-style-type: none"> • Action Plan developed and being implemented to address punitive use of process • Monthly progress updates provided to the Board and Executive team 	<ul style="list-style-type: none"> • Progress to be measured via the next People Matter Employee Survey response in 2016 and an interim survey in 2015

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4	That the Minister for Finance and Services review the structure and functions of the Safety, Return to Work and Support Board to determine whether they are appropriate or expansive enough to cover the board's obligations under the Work Health and Safety Act 2011, including its obligation to ensure that WorkCover is addressing its organisational problem with bullying. Further, that in undertaking this review, the Minister considers whether it is feasible for all these functions to be undertaken by the existing board.	Supported. These matters will be considered in the NSW Treasury review of NSW Government insurance and regulatory functions.	<ul style="list-style-type: none"> • Included in scope for the NSW Treasury Review 	<ul style="list-style-type: none"> • Review report will be considered by Government
5	That WorkCover NSW report to the Safety, Return to Work and Support Board on the progress of all actions arising from the recommendations of this inquiry, at intervals of at least six months, and that these reports be published on WorkCover's website.	Supported.	<ul style="list-style-type: none"> • WorkCover to provide six-monthly reports to Board on progress to date, which will be published on WCA website. 	<ul style="list-style-type: none"> • Ongoing
6	That WorkCover NSW formally review, in liaison with the Public Service Association of NSW, the findings of the 2013 People at Work Survey and other measures of workplace bullying, with a view to collecting, monitoring and publicly reporting reliable data on workplace bullying within the organisation on an annual basis.	Supported.	<ul style="list-style-type: none"> • High level People Matter Survey responses for OFS and SRWS were made available to SRWS employees 12 September 2014 • Business unit level reports for both 2014 People Matter Employee Survey and 2013-14 People at Work Project were made available to all employees via SRWS intranet 29 September 2014 • Results of the 2013-14 People at Work Survey were provided to representatives of the Psychosocial Wellbeing Sub-committee of the SRWS Work Health and Safety Committee 24 September 2014 • Consultation meeting with the PSA was conducted on 9 October 2014 to consult on survey responses, proposed focus groups, development of survey action plans, revised bullying and grievance policies, and collation of data regarding bullying • Focus groups held with employees during October/ November 2014 to discuss areas for improvement identified from surveys Focus groups were conducted to review survey responses and make recommendations for action plans • Action plans finalised for approval during December 2014 / January 2015 and then implemented. 	<ul style="list-style-type: none"> • Workcover conducts ongoing regular consultation meetings with the PSA

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7	That WorkCover NSW ensure that all investigations of bullying complaints within WorkCover are investigated independently.	Supported. Internal bullying resolution procedures will encourage timely and effective risk management and resolution. Where investigation is necessary, investigations will be conducted by an independent expert investigator under the oversight of the Office of Finance and Services (OFS). SRWS employees are now provided with the additional option of reporting bullying to, and seeking support and advice concerning bullying, from the Office of Finance and Services. In future, employees may also make a request for service or complaint to the relevant work health and safety regulator as per the arrangement being developed with the Department of Trade and Investment referred to in Recommendation 8.	<ul style="list-style-type: none"> • Bullying Response Service and Employee Assistance Program has been relaunched • Wellness and Employee Relations Consultant role (with a registered psychologist) in People and Culture Group has been continued • Process has been established to support independent expert investigator to conduct investigations where resolution cannot be reached, under the oversight of the OFS • Implementation of the People and Culture Service and Advice model finalised to provide coaching and advice to people leaders • Revised policies in relation to bullying and grievance handling finalised and released : <i>Management of workplace bullying policy and revised Workplace issues and grievance resolution policy</i> • Also see action under Recommendation 8 	<ul style="list-style-type: none"> • Nil – Recommendation finalised
8	<p>That WorkCover NSW undertake a formal evaluation of the arrangements with the Department of Trade and Investment, Regional Infrastructure and Services for referral of work health and safety matters for investigation, including allegations of workplace bullying, within two years of the commencement of the arrangements. The review, which must be published, is to:</p> <ul style="list-style-type: none"> • include formal input from employees and the Public Service Association of NSW • be formally considered by the Safety, Return to Work and Support Board and the independent workplace bullying steering panel (see recommendation 12). 	<p>Supported. WorkCover is formalising a Memorandum of Understanding that will allow for all requests for service and complaints under the Work Health and Safety Act 2011, relating to WorkCover as an employer, to be investigated independently by the safety inspectorate of the Department of Trade and Investment, Regional Infrastructure and Services. Evaluation of these arrangements will occur within two years of the commencement of arrangements and will include input from the Public Service Association of NSW and be formally considered by the SRWS Board and the Independent Expert Workplace Bullying Panel (see Recommendation 12).</p>	<ul style="list-style-type: none"> • Memorandum of Understanding (MOU) between the Department of Trade and Investment, Regional Infrastructure and Services (DTIRIS) and WorkCover has been executed • From 1 July 2015 DTIRIS became the NSW Department of Industry, Skills and Regional Development (known as the NSW Department of Industry) • The SRWS intranet site for the MOU and procedures for referral of matters to the NSW Department of Industry went live on 1/7/2015. 	<ul style="list-style-type: none"> • WorkCover will draft a process to support the review of the MOU arrangement in consultation with Public Service Association and the Public Service Commissioner and the independent panel and the review will be undertaken in 2016

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9	<p>That WorkCover NSW ensure that the code of conduct for WorkCover and scheme agent staff is enforceable by individual workers and their representatives, and that financial penalties are included as one of the remedies where breaches of the code are established.</p>	<p>Supported in part. Action will be taken on complaints by individual workers. WorkCover employees are already subject to a code of conduct. Findings of misconduct where breaches of the code are established may result in a range of actions against an employee including termination of employment, a fine, reduction of remuneration payable to the employee, reduction in the classification or grade of an employee, assignment of the employee to a different role, caution or reprimand the employee.</p> <p>WorkCover Scheme agents will be responsible for meeting a new code of conduct under the new deed from 2015 and where breaches of the code are established, non-performance will potentially result in financial penalties.</p> <p>Injured workers and their representatives do have available processes to have complaints investigated by the WorkCover Independent Review Officer and for review by the NSW Ombudsman.</p>	<ul style="list-style-type: none"> • WorkCover NSW Customer Service framework established, comprised of a complaints model and a staff toolkit • Implementation rollout from January 2014 <ul style="list-style-type: none"> - Complaints framework implemented - Process maps for the new complaint handling processes - Fact sheet for employers and claimants on complaints management - Complex Customer Behaviour Policy - Structural changes within Customer Services to support rollout. • New deed for WorkCover NSW Scheme agents finalised including obligation to meet a new code of conduct, with options to address non-performance, potentially including financial penalties. • WorkCover Insurance developed a plain language disputes brochure to be sent to all injured workers by scheme agents. This was distributed across the scheme on 16 June 2015 • In July 2015 WorkCover Insurance launched a mobile web wizard for employers which includes dispute resolution instructions Monitoring and reporting of complaints and adherence to service standards has been implemented for scheme agents and insurers 	<ul style="list-style-type: none"> • Toolkit under development to support and guide insurers and customers within the workers compensation system • WorkCover insurance will monitor the operation of the Customer Service Framework and the Scheme agent code of conduct.
10	<p>That the Minister for Finance and Services take the necessary steps to ensure that complaints against WorkCover NSW staff by injured workers are investigated independently, and that investigations of complaints against scheme agent or WorkCover staff are reviewable by an independent body.</p>	<p>Supported in part. Complaints against WorkCover employees are already reviewable by the NSW Ombudsman and are investigated in line with the requirements of and advice from the NSW Ombudsman. Complaints about scheme agents of the Nominal Insurer, or about other insurers, can be referred to WorkCover or the WIRO. A complaint about the conduct of a public authority (which would include WorkCover and the WIRO) may be made to the Ombudsman. The Ombudsman may investigate the conduct of a public authority if it appears to the Ombudsman the conduct may be within section 26 of the Ombudsman Act.</p>	<ul style="list-style-type: none"> • CEO SRWS has written to the NSW Ombudsman, WorkCover Independent Review officer and the Financial Services Ombudsman requesting the establishment of a formal quarterly reporting process to identify key issues and hotspots regarding complaints against WorkCover or Nominal Insurer Scheme agents 	

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11	That the Parliament of New South Wales enact laws which protect all workers in the state, including injured workers, from workplace bullying, and that such laws be based on the National Occupational Health and Safety Commission's Draft National Code of Practice.	The Government is considering the matter.	<ul style="list-style-type: none"> Options paper submitted to Steering Committee in September 2014 CEO SRWS has written to Safe Work Australia seeking its assistance to consider the issue of bullying at a national level under the model Work Health and Safety Laws. 	<ul style="list-style-type: none"> WorkCover is in ongoing dialogue with Safe Work Australia concerning the policy framework for bullying under the model Work Health and Safety Laws.
12	That the Minister for Finance and Services and the Safety, Return to Work and Support Board establish an independent workplace bullying steering panel to oversee the actions of WorkCover NSW in addressing workplace bullying, both within its own organisation and in other workplaces as the state regulator of work health and safety. The panel must be empowered to require action on its recommendations and sufficiently resourced to perform its role.	<p>Supported in part. The Minister for Finance and Services will request the Safety, Return to Work and Support Board to establish an independent expert workplace bullying panel to advise on the actions of WorkCover NSW in addressing workplace bullying, both within its own organisation and in other workplaces as the state regulator of work health and safety.</p> <p>The Safety, Return to Work and Support Board will then advise the Minister on the current initiatives and programs currently undertaken by WorkCover NSW in addressing workplace bullying; any deficiencies identified in these programs; and whether there are additional programs that could be explored to enable WorkCover to more effectively meet objectives.</p>	<ul style="list-style-type: none"> An independent advisory panel was established including a HR professional, legal practitioner and academic expert. Inaugural meeting was held on 5 June 2015 Terms of reference for the panel developed and agreed including responsibilities, meeting frequency, and duration. 	
13	That General Purpose Standing Committee No. 1 conduct a review in late 2014 of the implementation of the recommendations of its 2014 report into allegations of bullying in WorkCover NSW.	The Review of the inquiry into allegations of bullying in WorkCover NSW by the General Purpose Standing Committee No. 1 commenced on 11 September 2014.	<ul style="list-style-type: none"> WorkCover provided a submission to the review Minister Perrottet, the CE of OFS and CEO of SRWS attended to provide evidence Government response provided to the Committee on 10 June 2015. 	