WorkCover (NSW) Review

Independent inquiry into workplace bullying and harassment

NSW Department of Premier and Cabinet

February 2011

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What would you like to grow?

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This report has been prepared for the NSW Department of Premier and Cabinet (DPC) as outlined in the Terms of Reference section. The services provided in connection with this engagement comprise an advisory engagement, which is not subject to assurance or other standards issued by the Australian Auditing and Assurance Standards Board and consequently, no opinions or conclusions intended to convey assurance have been expressed. Reference to 'review' throughout this report does not refer to a review in accordance with assurance and other standards issued by the Australian Auditing and Assurance Standards Board.

The findings in this report in relation to the cultural survey are based on a qualitative study and the reported results reflect a perception of WorkCover (NSW), but only to the extent of those who responded to the survey (approximately 60% of all employees). Any projection to the wider management and employee population is subject to the level of bias inherent in the respondent group. Additional findings are based on interviews with current and former WorkCover employees and the review of WorkCover and other New South Wales government documents. We note that the interviews were voluntary and not based on a representative sample of employees at WorkCover.

No warranty of completeness, accuracy or reliability is given in relation to the statements and representations made by, and the information and documentation provided by, WorkCover management and employees consulted as part of the process.

We have indicated within this report the sources of the information provided. We have not sought to independently verify these sources unless otherwise noted within the report.

We are under no obligation in any circumstances to update this report, in either oral or written form, for events occurring after the report has been issued in its final form.

The findings in this report have been formed on the above basis.

Third party reliance

This report is solely for the purpose set out in the Terms of Reference section and for the DPC's information, and is not to be used for any other purpose.

This report has been prepared at the request of the DPC in accordance with the terms of our Engagement Contract, dated 28 September 2010 and any subsequent Contract Variations agreed to (collectively referred to as the 'Engagement Contract'). Other than our responsibility to the DPC, neither PwC nor any member or employee of PwC accepts any responsibility arising in any way from reliance placed by a third party on this report. Any reliance placed is that party's sole responsibility.

We understand that this report may be publically released or released to interested stakeholders. However any third parties who access this report are not a party to our Engagement Contract with the DPC and accordingly may not place any reliance on this report.

PwC will not be liable for any losses, claims, expenses, actions, demands, damages, liabilities or any other proceedings arising out of any reliance by a third party on this report.

Acknowledgements

We wish to acknowledge the contributions made by the employees of WorkCover who were willing to give up their time and contribute their knowledge and experience during the survey and interview process. The contributions of all stakeholders have been invaluable to the project.

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1   Executive summary

WorkCover is the New South Wales government agency responsible for increasing the competitiveness of the NSW economy by promoting productive, healthy, and safe workplaces for workers and employers. WorkCover has 1,312 employees located in 26 offices in regional and metropolitan NSW. It administers work health and safety, injury management, return to work and workers compensation laws, and manages the workers compensation system.

WorkCover has been the subject of media articles relating to allegations of workplace bullying and harassment of its own employees. This has culminated in NSW Parliamentarians raising questions in the NSW Legislative Council in relation to these allegations. On 21 September 2010 the Minister for Finance, the Hon Michael Daley MP, requested that the NSW Department of Premier and Cabinet (DPC) undertake an independent inquiry into bullying and harassment at WorkCover and report back to him.

On 28 September 2010, the DPC engaged PricewaterhouseCoopers (PwC) to undertake this inquiry.

1.1   Terms of Reference and our approach

The Terms of Reference were as follows:

1   Review all relevant background material and actions previously/currently being taken to resolve allegations of workplace bullying and harassment in WorkCover.

2   Investigate actions taken to address previous allegations of bullying in the WorkCover Licence Processing Unit, and appropriateness of the responses taken.

3   Analyse whether bullying and/or harassment is in any way supported or reinforced in the workplace culture within WorkCover at large or in any particular Branch or unit.

4   Identify risk factors which lead to inappropriate workplace conduct, the adequacy of WorkCover's current workplace behaviour strategies, and the need for any additional measures.

5   Provide recommendations on any changes with respect to the future management of, or policies relating to, workplace bullying and harassment in WorkCover that are required to address any deficiencies identified by the inquiry to achieve a strong workplace culture that is free from bullying and harassment.

To address these Terms of Reference, PwC:

- undertook 125 confidential, self-initiated interviews of current and former WorkCover employees, drawing on individual experiences or observations of bullying and harassment, and broader comments on the workplace culture

- received 13 written submissions

- conducted an online cultural assessment survey across WorkCover to validate key cultural attributes

- conducted a desktop review of existing/previous cultural assessments and documentation in order to identify key evidence of ongoing or systemic organisational cultural indicators of risk factors for bullying and harassment

- reviewed relevant materials made available in relation to five current and recent cases of alleged bullying and harassment.

We were not asked by DPC to further investigate previous, existing or current individual cases of bullying and harassment. The review team did not directly approach employees to seek their participation in interviews. All interviews were on a voluntary basis not a sample basis, and represented approximately 10% of WorkCover's current workforce. There is therefore a risk that interviewees were not representative of WorkCover as a whole.

Comments made by interviewees were taken at face value and we do not express an opinion on the factual basis of the interviewees' statements. Interviewees' comments related to their observations from 2005 to the present. As we did not formally investigate any of the matters, we did not refer any matters to either the DPC or any other government agency for further investigation.

1.2 Key findings

1.2.1 Overall view

The overall findings from this review suggest that the majority of employees find WorkCover an enjoyable place to work, with a noble vision, positive role in the community and generous employee conditions and benefits. The exceptions to these otherwise generally favourable sentiments are the views expressed by interviewees that:

- many had suffered from behaviour which they described as bullying and harassment

- the leadership team has historically not demonstrated leadership capability and action concerning bullying and harassment

- specific cases of bullying and harassment had not been handled to the satisfaction of complainants or had not followed the correct process in all cases.

These views are at least partially supported by results from the survey respondents, 40% of whom indicated that they had been bullied and/or harassed in the workplace, and 60% reported they had not. Of the 40% who had indicated that they had been bullied and/or harassed in the workplace, 52% reported that the source was a manager or supervisor, 29% reported that the source was another employee, and 18% reported the source was both a manager or supervisor and another employee.

Bullying and harassment by a manager or supervisor most commonly occurred in the form of nit-picking, unjustified criticisms or inequitable treatment compared to other employees. In our experience it is not always correct to describe such actions as 'bullying'. These issues tend to be indicative of a lack of clarity around bullying and harassment definitions, performance expectations and agreement on required outcomes between managers and employees. Bullying and harassment by another employee most commonly occurred in the form of negative body language, nitpicking and unjustified criticism.

The heightened awareness and specialist knowledge of bullying and harassment held by many employees has also resulted in significant organisational issues in relation to alleged bullying and harassment. This perception has arguably been further compounded by WorkCover's emphasis on internal training and other awareness activities in the area of bullying and harassment, and also union involvement in support of their members. While many employees acknowledge that WorkCover management has recently taken action to establish a new direction and plan, survey respondents and interviewees stated that they feel that further progress needs to be made.

A number of examples of alleged bullying and harassment in particular locations or groups appear to have been poorly handled, which may have exacerbated the issues. This may be a reflection of poor process management and inconsistent adherence to policy, or because the complexity of the alleged bullying and harassment complaints makes it difficult to effectively identify and appropriately deal with every situation. The survey results indicate both positive and negative variances against Government and Industry benchmarks.

Our work suggests that WorkCover has some of the fundamentals in place for an effective organisation, most importantly a vision centred on supporting the community and good work conditions. However, it will take a spirit of cooperation between unions, management and employees to effectively address the current and ongoing issues relating to alleged bullying and harassment.

1.2.2 Key risk factors influencing culture

Risk factors that contribute to workplace bullying and harassment can be categorised into Organisation, Processes and People. Interviewees and survey respondents identified a number of these risk factors which they believe have contributed to the current environment within WorkCover.

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Organisation

- Historical management style – many interviewees commented that styles of management over the past few years (including poor management, aggressive styles, in some cases involving allegations of bullying and harassment) have had an adverse influence on WorkCover's work environment.

- Poor management/leadership skills – a commonly held view is that some managers have not exhibited the appropriate skills and capabilities of competent managers.

- Self regulation/internal investigations – there is a view held by employees, and by the current CEO, that it is inappropriate for WorkCover, as the regulator of the Occupational Health and Safety Act 2000 (OHS Act), to investigate and to be seen investigating itself for alleged breaches of the OHS Act.

- High level of internal awareness of 'bullying and harassment' – many interviewees described a high level of awareness of the concept of bullying and harassment due to an extensive amount of training in these areas.

Processes

- Recruitment – some employees have a perception that recruitment decisions are not always based on merit but rather on family and personal relationships.

- Promotion processes/opportunities for relieving – promotions and opportunities for relieving higher duties are a significant contributor to employee disharmony. Individuals performing these roles may be unwilling to challenge bad or inappropriate management decisions or actions, as their relieving roles may be withdrawn as a result.

- Limited performance-based culture – a number of employees and managers believe WorkCover uses a rudimentary performance appraisal and assessment process to measure their employees' performance. (We understand that this process is currently being revised and upgraded to enable a more appropriate review of employee and management work.)

- Internal processes to manage grievances and bullying and harassment – many employees were critical of perceived inaction by management with regard to identifying and responding to early indications of potential bullying and harassment. This is exacerbated by the lack of trust in internal processes and a perceived lack of confidentiality.

People

- Temporary employees – the nature of these roles provides for an element of instability due to the uncertainty of employment and a reluctance to 'call' inappropriate behaviour of colleagues or management.

- General employee concerns – these include a lack of communication, inability to question management decisions, lack of consultative approach and the maintenance of confidentiality regarding some complaints.

Other

- External influences – many employees commented that other influences contributing to the environment include the impact and residual effects of previous ICAC investigations on fraud and corruption, media focus and attention on WorkCover generally and the Licensing Solutions Unit (LSU) specifically, questions in the NSW Parliament as reported in Hansard, and the Public Service Association (PSA).

1.2.3 WorkCover's actions to address bullying and harassment allegations

Internal actions taken to address bullying and harassment

WorkCover has developed a framework of corporate values, respectful behaviours, and codes of conduct in its 'Charter of Management Commitment'. However, many employees commented in interviews that WorkCover's workplace behaviour strategies are not yet effective in meeting employee concerns.

Previous and current bullying and harassment investigations

We also reviewed five specific matters relating to workplace grievances of bullying and harassment, with a view to assessing the processes undertaken to initiate, investigate and finalise them. We did not reinvestigate any of the five matters. To date, three of the five matters have been investigated and finalised by WorkCover. In our review, specific consideration was given to adherence to relevant policy and procedural fairness. Our review identified recurring issues in the investigation processes, as follows:

* failure to clarify the aggrieved person's complaint at the time of reporting

* failure to investigate matters within relevant policy timeframes

* lack of grievance training for managers responsible for investigating matters

* failure of management to communicate in an effective and timely manner with the parties involved.

There were a number of discrepancies in some processes in these matters; however, we note that the ultimate outcomes of the five matters were not adversely affected.

Our report contains a number of recommendations that are intended to assist WorkCover to comply more fully with relevant policy and procedural fairness when dealing with future reports of workplace grievances or complaints of alleged bullying and harassment.

1.2.4 Review of concerns within the Licensing Solutions Unit (LSU)

We were asked to review the environment and concerns within one particular unit of WorkCover – the LSU. We found the following:

* Some interviewees reported a lengthy history of strained and difficult interpersonal relationships, which over time have caused significant anxiety, stress and pressures on many employees and managers.

* WorkCover has adopted many and varied strategies to address these concerns, including a review by a WorkCover State Inspector in 2009 after receiving a complaint from the PSA in relation to "alleged failure by WorkCover to follow its own policy … relating to bullying and harassment in the workplace".

* Ongoing concerns and alleged actions by an LSU employee have culminated in a formal complaint of workplace bullying against the individual. This was subject to external independent investigations and is yet to be resolved.

WorkCover has implemented a number of other actions including specific action plans, and consulted LSU employees on appropriate activities to minimise workplace bullying and harassment.

1.3 Current and planned actions to address culture at WorkCover

We understand that many organisational, structural and cultural changes have been initiated by the current CEO, with a new Corporate Plan 2010-2015 introduced in October 2010. This should provide a greater sense of direction for WorkCover, with key result areas and performance targets detailed for employees. We further understand that WorkCover's realignment, announced in December 2010, is designed to position the organisation to deliver against the corporate plan, and is being implemented with a stronger focus on communication and engagement over the next few months.

We have been advised by management that the realignment includes:

* reviewing the Human Resources structure and leadership; the division has been renamed 'People and Culture' to reflect a more strategic partnering role with the business

* conducting regular employee road shows to inform employees of the key challenges the organisation faces, business performance updates, and improvements being introduced to the business

* developing a framework for an external expert panel to investigate serious allegations of bullying and harassment

- introducing new employee awards in November 2010 to acknowledge the contribution of employees in the categories of innovation, excellence, living the values, and work health and safety

- providing training and development for managers, including business case development to help them make more effective decisions

- developing a new learning and development program in 2011 to embed leadership behaviours

- developing a new Culture program covering constructive behaviours, building personal resilience and developing a capability for self-awareness and self-actualisation

- focusing on succession planning, as many WorkCover employees will reach retirement age over the next 5 years.

We understand that it will be some time before these new strategies have a genuine impact on the cultural deficiencies that have existed in parts of WorkCover for some years.

1.4   Desired outcomes and recommendations

To achieve cultural change, long-term commitment and a concerted focus on culture is required. Building on WorkCover's current and planned actions to address the culture, we have identified a number of desired outcomes and recommendations which we believe will help. We recommend that WorkCover take action on all of the following recommendations. We also recommend that WorkCover establish review periods to assess the progress and effectiveness of these actions over the next 12 to 24 months.

2 Final recommendations

We set out below our final recommendations for change including those relating to bullying and harassment.

1. **Continue the process of providing clarity on the corporate vision, values and strategic direction to all employees. Improve communication with employees and engage them and the union in the cultural change.**

High priority

1.1. Continue to embed the Corporate Plan 2010-2015 (introduced in October 2010) and involve employees in planning the delivery of the **vision**, such as the recently introduced employee road shows (with additional Q&A components). These communications would also include continued promotion of the organisation's new Corporate Values including ethical behaviour, respect, accountability, excellence and integrity.

1.2. Continue to increase **leadership visibility** across all aspects of WorkCover's operations. This may be through regular CEO and management communications and by continuing to build on the employee road shows.

1.3. Continue to provide **feedback to employees** in relation to decision-making, and **consult and communicate with employees** in relation to areas that may affect their working conditions or position. This would include conducting ongoing employee surveys and focus groups to validate concerns identified in the 2010 employee survey.

1.4. Communicate the **outcomes of this inquiry** as appropriate to all employees.

2. **Develop a revised and consolidated bullying and harassment policy, including changes to internal and external support mechanisms. Communicate and provide training in that policy to employees, managers, and other key stakeholders (including unions).**

High priority

2.1. Assess the current **framework**, processes and procedures for reporting complaints of bullying and harassment. This would include discussions with employees and employee representatives to identify areas of duplication and ineffective mechanisms.

2.2. Develop and communicate **categories** of complaints and specific **procedures** to be followed in relation to each category to enable more effective handling and appropriate action (see sample classification guide in Appendix R).

2.3. Reiterate the adherence to **confidentiality protocols** by those who manage complaints and the relevant supporting mechanisms such as the Bullying Response Service and Employee Assistance Program.

2.4. Develop and implement a process to resolve any **backlog** of bullying and harassment complaints. This is an important step towards initiating an acceptance of cultural change.

2.5. Promote a **fair and safe work environment**, and engage with team managers to ensure this is promoted at all levels of the organisation:

- Ensure workplace diversity and EEO training for all employees
- Strengthen EEO process of reporting
- Ensure EEO representatives exist in each area of the business.

2.6. Develop and share **protocols** in relation to the appointment of **external investigators**. Continue to develop a framework for a panel of appropriately skilled and experienced OHS investigators.

2.7. Develop and share appropriate **communications and timeframes protocols** to ensure those involved in matters are kept informed (and specific communication protocols for those on sick/stress leave).

2.8. Develop and introduce **quality control measures** whereby People and Culture reports regularly to the WorkCover Executive on matters, actions taken, time-frames adhered to and outcomes.

2.9. Develop and implement **training for employees and management** in relation to the new policy and its application. This training should include how to handle matters and when to escalate. The People and Culture team should receive more detailed training to include managing external investigations.

2.	Develop a revised and consolidated bullying and harassment policy, including changes to internal and external support mechanisms. Communicate and provide training in that policy to employees, managers, and other key stakeholders (including unions).

2.10. Continue with plans to introduce an extensive **front-line leaders' training** program to include people management (including performance management as distinct from bullying and harassment).

The above is in conjunction with the harmonisation of bullying and harassment definitions which we understand is currently taking place across all Commonwealth and state jurisdictions.

3.	Review the structure, capabilities and roles organisation-wide, and more specifically the roles and capabilities of all leaders and the People and Culture and OH&S teams.

Medium – High priority

3.1. Further analyse the **organisational structure** to determine whether it provides adequate support to the organisational changes.

3.2. Continue to assess the **operating model** to ascertain whether there needs to be a greater emphasis on industry segmentation rather than function/capability.

3.3. In addition to the aforementioned training for employees and management relating to bullying and harassment, introduce an '**emerging leaders program**' specifically designed to assist high potential employees acquire broader management and supervisory capabilities. This training may involve executive coaching programs with a focus on constructive leadership behaviours such as listening, communication including engaging and responding to employees, and change.

3.4. Conduct ongoing reviews of the restructured Human Resources function (now named **People and Culture**) to ensure there is an appropriate operating model and capabilities which address the organisational changes.

3.5. Reiterate **management's accountability** to identify ongoing bullying and harassment risks and ensure **OHS Committee effectiveness**.

4.	Cascade the clear organisational direction to team and individual goals and implement a system for clear guidelines for performance management. Communicate this to employees, managers, and other key stakeholders (including unions).

Medium – High priority

4.1. Introduce robust **performance measures** as a compulsory requirement for all employees. Consider specific measures for different grades and divisions; for example, a greater emphasis on financial measures at top management level, and people management at the middle management level.

4.2. Continue efforts to develop and roll out **personal development plans** for all employees.

4.3. Introduce a requirement for **regular discussions** between management and employees regarding performance management issues. Performance should be formally reviewed annually, with less formal quarterly discussions.

4.4. Develop and communicate a **process to review performance management** matters to help ensure fair process, such as examining whether a broad range of views has been incorporated into the feedback. This may include a periodic systematic review of the performance management system.

4.5. Include, as part of the performance management process, opportunities for employees to receive **training** in the areas where performance issues are identified.

We note that any performance management processes designed to guide the development of employees should be managed and coordinated by WorkCover's People and Culture Unit, and not in isolation or by divisional employees and management.

5.	Enhance the rigour and transparency of all recruitment and selection processes. Communicate this to employees, managers, and other key stakeholders (including unions).

Medium – High priority

5.1. Adhere to **recruitment and promotion criteria and policies**, and recommend changes based on the key issues identified by employees including adherence to relevant Public Sector Acts and Regulations.

5.2. Improve the effectiveness of communications in relation to clear and fair **protocols for recruitment and promotion**, including relieving higher duties positions, internal secondment opportunities, and the composition of review panels.

5.3. Apply clear rules about which **individuals or parties should be involved in recruitment and promotions decisions** including interview training as required.

5.4. Review **succession planning** programs for all management (and key) positions.

5.5. Establish and communicate guidelines for **employee declarations of conflicts of interest** (in relation to family and close friend relationships).

5.6. Incorporate **communication and feedback mechanisms** assisting to achieve more open and transparent communications in an effective and timely manner for all parties involved.

5.7. **Improve management effectiveness in relation to casual and temporary employees**. Develop and communicate guidelines on the recruitment and management of casual and temporary employees. Guidelines should include the purpose of this labour pool (eg for specific assignments) to assist in managing expectations and negating perceptions that a casual/temporary arrangement is a 'foot in the door' to a permanent role.

6.	Establish and embed measures to assess the success of cultural change following the inquiry. Share outcomes with management and employees, celebrating successes and identifying areas for improvement.

Medium – High priority

6.1. Develop and implement **key performance measures** for the ongoing execution and implementation of the recommendations from this inquiry.

6.2. Conduct **meetings with management** at key intervals to discuss the success of the implementation and any issues that arise (such as timing and legislative changes).

6.3. Ensure that measures are both forward looking (predictive) and retrospective and include **input from a variety of sources** within WorkCover to provide a balanced view, including management, employees and employee representatives. This can be done by:

- using an **employee survey** to assess corporate culture, employee engagement, leadership and commitment to the success in eradicating bullying and harassment
- in the longer term, conducting confidential **360 degree feedback** programs for employees and management to provide commentary on management capability and performance
- measuring **compliance with agreed processes and timelines** for handling bullying and harassment complaints.

6.4. Measure relevant **quantitative statistics** such as employee turnover, workers compensation claims, and bullying and harassment complaints at a site and business level, as possible indicators of low workplace morale and possibly heightened bullying and harassment risk.

3 Scope and approach of inquiry

3.1 Review of recent events and cultural assessment

The initial phase of work involved reviewing relevant materials made available to us in relation to current and recent cases. Our approach included:

- Reviewing documentation, files, correspondence, and reports relating to each of the five specific alleged cases of bullying and harassment which were dealt with at WorkCover.

- Examining this documentation, in particular for outcomes, recommendations and results of these investigations to assess their appropriateness.

- Interviewing relevant individuals, including investigators, and others involved currently employed at WorkCover (such as alleged harassers and victims), drawing on individual experiences or observations and broader comments on workplace culture.

- Interviewing further individuals, such as former WorkCover employees, who may be able to provide additional information relating to the matters being investigated.

- Conducting a desktop review of existing/prior cultural assessments and documentation in order to identify key cultural indicators.

- Conducting an online cultural assessment survey across WorkCover to validate key cultural attributes. The results of the cultural assessment would be used to:

  – identify risk factors which may have contributed to previous instances of workplace bullying and harassment

  – assess the adequacy of current workplace employee behaviour strategies and activities to minimise instances of bullying and harassment

  – ascertain whether bullying and harassment is supported or reinforced in the workplace within the LSU or other groups or units of WorkCover

- Where necessary, reviewing relevant electronic data to identify whether inappropriate behaviour has been condoned by certain individuals within WorkCover.

The results of the online employee survey, issued to all WorkCover employees for completion in November, 2010, were provided as interim advice to DPC in mid December, 2010.

3.2 Final report

This phase involved preparing a final report (this report) which includes key findings and recommendations for improvement of the future management of allegations of workplace bullying and harassment in WorkCover.

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3.3   Approach – Survey

The agreed approach to collating employee views to inform this inquiry was 'invitational'. This approach raises the question as to whether the employee engagement survey respondents and interview participants are representative of the broader population. However, the employee engagement survey response rate was strong, at approximately 60% of total WorkCover employees, with 779 out of 1312 employees completing the survey. This response rate exceeds the sample size necessary to confidently represent the wider population of WorkCover, supported by data from the interviews.

Employee engagement survey

The employee engagement survey was designed to assess multiple indicators of WorkCover's performance across a broad range of HR and general management practices and outcomes. Respondents were invited by email to participate in the online survey open from Monday 1 November to Friday 12 November 2010.

The survey was positioned as an opportunity for employees to have their say on a number of important issues, including workplace bullying and harassment, and to help identify strengths and areas for development. Employees were assured that their individual responses would not be sent to WorkCover. Instead, it was made clear that all responses would be sent directly to the Voice Project, an external research and consulting organisation associated with Macquarie University, and results would only be reported for groups with 10 or more respondents. Once all responses had been analysed, they were used by our team in conjunction with the Voice Project to prepare an independent report for the DPC. It was highlighted to employees that the Voice Project and Macquarie University might also use the raw data in research and benchmarking, but at no time would any individual or WorkCover be directly or indirectly identified in the public research.

The survey was based on a core set of questions drawn from the Voice Climate Survey and a number of tailored questions specific to WorkCover. It consisted of 129 agree/disagree-type questions, 3 open-ended questions, 9 demographic questions, and additional items specifically addressing the alleged bullying and harassment concerns. The survey was split into three parts:

- Part 1: a series of multiple choice questions relating to the respondent's experiences working for WorkCover

- Part 2: specific multiple choice questions relating to workplace bullying and harassment

- Part 3: open questions where respondents could provide more information about their previous answers and highlight information not previously covered.

There was a 5-level response scale (Strongly Agree, Agree, Mixed Feelings/Neutral, Disagree, and Strongly Disagree) with an additional option for Not Applicable/Don't Know. Respondents were instructed how to complete the survey, asked to click the button corresponding to whether they agreed or disagreed with a statement, and when they did not think a question was appropriate for them, did not have an opinion, or did not know the answer, they could select 'Not Applicable/Don't Know'. They were also directed to the open questions at the end of the survey where they could provide more information or raise matters that had not been covered in the survey.

Respondents were asked to reply to the questions on the basis of what they had personally experienced within the last 12 months, not to anticipate how other people might answer the questions, and not to consider what might be happening in other parts of WorkCover.

If employees had any questions in relation to the survey, they were given the contact details of a Senior Consultant at the Voice Project.

3.4　Methodology – Interviews with employees

All current and former WorkCover employees were invited to participate in the inquiry. The interviews were conducted confidentially both in and away from the Gosford WorkCover offices. The names of those people are not contained in this report, nor have we included comments which could be attributed to them. We believe that this level of confidentiality contributed to the openness and willingness displayed by the many current and former WorkCover employees involved. In all, 125 people were interviewed and the review received 13 separate submissions, including one from the Public Service Association, as the representative trade union for some WorkCover employees.

3.5　Limitations on scope

The review involved examining relevant documents (policies, guidelines and reports and associated correspondence relating to the 5 specific matters for review) and interviewing current and former WorkCover employees. The review team provided a mobile phone 'hotline' for participants, as well as a dedicated email address for others to contact, to either arrange for an interview or provide written correspondence. The review team did not directly seek the participation of any employees. This non-direct approach may have resulted in a number of limitations, such as:

- Some current and former WorkCover employees may not have contributed to the inquiry due to personal or other reasons. Their information may have provided further insight into the issues discussed in this report.

- Access to employees in non-metropolitan locations was limited, with a number of them being either interviewed by telephone or restricted to providing written submissions only.

- Current and/or former employees may not have contributed to the review due to long-term absences and limited awareness of the existence of this review. It is possible that those people may have been able to provide further insights into issues discussed in this report.

- The interview approach was not random. All employees were notified of the inquiry and invited to participate. There is a risk that only those with strong points of view asked to be interviewed. Further, the information provided by interviewees was taken at face value in that we did not seek to independently validate that information.

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4 WorkCover

4.1 Background

WorkCover is the NSW government agency responsible for increasing the competitiveness of the NSW economy by promoting productive, healthy, and safe workplaces for workers and employers. It is part of the Compensation Authorities Staff Division (CASD), which was formed as part of the NSW government's creation of principal departments in July 2009. WorkCover has a head office in Gosford, two regional offices (Newcastle and Wollongong), two testing facilities (Londonderry and Thornleigh) and 21 local offices: Albury, Ballina, Bega, Blacktown, Sydney CBD South, Chatswood, Coffs Harbour, Dubbo, Goulburn, Griffith, Hurstville, Liverpool, Maitland, Narrabri, Nowra, Orange, Parramatta, Port Macquarie, Tamworth, Tweed Heads, and Wagga Wagga.

4.2 Functions and governance

CASD sits within the Treasury portfolio and consists of the following agencies: WorkCover (Workers Compensation Commission, New South Wales Sporting Injuries Committee), Workers Compensation (Dust Diseases) Board, Lifetime Care and Support Authority, Long Service Corporation, and Motor Accidents Authority.

In January 2010 a new CEO was appointed to WorkCover and CASD. All CASD agencies report to the Minister for Finance except the Long Service Corporation which reports to the Minister for Industrial Relations. WorkCover has its own board, of which the CEO is an ex officio member.

WorkCover has three key business streams: work health and safety, workers compensation insurance, and management of the Workers Compensation Insurance Fund (WCIF). WorkCover assists industry in a number of ways to improve the safety of workers. Business Advisory Services, a division of WorkCover, visits workplaces and works with employers and employees to evaluate and help address any workplace safety concerns. WorkCover Inspectors help employers and employees to understand their rights and obligations and enforce compliance with legislation. WorkCover oversees a range of activities, including:

- *Work health and safety:* WorkCover provides information to industry to help employers improve their understanding of, and ability to achieve, safer and healthier workplaces, including guidance material, training, mentor programs, and a call centre for general enquiries.

- *Licensing and registration of high-risk activities:* WorkCover issues licences for a range of high-risk activities, such as demolition work, asbestos removal, and plant and factory registration.

- *Workers compensation insurance:* The workers compensation insurance scheme is administered by WorkCover, and provides protection to workers in the event of work-related injury or illness. The scheme is funded by premiums paid by employers.

- *Workers compensation benefits:* The workers compensation benefits scheme provides a range of benefits for injured workers, such as weekly payments, lump sum payments for permanent impairment, payment of medical bills, and rehabilitation assistance.

- *Sustainable return to employment for injured workers:* This provides support and advice, including relevant training, to organisations and workers with regard to injured workers returning to work after workplace injuries.

- *Management of the Workers Compensation Insurance Fund:* WorkCover manages the WCIF investment strategy, compliance and performance. The fund holds approximately $10.5 billion of premiums to meet the scheme's foreseeable financial obligations.

4.3　Further information about WorkCover

The following further information about WorkCover can be found in the appendices. This material has been referred to extensively throughout the report.

Appendix	Title	Contents
A	History, organisational structural and legislative functions of WorkCover	• History of WorkCover • Organisational structure • WorkCover legislative functions • WorkCover legislative obligations.
B	WorkCover in the public arena	• Hansard – Parliament of New South Wales 2007 to 2010 • Independent Commission Against Corruption (ICAC) investigations (2003 and 2004) • Various media articles (2007 to 2010).
C	WorkCover internal governance framework	• Introduction to WorkCover's Governance Framework.
D	WorkCover internal governance framework for managing the risk of bullying	• OHS legislation • Dignity and respect in the workplace charter • WorkCover risk management policy.
E	WorkCover internal governance framework for managing allegations of bullying	• Policies for reporting allegations of bullying • Definition of bullying • Process for reporting allegations of bullying • Process for handling allegations of bullying • Process for monitoring and following up bullying cases • Flowchart of bullying framework.
F	WorkCover internal grievance and dispute resolution policy	• Definitions • Reporting allegations of grievances • Handling allegations of grievances • Further elements of the grievance policy • Differences between grievance and bullying reporting and handling.

5 Key findings from interviews

We interviewed 125 people and received 13 written submissions. The interviews were with current employees and former employees from Head Office, regional offices, testing facilities, and a number of local offices. The submissions were all from current employees with the exception of one submission from the PSA. As noted in section 3.5, 'Limitations of scope', we note that the interview approach was not random.[1]

5.1 Perceptions of bullying and harassment

A significant number of interviewees shared their belief that they had suffered and witnessed behaviour which they considered bullying and harassment. Many also reported that a culture of bullying and harassment has existed and in many cases still does exist within WorkCover. These interview findings tended to be supported by the survey results where 40% of respondents indicated they had been bullied or harassed in the workplace (see Section 6 for more information).

5.2 Factors which contribute to risks of bullying and harassment

We have compiled research into the risk factors that contribute to workplace bullying and harassment (see Appendix G), which we have categorised into three factors – Organisation, Processes and People. During the employee interviews, we found specific concerns about bullying, and we discuss these below according to each risk factor category.

5.2.1 Organisation

Historical management

Many interviewees commented at length on, and provided examples of, difficult managers and their respective styles of management over the years. This behaviour was not limited to certain divisions, but was across the organisation.

Many interviewees cited aggressive styles and poor management (including assigning meaningless tasks, withholding work and then criticising alleged underperformance) – actions which could amount to bullying and harassment of certain individuals. These practices have significantly contributed to the erosion in employees' trust in management capabilities and, ultimately, authority.

Another historical factor mentioned by many interviewees was the move to the Central Coast in 2002. Many commented that skilled and experienced employees and managers were lost due to their reluctance to travel from Sydney to the new offices. In some interviewees' views, this further eroded the capabilities of WorkCover, although it was recognised that in the last few years the skills of current employees have been developing.

Many interviewees expressed a view that these historical factors, including the apparent denial of the existence of alleged bullying within WorkCover, and/or inconsistent management of instances of alleged bullying, have created an atmosphere of a lack of trust in management broadly, and in the Human Resources Division more specifically.

Another issue of concern to many employees was the segmented or 'silo-based' approach to management. This management approach can have a significant impact on the workplace, and more specifically can limit opportunities for employees to transfer between divisions. Interviewees also commented that WorkCover remains too hierarchical, with associated difficulties in obtaining appropriate approvals. Several interviewees expressed a view that

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[1] All employees were notified of the inquiry and invited to participate. There is a risk that only those with strong points of view asked to be interviewed. Further, the information provided by interviewees was taken at face value in that we did not seek to independently validate that information.

WorkCover should flatten its management structure, enabling greater management flexibility and a better system of delegated authority.

Management and leadership skills

Many interviewees stated their belief that a number of managers do not exhibit the skills and experience of competent managers. Whether they believe this is as a result of inappropriate promotion, or whether those managers have not received the necessary support, guidance and training, was not made clear. However, concerns were expressed that some individuals were promoted too quickly.

Lack of sufficient communication from managers to employees was cited as another management flaw. Many interviewees commented that this created an 'us versus them' mentality and corresponding team structures (cliques, employees 'in the know' etc). Interviewees expressed concerns about a lack of consultation in relation to other issues affecting employees – such as restructuring teams/groups, re-grading positions, and allocation of workload. Some interviewees commented that when such issues were raised in team meetings, they were 'put down' with responses such as "stop being negative".

Mismanagement of 'bad behaviour' was also an area of concern. Many employees felt they had no recourse to address their manager's inappropriate actions. Other managers commented that "we know that person is difficult but just try to work with them". In some instances, employees also reported incidents of 'bad behaviour' by employees to other employees.

Conversely, some managers apparently use the WorkCover 'Respectful Behaviours Guide' to discipline employees, potentially for their perceived negativity. Employees did not see any ramifications for bad behaviour by managers, and accordingly were reluctant to complain. Many advised that this behaviour contributed to their stress, and manifested itself in health issues.

Some interviewees commented that ineffective managers place individuals with questionable management skills into positions where they are maintained despite complaints from employees. Further to this, managers are seen to not respond as they need to "stick by their decisions".

Self-regulation/internal investigations of OHS issues

A number of interviewees expressed the view that it was probably inappropriate for WorkCover, as the industry regulator of occupational health and safety, to be seen investigating itself on such issues.

Discussions with interviewees and our document review of bullying investigations revealed that some internal matters, although 'fact finding' or preliminary investigations, have been investigated by team managers with minimal experience or knowledge of appropriate processes to follow. On some occasions, the supervisors of complainants or alleged protagonists have led or provided oversight to these investigations, which could be perceived as a lack of independence.

We note that this 'self regulation' may have reduced with the greater use of external professional investigators in 2010. However, these external investigators are very few in number, and used only on an 'as needs basis'.

5.2.2   Processes

Recruitment

Recruitment appeared to be a significant concern to many employees. Interviewees stated that recruitment decisions are not always based on merit. Instead, there has been a history of family members and close friends being recruited into the organisation.

Employee perceptions have been influenced by comments from previous government inquiries, most notably ICAC's December 2005 report *Investigation into safety certification and the operations of the WorkCover NSW Licensing Unit*. However, other concerns about more recent practices have also been raised, including that recruitment panels may not have existed or been structured appropriately.

The 'Merit selection guide for NSW public sector panels – picking the best person for the job' (September 2008) document provides guidance on selection panels, the role of the convenor and ethical obligations. The document states interview panels should comprise a minimum of 2 members but allows for more where considered appropriate. It identifies that the independent member may be from outside the public sector if the position is specialised (section 3.5, page 15). The Guide outlines the role of all panel members, including the need to declare in writing any relationships with panel members or applicants (section 3.7, page 17) and ethical obligations are identified in section 3.8.

In addition, the DPC's *Personnel Handbook* (version 10.4) 1999 (updated November 2010) states that interview panels need not be comprised of three individuals with the third being a suitable independent person. WorkCover itself has issued internal instructions on the composition of interview panels (see Appendix N). This document states that the convenor will be:

> *Preferably the immediate supervisor of the position being recruited. The convenor should be thoroughly familiar with the requirements of the position, its duties, and the skills, knowledge and experience need to do the job.*

There was added concern that on some recruitment panels, particularly for recruitment into the LSU, one member was drawn from a local recruitment agency as the 'independent' member. This may be perceived as inappropriate if the recruitment agency provides temporary employees to WorkCover.

We understand that WorkCover occasionally requires a subject matter expert (such as an engineer) to provide support to the recruiting panel for specialist recruitment, however this should not be the case for generalist roles. The DPC's *Personnel Handbook* (version 10.4) 1999 (updated November 2010), section 2-13 *Roles and responsibilities of selection panels*, subsection 3.2 – *Attributes of selection panel* contains commentary and guidance on panel composition and responsibilities, especially the attributes of the independent panel member, as follows:

One independent member: This person may be from any of the following areas:

- same agency as the vacancy as long as the person is from a different group/business unit/part of the agency to the vacancy

- another public sector agency

- outside the public sector if the position is specialised. You should inform prospective independents from outside the public sector that they are not usually paid for their attendance (department heads or their delegates may approve the payment of a fee or expenses).

Promotion processes/opportunities for relieving

One significant factor which has concerned interviewees is the provision of opportunities to relieve higher managerial positions. These are generally seen as outstanding developmental opportunities for individuals at all levels of the organisation.

Although interviewees commented that their managers advised that these relieving opportunities were offered to all who volunteer, many interviewees believe this is not the case and that there is a perception of favouritism involved in the placements. There is also the perception that certain individuals may be 'groomed' for the role, thus providing fewer opportunities to win the position on merit. Although a number of employees may qualify and be eligible for promotion and be placed on the Eligibility List (E-list), many of them appear not to be afforded similar relieving opportunities as others.

Additionally, interviewees commented on the long periods that some people hold these higher relieving duties. Examples were cited of employees relieving in higher duties or in unfilled positions for more than two years.

The practice of placing employees in relieving positions raises other factors which are of concern – and potentially one of the key concerns for the organisation. It was generally believed by employees that individuals placed in relieving positions may not have been as willing to challenge bad or incorrect management decisions or practices for fear of losing their relieving opportunities – thus contributing to potentially inappropriate management practices.

> In the **Public Sector Employment and Management Act 2002**, *Section 86A – Temporary employee transfers (internal secondments)*, there is reference to the temporary transfer of employees "at their existing

level of remuneration or at a different level of remuneration [but] ... cannot be made at a lower level of remuneration". We note that sections 86A (7) and 86A(8) of the Act provides for criteria that must be satisfied in appointing the person to the new position. Additionally, section 86A (4) states: *If in the case of an employee-initiated temporary transfer, the transfer has continued for at least 2 years, the head of the public sector agency may appoint the person to a position in the agency ('the new position') that is:*

- *at the same grade as (or at a grade similar to) the person's original position in the agency, or*
- *at any grade higher than the person's original position in the agency.*

We also note that there are a number of methods for filling temporary vacancies under NSW public sector legislation including the Public Sector Employment and Management Act 2002 and the Public Sector Employment and Management Regulation 2009.

A common view was that the main contributing factor behind this practice is that people relieving in certain positions may not be seen as the most appropriate person for the position. Additionally, the person relieving may not have the respect normally accorded to the position due to their lack of credibility, or more importantly legitimacy, as the position had not been filled using a merit-based selection process.

The uncertainty of these positions is also causing some angst for current relieving employees, as their roles may be considered tenuous, and could be subject to removal at short notice.

We understand that due to a NSW Government directive (DPC Circular 2010-18), recruitment and filling of all non frontline jobs has been frozen. However under certain circumstances as specified in the Circular, vacant positions can be filled.

Performance-based appraisal and assessment

Interviewees commented that WorkCover uses limited performance appraisal and employee assessment processes.

Although the most recent program, the Appraisal and Development System (ADS), is the third version of such a program, a number of interviewees commented that it still lacks sufficient measurability of employee performance.

Some interviewees commented that employees generally only have their performance measured as a result of a disciplinary process. Others commented that if all employees had some form of performance measurement, inappropriate behaviour could be easily managed.

A number of interviewees suggested that specific measures be included for culture and employee management activities. Interviewees commented that as managers appeared to be unaware of their impact on employee wellbeing, it should be brought to their attention and they should be measured on it.

Conversely, a number of interviewees commented that the disciplinary element of performance management was used as a tool against non-performing employees, or employees who were considered 'difficult' to manage. Accordingly, this process was seen as a management 'stick' used to control certain employees instead of helping them to improve their performance.

Internal processes to manage grievance/bullying matters

Many interviewees raised matters of concern over the various WorkCover processes to manage grievance and bullying matters. The primary areas of concern are set out below.

Initial responses to claims of bullying

There was a general feeling among interviewees that until late 2009/early 2010, WorkCover management was not aware of, or appropriately responsive to, allegations of workplace bullying. This has possibly led to a corresponding reluctance by certain employees to report their individual bullying matters.

The WorkCover Bullying Response Service (BRS) began in January 2009 after consultation with management, employees and the PSA. It was initially operated by an external service provider from January 2009 to May 2010,

and by another external service provider from June 2010 to the present. This service appears to have provided an outlet for some aggrieved and concerned employees.

In the period 1 January 2009 to 31 May 2010, the BRS provider reported that they received 31 cases. Of these, 13 were deemed to have been non-bullying matters, 13 were anonymous, with the provider unable to confirm, investigate or resolve, and five were either resolved or partially resolved by mediation.

Between 1 June 2010 and 13 December 2010, the BRS provider reported receiving nine cases – of which two were deemed to have been matters of a non-bullying nature, three did not proceed any further and four proceeded to either mediation or assistance with the grievance complaint.

In addition, WorkCover has advised that there are currently eight 'open' workers compensation claims where the reported cause of injury was allegedly bullying or harassment.

WorkCover management has advised us that they cannot respond to allegations of workplace bullying and harassment if individuals do not provide formal written complaints detailing their concerns.

Mediation

The processes for resolving grievances and bullying matters are detailed in Appendix E and Appendix F. One aspect of these processes is the mediation process. Mediation can assist in reducing any unresolved or ongoing damaging behaviour. However, many interviewees commented that due to the inequity of their positions with regard to their protagonists, mediation is not an appropriate course of action.

A number of individuals advised that after unsuccessful mediation processes, they requested the appointment of independent investigators but this did not always occur. We note that the WorkCover policy *Managing Reports of Workplace Bullying* states that employees are entitled to request a formal investigation 'at any time'.

Examples cited by interviewees indicated that mediation between junior employees and more senior employees is generally not successful and is not sought by many junior employees.

Some interviewees advised that some managers, who were seen as particularly difficult with employees or bullied employees, were left in their present positions, with the alleged victims of bullying and harassment being moved away to other positions.

Communication

As also highlighted in the five matters we reviewed (see Section 8), one common theme we identified was a lack of communication. All five complainants cited this as a significant barrier to understanding the processes or resolution of their particular situations. Some employees who were subject to 'return to work' processes were concerned that they were excluded from, or not involved in, general WorkCover communications such as emails/team circulars.

Additionally, there was inconsistency in the level of communication. Some interviewees advised that their team members were instructed not to speak with them while they were on sick/stress leave. Conversely, some complainants were concerned that while on sick/stress leave, they were contacted excessively by their colleagues and management. Interviewees also commented about the lack of confidentiality in relation to the management of complaints.

OHS Committee

We note that the function of the WorkCover OHS Committee is to:

- continue to review the measures taken to ensure health, safety and welfare of persons at the place of work
- investigate any matter that may be a risk to health and safety at the place of work

- attempt to resolve any matter but, if unable to do so, request an investigation by an inspector for that purpose[2].

The OHS Committee is therefore a mechanism by which WorkCover employees can escalate concerns in relation to health and safety – presumably including bullying and harassment. Interviewees advised that the matter of workplace bullying and harassment has been raised as an issue by various members of the OHS Committee over the past two years.

The OHS Committee minutes also reveal that on a number of occasions, various representatives have challenged their co-member's stance on the presence or otherwise of bullying in WorkCover. One comment from the OHS Committee meeting from 4 December 2009 states '… claims of bullying were not substantiated by the investigation', referring to the State Inspector's Report.

Although we have been informed by WorkCover management that part of the OHS Committee function is to deal with bullying and harassment claims (see Section 7.2.1), some interviewees stated that this committee may not have been an effective mechanism to ascertain the existence or extent of the bullying claims, or to resolve such matters.

5.2.3   People

Temporary employees

The use of temporary employees (either agency temps or WorkCover temps) was also of concern to some interviewees. In a location such as the Central Coast, permanency of local employment is desirable. Full-time employment is keenly sought, with temporary employment considered a potential step into full-time, secure employment.

We note that in the LSU there are a number of temporary employees. We were advised that the use of temporary staff was due to the project work underway. Many interviewees commented that most, if not all, of these temporary employees are competing for full-time positions. WorkCover advised that the purpose and use of temporary employees relates to short-term projects, but should not be considered an assured path to full-time employment. However, we noted that the tenure of employment (short-term contracts etc) makes for some instability in those roles. This can contribute to further stresses on certain individuals, even to the extent of poor or difficult interpersonal relationships.

Some interviewees suggested that many temporary employees would be reluctant to speak out against poor or inappropriate management actions (or indeed inappropriate actions by their peers) for fear of losing their employment. In spite of this, some interviewees commented that the 'temps' were provided with greater relieving opportunities not generally offered to many full-time LSU employees.

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[2]   OHS consultation – Effective Decision Making And How To Establish Workplace OHS Consultation Arrangements, WorkCover NSW Code of Practice 2001

5.3   External influences

We noted the existence of several external influences on both employees and management. These can be summarised in four areas, as follows.

5.3.1   External investigations

There have been two major investigations by the Independent Commission against Corruption examining fraud and corruption within WorkCover. Although they were undertaken in 2003 and 2004 (see Appendix B for a summary), there still appear to be lingering sensitivities over ICAC's findings and the impact on WorkCover (in particular the LSU).

Many interviewees commented that due to this past history, very few individuals outside the LSU would be prepared to work within the unit.

5.3.2   Media

As detailed in Appendix B, various sections of the media have reported on alleged workplace bullying and harassment in WorkCover. These include the Sydney Telegraph 23 November 2007, 'Watchdog bites own staff', The Sydney Morning Herald January 2008, 'WorkCover rocked by bullying claims', and more recent articles in The Sydney Morning Herald, The Age, Brisbane Times, ABC News, and industry journals.

5.3.3   Parliament

There is a history of questions in the NSW Parliament about WorkCover management, with some coverage of bullying and harassment allegations. Many of the questions refer to specific individuals, with a number of former and current WorkCover employees and managers repeatedly named in relation to specific but apparently unrelated matters.

5.3.4   Public Service Association NSW (PSA)

We understand that while actively representing its members, the PSA has challenged WorkCover management to respond to concerns relating to allegations of bullying and harassment in the workplace. We have been advised that the PSA have been meeting with WorkCover management for the past 4 to 5 years jointly developing behavioural strategies, including culture surveys to identify bullying risks and anti-bullying initiatives such as the Bullying Response Service.

All four of these external influences are exerting additional pressure on WorkCover management and employees. Many interviewees commented that they read newspapers with concern, or reviewed parliamentary discussions on online websites to repeatedly see their names mentioned. This has the effect of placing additional pressure and anxiety on a number of people.

6 Key findings from the survey

6.1 Survey demographics

The response rate was approximately 60% and Gosford represents approximately 60% of the total respondent population.

Location	Number of responses	Headcount	Response rate	% of Total respondent population	Margin of error
WorkCover (NSW) Overall	779	1312	59%	N/A	2.1%
Gosford	452	803	56%	58%	2.8%
Sydney Metro	218	368	59%	28%	3.9%
Regional – North	37	63	59%	5%	9.5%
Regional – South	42	78	54%	5%	9.4%
Not given	30			4%	

- 78% of respondents were permanent full-time employees of WorkCover.
- The Occupational Health and Safety division and Corporate Services division had the largest respondent populations, being 43% and 26% of the total respondent population respectively.
- 15% of respondents were from the Industry Relationships Group. 10% of the total respondent population declined to give their group name and similarly at the team level, 36% declined to give their team name.
- The largest proportion of respondents (26%) had worked for WorkCover for between 2 and 5 years and nearly 17% of respondents were 55 years or over (the age group most represented), closely followed by 16% of respondents aged between 45 and 49 years old.
- 25% of respondents were 'Clerk 1-6' and 24% were 'Clerk 7-10'.
- The survey allowed for a margin of error for the overall sample of 2.1%.

It is important to note that results were not reported for demographic groups of less than 10 respondents. As such, the total number of respondents across various demographic categories may not add up to the total number of respondents at WorkCover. Similarly, as the demographic questions were not compulsory, some respondents did not provide a response. This also contributed to the total number of respondents across various demographic categories not adding up to the total number of respondents at WorkCover. The results for those who chose not to declare their demographic information do appear in the overall results for WorkCover.

6.2 Employee engagement survey terminology

Within the analysis of survey responses:

- 'Organisation' refers to WorkCover (NSW) or any of its affiliates.
- 'Senior management' refers to WorkCover Senior Executives, Divisional General Managers and Directors.
- 'Manager/Supervisor' refers to the WorkCover (NSW) person who you directly report to.
- 'Customers' refers to those people who WorkCover provides services to.

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- 'Bullying' describes where workplace bullying is repeated, unreasonable behaviour towards an employee or group of employees that creates a risk to health and safety. 'Workplace bullying' is unreasonable behaviour from one or more WorkCover NSW employees towards another WorkCover NSW employees.

- 'Harassment' refers to any behaviour by an employer, supervisor or employee towards another employee at work that is unwanted, unacceptable and offensive to that person. This behaviour may be verbal, physical, or take the form of written material. It may include issues such as a person's political persuasion, religion, disability, gender or sexual preferences, ethnicity or cultural background.

- 'Government benchmarks' benchmark performance against 227 other government organisations in the Voice Project's database.

- 'Industry benchmarks' benchmark performance against the Voice Project's normative database compiled from over 3000 organisations from a wide range of professions and industries broadly representing the Australian economy.

6.3   Survey results

Of the 779 survey respondents, 310 (40%) said they felt they had been bullied and/or harassed in the workplace and completed the relevant additional questions section. Although the Gosford site's statistical results were not significantly different to those from other locations, the free text comments suggested there were some cultural issues relating to a smaller office where there are many family and friends as employees.

There is a perception that bullying and/or harassment has occurred and continues to occur in a number of different units within WorkCover and across regions and locations. Sections below highlight the key issues identified from those respondents who indicated they had been bullied and/or harassed and completed that particular section of the survey. **Where percentages do not add to 100% and counts do not add to 310, this is as a result of the respondents' ability to select more than one answer in response to the question.**

Further details and results from the survey can be found in Appendix I, Appendix J, Appendix K, Appendix L and Appendix M.

6.3.1   *Culture of bullying and harassment*

The survey found that managers/supervisors are the primary instigators of bullying and/or harassment of those who said that they had been bullied and/or harassed and responded to the relevant question. Replies revealed that bullying and/or harassment had originated as follows:

'By whom were you bullied and/or harassed'	Manager supervisor	Another employee	Client/clients
% of participants in this section of the survey	69.4%	46.5%	6.8%
Count	215	144	21

The table below excludes the small number of employees reporting the source of bullying and/or harassment by client/clients.

'By whom were you bullied and/or harassed'	Manager supervisor	Another employee	Manager supervisor & another employee
% of participants in this section of the survey	52.6%	29.3%	18.1%
Count	160	89	55

Managers/supervisors persistently nit-pick or give unjustified criticisms

The most common types of bullying and/or harassment experienced from Managers/supervisors were as follows:

Most common types of bullying and/or harassment from Managers/supervisors	Persistent nit-picking or unjustified criticisms	Inequitable treatment compared to other employees	Negative, intimidating or aggressive body language
% of participants in this section of the survey	47.4%	45.2%	41.3%
Count	147	140	128

Other employees use negative, intimidating or aggressive body language

The most common types of bullying and/or harassment experienced from another employee were as follows:

Most common types of bullying and/or harassment from another employee	Negative, intimidating or aggressive body language	Persistent nit-picking or unjustified criticisms	Humiliation through sarcasm, criticism, teasing or insults, sometimes in front of other employees or customers
% of participants in this section of the survey	30.0%	25.8%	25.2%
Count	93	80	78

Clients use verbal threats, shouting, offensive language or insults

The most common types of bullying and/or harassment experienced from a client or clients were as follows:

Most common types of bullying and/or harassment from a client or clients	Verbal threats	Shouting, offensive language or insults	Negative, intimidating or aggressive body language
% of participants in this section of the survey	5.2%	5.2%	4.8%
Count	16	16	15

Some employees provided examples of bullying and/or harassment while others attributed the perception of bullying and/or harassment to the culture

The free text comments provided further information surrounding workplace bullying and harassment. Interestingly, there seemed to be a divide between comments that support the perception of bullying and harassment and a suggestion that it is a symptom of the culture, including a sense of entitlement and a union-driven agenda.

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6.3.2   *Internal processes to manage grievance/bullying matters*

In the survey, 64.2% of respondents to this section said they had formally reported their concern to someone in authority within the organisation. Of those, only 14.5% were satisfied with how the matter was dealt with. Many interviewees were critical of senior management's apparent inaction with regard to identifying early phases of potential bullying and harassment. This was exacerbated by poor communication about the status of many complaints – with responses sometimes being drawn out over many months.

Those who had formally reported their concern	Yes, verbally	Yes, in writing	No
% of participants in this section of the survey	45.5%	18.7%	35.2%
Count	141	58	109

Those who were satisfied with how this matter was dealt with	Yes	No	Not given
% of participants in this section of the survey	14.5%	75.8%	9.7%
Count	45	235	30

6.4   Analysis of LSU responses

Overall, the LSU received the least favourable employee survey responses, compared to government and industry benchmarks, and in particular in relation to bullying and harassment. Survey results specific to the LSU are contained in Appendix M.

6.4.1   *Participation*

The three LSU teams received varied numbers of responses to the employee survey. The 'Licensing' team received 26 responses, the 'Licensing Solutions Certification/Construction Induction' team received 15 responses, and the 'Licensing Processing Certification' team received two responses. As the respondent population for the 'Licensing Processing Certification' team was so low, we have not analysed their responses separately.

6.4.2   *Key strengths*

'Mission and Values' and 'Facilities' were the areas that received the most favourable scores across the two LSU teams with more than 10 respondents. These scores were approximately 10% more favourable than the government and industry benchmarks. The 'Licensing Solutions Certification/Construction Induction' team was one of two teams to receive the most favourable scores (the other was the 'Claims' team).

6.4.3   *Key opportunities*

'Cross-Unit Cooperation', 'Recruitment and Selection', and 'Processes' were the areas that received the least favourable scores across the two Licensing teams with more than 10 respondents. All the 'Licensing Solutions Certification/Construction Induction' team's opportunities were less favourable than government and industry benchmarks and all the 'Licensing' team's opportunities were at least 20% less favourable than government and industry benchmarks. The 'Licensing' team was one of two teams to receive the least favourable scores (the other was the 'Testsafe Australia' team).

6.4.4 Bullying and harassment

In response to the question 'My workplace is free of bullying and/or harassment', 16% responded favourably from the 'Licensing' team and 57% from the 'Licensing Solutions Certification/Construction Induction' team. Of the 779 survey respondents, 310 (40%) stated that they had been bullied and/or harassed in the workplace and completed the relevant additional questions section.

With the LSU and Gosford as the focus areas, 171 (55%) of the 310 were from Gosford. 19 (6%) of the 310 were from the three licensing teams 'Licensing', 'Licensing Solutions Certification/Construction Induction', and 'Licensing Processing Certification'. Due to the low number of responses to this section from the LSU teams, we have provided no further insights into their responses.

The statistics relating to this section of the report (the details of which are in Appendix M) show that managers/supervisors are the primary instigators of bullying and/or harassment at Gosford and the majority of respondents felt their claims had been poorly managed.

6.5 Benchmarking results

The survey administered by the Voice Project included high-level, organisation-wide metrics on which the organisation scored very strongly relative to other government and 'all industry' benchmarks. These are recorded in the first table below.

There were also a number of items directly linked to levels of bullying and harassment and these were benchmarked against 'all industry' and 'government' benchmarks. A summary of this data and comparisons to these benchmarks is included in Appendix J, with a number of key items identified in the second table below.

This data highlights both direct risk factors and also those factors likely to lead to an increase in reported bullying and harassment due to lack of organisational clarity, management trust and perceived due process.

Positive variances

Survey item	Overall WorkCover % positive	Variation from government benchmark	Variation from all industry benchmark
'I am aware of the vision senior management has for the future of WorkCover'	72%	+11%	+12%
'I am aware of the values of WorkCover'	93%	+20%	+21%
'I believe in the overall purpose of WorkCover'	94%	+15%	+20%
'The buildings, grounds and facilities I use are in good condition'	89%	+22%	+20%
'I am satisfied with the income I receive'	79%	+30%	+31%

Negative variances

Survey item	Overall WorkCover % positive	Variation from government benchmark	Variation from all industry benchmark
'Discrimination is prevented and discouraged'	63%	-18%	-19%
'There is equal opportunity for all staff in WorkCover'	39%	-29%	-31%
'Bullying and abusive behaviours are prevented and discouraged'	46%	-30%	-32%
'In WorkCover it is clear who has responsibility for what'	46%	-12%	-16%
'I have confidence in the ability of senior management'	43%	-22%	-24%
'WorkCover is good at selecting the right people for the right jobs'	29%	-23%	-24%
'There is good communication across all sections of WorkCover'	20%	-24%	-26%
'I am consulted before decisions that affect me are made'	29%	-16%	-18%
'I have confidence in the ability of my manager'	63%	-10%	-10%

6.6   Key strengths across WorkCover

The most favourable scores were as follows:

Survey areas	% favourable score
'Mission and Values'	92%
'Teamwork'	82%
'Facilities'	78%
'Organisation Direction'	77%
'Rewards and Recognition'	68%

Although representing 60% of the total respondent population, the Gosford division's results were not significantly different to those from other locations. The group that received the most favourable responses was the 'Providers Services' group. The teams receiving the most favourable scores were the 'Claims' team and the 'Licensing Solutions Certification/Construction Induction'. Those respondents who had worked for WorkCover for less than 6 months provided the most favourable responses. Those respondents aged between 25 and 29 reported the most favourable experiences. Senior Officers and SES Officer reported the most favourable experiences also as did Public Service (WorkCover) Temp-Full time employees.

The free text comments supported the statistical findings, suggesting that the greatest strengths were as follows:

Free text responses	% representation
Flexibility (working arrangements)	20%
Workplace safety and knowledge	20%
Mission and values	19%
Organisation objectives and community recognition	18%
Commitment to customer satisfaction	16%
Rewards and recognition	13%
Motivation and initiative of employees	12%
Location at Gosford and facilities	11%

Most, if not all, interviewees were passionate about their roles within WorkCover and commented that they believed that their work was valuable and beneficial to workplace safety. None were critical of their reward (salaries/conditions) and highly valued WorkCover's head office location on the Central Coast as it greatly benefited their working lifestyles.

6.7 Key opportunities for improvement across WorkCover

The least favourable scores were as follows:

Survey areas	% favourable score
'Cross-Unit Cooperation'	24%
'Change and Innovation'	30%
'Recruitment and Selection'	38%
'Involvement'	38%
'Career Opportunities'	41%
'Leadership'	41%

'Cross-Unit Cooperation', 'Change and Innovation', 'Recruitment and Selection', 'Diversity' (59%), and 'Leadership' were the 5 key areas where there was an approximately 20% or more unfavourable difference between WorkCover's results and the government benchmark and broader industry benchmarks.

The demographic profile of those with the least favourable responses were as follows:

- 'Testsafe Australia' group and team
- 'Licensing' team
- Those who had worked for WorkCover for between 5 and 7 years, and more than 10 years
- Those aged between 45 and 49 years
- Technical Officers and permanent full-time employees.

The free text comments supported the statistical findings, suggesting that the areas requiring improvement were as follows:

Free text responses	% representation
Need for improved processes with an appreciation for diversity, eg recruitment and career progression	21%
Need for improved leadership by senior management, eg resource allocation, timeframes, performance appraisal and disciplinary action	20%
Need for increased communication and greater collaboration between groups and units	13%

In addition, 45% of respondents provided a response to the free text question asking whether they had 'any additional comments'. Once again, the top two themes were in relation to a greater appreciation of diversity (18%) capturing many comments in relation to the need to stamp out bullying and/or harassment, and improved leadership (11%) and supervision (8%) particularly at the senior management level.

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What would you like to grow?

6.8   Areas for greater focus

There are six key areas from the survey results that we concluded warrant further investigation. These key areas have been benchmarked against government and industry. See the table below.

	1. Bullying and/or harassment	2. Cross-unit cooperation	3. Change and innovation	4. Recruitment and selection	5. Leadership	6. Diversity
Overall result (favourable)	N/A	24%	30%	38%	41%	59%
Key survey question and favourable response with particular relevance and impact on the above overall result.	Of the 779 survey respondents, 310 (40%) indicated that they had been bullied and/or harassed in the workplace.	'There is good communication across all sections of WorkCover' 20%.	'Change is handled well in WorkCover' 25%.	'WorkCover is good at selecting the right people for the right jobs' 29%.	'Senior management are good role models for staff' 36%.	'There is equal opportunity for all staff in WorkCover' 39%'. (Responses to this question and another relating to bullying and harassment were 30% below government and industry benchmarks).
% Below relative to government/ industry benchmarks	N/A	23%/26%	23%/25%	21%/23%	19%/20%	20%/21%
Key recommendation	Implement more effective case management through leadership.	Improve communication with employees.	Engage employees and the vision in the cultural change.	Improve rigour and transparency of recruitment and selection.	Review senior leadership structure, roles and capabilities.	Actively promote workplace diversity and equal opportunity.

The above recommendations from the survey are embedded in the overall final recommendations.

7 Internal actions taken to address bullying and harassment and workplace culture

7.1 Introduction

WorkCover has undertaken a range of internal actions to address bullying and harassment, both from an organisation-wide perspective, and also actions specific to the LSU. WorkCover has also investigated a range of specific bullying and harassment matters under the various policies, five of which we have assessed for adherence to process.

7.2 Organisation-wide

The organisation-wide initiatives are:

- the development of a policy framework for dealing with complaints of bullying
- culture surveys to identify areas of concern.

7.2.1 Policy framework for dealing with complaints of bullying

The framework for dealing with complaints of bullying includes:

- policies for the management and investigation of bullying complaints
- Bullying Response Service (BRS), a hotline available to all employees
- Employee Assistance Program (EAP), a counselling service available to all employees
- OHS Committee
- Bullying Checklist.

Policies for management and investigation of bullying complaints

Appendix E and Appendix F outline WorkCover's various policies and processes for reporting allegations of bullying, including the *Managing Reports of Workplace Bullying* policy, and the *Grievance and Dispute Resolution* policy. The Workplace Bullying policy was introduced in July 2009. Before this, the *Grievance and Dispute Resolution* policy was the mechanism for addressing all grievances and disputes, including allegations of bullying.

Bullying Response Service

The BRS, which started in January 2009, receives calls from employees, and offers advice as to how to resolve a complaint of bullying. This may involve recommending mediation or other workplace strategies to address issues, such as speaking directly with the alleged bully, and trying to resolve the issue informally.

The BRS has received 40 calls since its inception, 15 of which were not able to be classified as bullying cases, as insufficient information was provided to determine the client's situation. The other 25 calls related to bullying, 13 of which were made anonymously.

Bullying behaviour that was reported included:

- public humiliation
- demeaning comments and repeated excessive criticism
- excessive workload and favouritism

- repeated aggressive and dismissive treatment by management.

Discussions with interviewees revealed that many employees had not contacted the BRS as they were apprehensive about confidentiality, feared negative consequences, or were not confident that their issue would be resolved and instead the bullying behaviour would continue.

Employee Assistance Program (EAP)

We received statistics from the EAP counselling service, and note the following:

- During the period April 2008 to March 2010, there were 182 new referrals made by WorkCover employees or their family members (this includes referrals made to the Manager Assist line). Of the 182 contacts, 130 were made by employees, 36 were by family members, and 16 were Manager assisted consultations. There are areas within WorkCover with a higher use of the EAP service than other areas.

Refer to Appendix O for further details of EAP statistics.

Discussions with interviewees revealed that many employees had not used the EAP service as they were apprehensive about confidentiality, feared negative consequences, or were not confident that their issue would be resolved and instead the bullying behaviour would continue.

WorkCover OHS Committee

Interviewees advised that a number of referrals had been made to the Gosford OHS Committee by employee representatives, in relation to allegations of bullying and harassment both within the LSU and within other teams.

We reviewed the minutes from the Gosford OHS Committee and note the following:

- On 4 December 2009, the Committee discussed the investigation by a WorkCover Inspector of a complaint of bullying not being properly managed in the LSU. An OHS Committee Management member stated that claims of bullying were not substantiated by the investigation. An employee representative read an extract from a letter dated 10 July 2010 from the Public Sector and Community Services Team which stated "During the investigation however it became apparent that the nature and volume of the work conducted by this (Licensing) Unit, employee arrangements that were in place, issues of work equity, and perceived strained interpersonal relationships contributed to a work environment that could be consistent with the description of unintended bullying."

- On 15 April 2010, an OHS Employee representative stated that OHS Committee members continued to receive reports of behaviour in the LSU that could be described as bullying. An OHS employee representative raised the issue of the failure of the Inspector conducting the investigation to notify both WorkCover as the employer, and the OHS Committee that an investigation was occurring. Further, the OHS Committee was not given its right to accompany the Inspector during the investigation (as per the OHS Act). An HR Officer confirmed that the WorkCover Inspector had failed to notify WorkCover as an employer that an investigation was happening. An OHS Committee Management member stated that there is no bullying in the LSU and that anyone is welcome to discuss the issue with him.

- On 15 April 2010, it was reported that the CEO directed all business units within WorkCover to complete the bullying checklist included in the Internal WorkCover policy *Managing the risk of workplace bullying* by 28 February 2010.

Refer to Appendix P for references to bullying and related issues in the OHS Committee minutes.

The OHS Committee minutes suggest that complaints of bullying had been raised by employees, and reported to the committee via OHS Employee representatives and that despite various referrals and tabling of bullying no actions were taken until July 2010. Further, it was noted by an OHS management representative that there was no bullying in the LSU.

We understand some Managers were actively involved in decision-making for their area as part of the OHS Committee. If management representatives are involved in OHS Committee decisions in relation to their own area, it may lead to the perception of bias.

Bullying Checklist

The *Managing the Risk of Workplace Bullying* policy includes a checklist for assessing the potential for bullying in WorkCover workplaces. The checklist, introduced with the policy in 2009, was to be used regularly as a means of providing feedback on workplace bullying.

On 7 June 2010 a WorkCover Executive Submission was prepared by an OHS & Payroll Services Officer. This submission reviewed the application of the Bullying Checklist and stated that to promote the new policy and procedures for managing the risk of bullying, all business units were required to use the checklist to review their workplace in March 2010.

Results of the March 2010 exercise were:

- 56 responses were received across WorkCover. Of these, 41 were clearly identified as having come from business units

- the risk factors reported were not identified by any manager as a severe risk of bullying. Only 8 respondents attempted to work through the risk control measures and noted their actions.

The submission also highlighted that:

- the checklist does not prompt for the name of the business unit or workplace being reviewed

- no timeframes are defined for the regular review of workplaces

- the checklist was not comprehensive

- there is no reporting mechanism for capturing the progress made in implementing risk control measures.

It was recommended in this submission that:

- Human Resources, in conjunction with Occupational Health and Safety Division and the Joint Bullying Working Party, develop a more comprehensive Bullying checklist

- WorkCover adopt the use of a risk assessment tool as a regular required management activity

- WorkCover amend both the internal policy and the industry publication *Preventing and Responding to Bullying at Work*, issued in June 2009, to include this enhanced risk assessment tool.

7.2.2   Culture survey of employees

Respectful Behaviour Survey

In July 2009, WorkCover engaged an external consultant to conduct a 'Respectful Behaviour Survey'. The results are summarised below.

Response rate	58.4%
Summary conclusions:	'Clear and consistent indicators of negative behaviours across all demographics and groups within WorkCover'
Key recommendations	• Ensure employees at all levels attend workshops – Particularly senior employees, to actively demonstrate respectful behaviours • Review current training content • Review reporting and action process with a view to increasing transparency and confidence in reporting.

The survey results and recommendations were considered at a workshop of the WorkCover/PSA joint Working Party where a Respectful Behaviours Action Plan was developed as at 30 June 2010. This action plan addressed the key recommendations from the survey report.

7.3   Licensing Solutions Unit

The LSU has approximately 55 employees (of which 9 are temporary employees). It is located in the Business Risk Management and Site Services group and falls within WorkCover's Corporate Services Division.

The LSU is responsible for the timely and accurate processing of OHS licence applications, notifications and registrations. These include:

- High Risk Plant Registration

- Hazardous Activities

- Dangerous Goods

- Construction and Induction Cards

- Certification.

Key activities for the LSU include preparation for the introduction of the Government Licensing System (GLS) to be progressively rolled out for some licences. During this period temporary staff were employed to undertake roles within the LSU.

A range of actions have been taken by WorkCover in an attempt to address the issues of bullying and harassment in the LSU. These actions include the implementation of an Action Plan, an independent assessment of that plan, and a team development workshop.

2008 culture survey

On 12 March 2009 an LSU presentation entitled 'Summary of Staff Comments' was provided to the LSU by management. The aim was to summarise 12 areas of concern raised by LSU employees in the 2008 culture survey. The presentation addressed such matters as management's conduct in assigning and co-ordinating people, management's actions not matching its words, employees not being offered training or development to further their professional capabilities, concern that LSU is not a psychologically and emotionally healthy place to work, and providing equal opportunity to all employees to receive recognition.

LSU Action Plan

As a result of the above presentation and general concerns about issues in the LSU, the LSU Action Plan was developed which provided action points to address each of the 12 issues raised. The action plan document was developed over time to reflect the status of the suggested actions. As noted by the State Inspector in March 2009, a number of issues were raised in the Action Plan:

- Management approach

- Communication

- Supervision

- Work equity

- Training

- Teamwork

- Progression opportunities.

We were provided with a copy of the LSU Action Plan (archived items, and current/new items) dated 30 September 2010. A number of actions are stated to have been completed or implemented, and a number of items are stated to be largely implemented and require ongoing attention. The LSU Action Plan is attached in Appendix O.

State Inspector investigation into bullying in LSU

In May 2009 a State Inspector conducted investigations into allegations of bullying in the LSU, and a follow-up desktop review in December 2009. As a result of the investigation WorkCover management reported that no bullying was found to exist in LSU. However, the report stated that there was:

> *a pattern of UNINTENDED bullying, as defined in the said guide … this has been occurring for a prolonged period of time and that various factors … have contributed to unintended bullying.*

The State Inspector's reference to 'unintended bullying' was based on WorkCover's 2008 industry publication, *Preventing and Dealing with Workplace Bullying* (see Appendix E), which defined bullying as:

> **intended:** *where actions were intended to humiliate, offend, intimidate or distress, whether or not the behaviour did in fact have that effect or*

> **unintended:** *which although not intended to humiliate, offend, intimidate or distress, did cause and should reasonably have been expected to cause that effect.*

This definition was revised in the 2009 version, re-titled *Preventing and Responding to Bullying at Work* (which is the current version), to:

> *repeated unreasonable behaviour directed towards a worker or group of workers that creates a risk to health and safety. Bullying can occur wherever people work together. Under certain conditions, most people are capable of bullying. Whether it is intended or not, bullying is an OHS hazard.*

We note that the definition of 'unintended bullying' has been reworded as 'whether intended or not'. It is understood that the concept of 'unintended' bullying still exists within the definition.

However, WorkCover's internal policy document, *Managing the Risk of Workplace Bullying* (dated 1 July 2009), contains no definition of bullying as either intended or unintended.

It is of some concern that WorkCover's principal internal policy relating to workplace bullying does not have the same level of detailed definition of 'bullying' as the industry publication the organisation promotes.

Independent review of LSU Action Plan

In 2009, an HR officer from a different division was engaged to review the LSU Action Plan. This involved feedback sessions in November 2009 with groups of LSU employees to discuss aspects of the plan and their thoughts on the main issues.

The employees were asked about five themes: communication, workloads, career opportunities, job security (temporary vs permanent employment), and support and guidance (people and systems). The main comments were as follows:

- *Communication:* Communication to the team had improved, however emails about technical changes (such as database changes and process changes) were difficult to understand as there were so many changes. When some employees provided feedback on systems and operations they felt it was not well received by the management team. Further, when some employees were asked to comment on system and operational changes, they did not feel their expertise was valued.

- *Workloads:* Some employees felt that there was inequity in the workload between team members.

- *Career opportunities:* Some employees were concerned about access to training and the higher duties register. There was also concern relating to recruitment processes.

- *Job security:* Some employees indicated the need for a more robust process is necessary regarding temporary employment. Further, some temporary employees mentioned they sometimes felt they would be putting their job at risk if they spoke up about their concerns. This created stress amongst some temporary employees when permanent positions were advertised.

- **Support and guidance:** Some employees commented that there were huge amounts of changes to systems and databases which made work stressful. They felt that the changes promised better solutions and packages, but the systems did not appear to provide that extra functionality. They felt training manuals either do not exist or have become outdated, and this affected employees' ability to provide a suitable level of customer service. Other employees were also concerned about on-the-job training, as the procedures and manuals were not up to date. This affected the level of expertise in the team.

Some employees also reported that changes to processes and general operations were not embedded due to the high turnover of employees.

LSU – Team development workshop and business plan

In May 2010, another external consultant ran a team development workshop for the LSU. The workshop covered issues such as the foundations of an effective team, team communication, decision-making, and dealing with change. As a result, the LSU Business Plan was developed for 2010-2011. The business plan outlines the corporate plan, objectives and performance measures for the LSU, key performance measures for June 2011, and tasks to be completed by June 2011.

7.4   Current situation in LSU

Discussions with LSU employees revealed that employees feel a lack of connection between the issues raised by LSU employees over the past 18 months, and the actual Action Plan.

It is not clear whether investigations to date have exacerbated an apparently tense environment within LSU, but interviewees had varying responses to the current environment. These responses were largely divided into two groups ranging from describing the work environment as peaceful and enjoyable, to describing it as tense and divided with many issues still unresolved. As noted in section 3.5, 'Limitations of scope', we note that the interview approach was not random.[3]

It is apparent that LSU management is actively trying to improve the LSU workplace environment, but there is still a perception of division between management and employees.

7.5   Other

In 2007, the PSA ran a survey specific to bullying which was sent to all union members.

The significant issues arising from that survey were as follows:

- There were 179 respondents
- 83% of respondents experienced or witnessed bullying while working at WorkCover
- 46% stated that bullying was conducted by a line manager
- 40% stated that bullying was conducted by a higher manager
- Only 7 people stated they would approach HR if they were concerned about bullying
- The largest number of respondents stated they would contact the PSA
- 66% of respondents stated they were aware of established procedures in WorkCover to deal with incidents of bullying
- 56% of respondents had received training in appropriate and inappropriate behaviour.

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[3] All employees were notified of the Inquiry and invited to participate. There is a risk that only those with strong points of view asked to be interviewed. Further, the information provided by interviewees was taken at face value in that we did not seek to independently validate that information.

The effects on people's health were reported as follows:

- A significant number of people experienced a range of physically and psychologically detrimental health effects.

- A significant number of people have used sick leave and workers compensation as a result of bullying.

In 2008, another culture survey was conducted by the PSA. We have not seen the results from this survey.

7.6   PwC observations

WorkCover has developed a framework of corporate values, respectful behaviours, and codes of conduct in its 'Charter of Management Commitment'. However, many interviewees commented that they did not feel that management is bringing these values to life, and that WorkCover's workplace behaviour strategies are currently ineffective. This would suggest that the framework for encouraging and displaying the appropriate behaviours, and the framework for managing bullying complaints, are not addressing employee needs.

7.6.1   Early intervention

In our experience, early intervention is a key to the successful management of bullying and harassment cases. It is also important to ensure that managers and supervisors have adequate skills and knowledge to deal with grievance resolution, and the ability to work with their staff to resolve grievances within the work environment in a fair, objective, timely and confidential manner with minimal conflict and disruption.

Good practice recognises that front-line management must understand what they need to look for in relation to bullying and harassment behaviours, and how to structure an intervention. WorkCover management may not have the necessary knowledge or skills for this and there do not appear to be appropriate support mechanisms for those managers to help them undertake this process.

The *Grievance and Dispute Resolution* policy refers to the HR group providing support (section 1.6); however, the advice will generally be "limited to process and procedure". There do not appear to be mechanisms of support in skills, approaches and coping for the managers with nominated responsibilities in this process.

7.6.2   Line of sight

There are multiple processes for reporting an act of bullying and harassment – some are informal processes (eg discuss with supervisor) and some are not (eg grievance process). While there is no requirement to report matters from informal processes to a central team, we understand that the formal reports are provided to a number of recipients.

The fact that there is no centralised process for managing reports means there is also a lack of oversight as to the nature, number and areas of complaints.

Without appropriate line of sight, it would be difficult to build a true picture of problem areas, or emerging issues, and therefore provide necessary measures to ameliorate the problem, such as assistance for frontline managers or development of a structured intervention program.

7.6.3   Streamlining the reporting processes

There are a number of parallel reporting processes, which creates complexity and uncertainty. These should be streamlined and simplified. The policies are heavy on wording and lack critical detail concerning reporting process. For example, the bullying policy does not appear to provide any communication, training or timeframe requirements.

As part of streamlining the reporting process, we recommend that all reports of bullying and harassment be received by a central HR (People and Culture) function so that they can be properly assessed and managed. This would facilitate the analysis of trends, hotspots and the resolution of issues from a central point of view.

Further, EAP and BRS statistics could be used as internal mechanisms to monitor and address concerns. This would enable trends analysis and highlight particular divisions or teams that are or have the potential to be 'problem areas'.

7.7   Current and planned actions to address culture at WorkCover

We understand that many organisational, structural and cultural changes have been initiated by the current CEO, with a new Corporate Plan 2010-2015 introduced in October 2010. We further understand that WorkCover's realignment, announced in December 2010, is designed to position the organisation to deliver against the corporate plan, and is being implemented with a stronger focus on communication and engagement over the next few months.

We have been advised by management that the realignment includes:

- reviewing the Human Resources structure and leadership; the division has been renamed 'People and Culture' to reflect a more strategic partnering role with the business

- conducting regular employee road shows to inform employees of the key challenges the organisation faces, business performance updates, and improvements being introduced to the business

- developing a framework for an external expert panel to investigate serious allegations of bullying and harassment

- introducing new employee awards in November 2010 to acknowledge the contribution of employees in the categories of innovation, excellence, living the values, and work health and safety

- providing training and development for managers, including business case development to help them make more effective decisions

- developing a new learning and development program in 2011 to embed leadership behaviours

- developing a new Culture program covering constructive behaviours, building personal resilience and developing a capability for self-awareness and self-actualisation

- focusing on succession planning, as many employees will reach retirement age over the next 5 years.

8 Review of five investigations relating to bullying

We reviewed five specific matters relating to workplace grievances of bullying, with a view to assessing the processes undertaken to initiate, investigate and finalise these matters. To date, three of the five matters have been investigated and finalised by WorkCover. We did not reinvestigate those matters, nor did we assess the veracity or relevance of the information or 'evidence'.

We note that under the Public Sector Employment and Management Act 2002, Part 2.7, Division 2, section 44, the Director of Public Employment (DPE) may issue procedural guidelines for the purpose of dealing with misconduct. These procedural guidelines are contained in the Personnel Handbook, Chapter 9 Management of Conduct and Performance, Appendix 9.1. These procedural guidelines were used in conjunction with applicable policy, namely WorkCover *Managing Reports of Workplace Bullying* policy and WorkCover *Grievance and Dispute Resolution* policy as part of our review. This ensured our review was conducted in accordance with Public Employment guidelines and procedural fairness.

Our review identified four issues in the processes used to investigate these matters, as described below.

8.1 Lack of clarification of the aggrieved person's complaint at the time of reporting

The *Grievance and Dispute Resolution* policy, under Section 1.2, 'What is a Grievance?', states:

- *A Grievance is a clear statement made by an employee of a work-related problem, concern or complaint.*

We found that failure to clarify complaints at the time of reporting caused confusion as to which policy the complaint would be investigated under, confusion as to the appropriate action to take, and subsequent delay in investigating the complaint.

The Personnel Handbook's Procedural Guidelines, Appendix 9.1, Section 10, 'Initial Determination of an Appropriate Course of Action Regarding an Allegation of Misconduct', states:

- *In deciding whether to deal with an allegation in terms of remedial action or as a disciplinary matter, the Department Head should assess the matter and have regard to the facts, seriousness and nature of the particular incident. This may be able to be done solely on the paperwork. Alternatively it may involve a preliminary investigation. This is not to become the main investigation and, if undertaken, should be limited to obtaining sufficient information to allow the Department Head to determine what course of action to take. It is not mandatory to have a preliminary investigation. If the preliminary fact finding investigation finds that the allegations should be dealt with as a disciplinary matter, the Procedural Guidelines must be complied with.*

The Employment Relations Team (ERT) received information about a number of matters where the complaints were not detailed and did not form specific allegations. Information was not directly clarified with the complainant, but a preliminary fact-finding investigation was initiated in order to identify any specific allegations or evidence of misconduct that would allow ERT to decide the appropriate course of remedial or disciplinary action.

Although a preliminary fact-finding investigation may be an appropriate course of action for more complex matters, our view is that a reliance on this form of action appears to have evolved from the failure to adequately clarify the complaint in the first instance. In one matter, the complainant was not asked to provide a formal statement of allegations until two weeks after raising the grievance.

The review highlighted a number of procedural fairness issues with this approach, including limitations on the information gathered and failure to notify the person who is the subject of the grievance. Other than the additional costs of a preliminary investigation, failure to clarify the complaint at the time of reporting has the potential to 'drag out' the complaint, causing unnecessary stress on the parties involved and on the work environment.

8.2   Failure to investigate matters within relevant policy timeframes

WorkCover *Grievance and Dispute Resolution* policy, Section 4.1.2, 'Formal Grievance Procedures', states:

- *The supervisor or responsible manager will address the **matter within 5 working** days of being notified, either by resolving the grievance/dispute or negotiating with the parties an agreed method and time-frame for proceeding*

None of the matters were investigated within the policy timeframes. In one instance allegations were formally lodged and the person who was the subject of the complaint was not made aware of the allegations until six months later. We note, however, that some of these delays were for justifiable reasons including illness or extended leave, and decisions were made to delay communicating with relevant parties until they had returned to work.

Personnel Handbook Procedural Guidelines, Appendix 9.1, Section 4, 'Timeframes', states:

- *The requirements of these Guidelines as to the disciplinary process are to be complied in a timely and expeditious fashion.*

- *As a guide only, uncomplicated matters should generally be concluded after 10 to 12 weeks from when the Department Head receives the initial allegation.*

In one of the matters the complainant requested on a number of occasions (as entitled) that the complaint of bullying be investigated under the *Managing Reports of Workplace Bullying* policy. ERT took 10 months to agree to this request, meaning the timeframes to investigate the complaint had been exhausted before the investigation had formally commenced. Again, we understand that these delays may have been due to justifiable reasons including illness or extended leave of relevant parties. However, it is important to recognise that failure to investigate in a timely and expeditious manner has the potential to limit procedural fairness and may cause prejudice.

8.3   Lack of grievance training provided to employees delegated to investigate matters

The WorkCover *Grievance and Dispute Resolution* policy, under Section 1.8, 'Other Assistance', states:

- *At any stage of the process, and whichever level of supervisor/manager is dealing with the grievance/dispute, the matter may with the agreement of all parties be referred to a mutually acceptable independent investigator, either internal or external depending on the circumstances. This option for resolution can be requested by either party or suggested by the supervisor/manager.*

We found instances where more than one person handling a complaint was advising the complainant. This resulted in miscommunication, including inconsistent advice and delays.

In one matter a complaint was sub-delegated to a manager to investigate without the appropriate approval from the General Manager or CEO. Correspondence on the file indicates that the manager made ERT aware they had not completed the required grievance training and felt they had a potential conflict of interest in the matter. Despite this, the manager was directed to continue with the investigation.

8.4 Failure of management to communicate in an effective and timely manner with parties involved in the matters

Personnel Handbook Procedural Guidelines, Appendix 9.1, 'Notification and Advice', Section 11.7, states:

An officer facing an allegation of misconduct, called to an interview as part of the investigation must be provided with:

- *At least 24 hours' notice of the interview*

- *Notification of the time, date, location, nature and purpose of the interview and the names and titles of officers conducting the interview.*

The review highlighted an instance in which a witness in one matter was given significantly short notice to attend an interview. Although there is no specific requirement for WorkCover to provide a witness 24 hours' notice, it would be reasonable to provide this notice to allow time for the witness to prepare any relevant documentation and/or arrange for the attendance of a support person, if required.

The review also identified one matter in which the complainant informed ERT they felt inadequate action was taken in relation to their complaint. The complainant felt they were not receiving adequate information, updates or communication in relation to the investigation. The file indicates no attempt by ERT to address the complainant's concerns, which resulted in the complainant lodging a complaint against the investigating officer.

In another matter, a witness made repeated requests to the ERT for information to be communicated to them regarding a disciplinary matter. However, the information was not forthcoming. The witness claims they felt undue stress and anxiety due to the lack of communication they received and lodged a formal complaint of bullying against the ERT officer as a result. It would be appropriate to provide all involved parties with updates and information relating to process, with the exception for information deemed to be confidential.

The review found instances where the person who was the subject of the complaint was not informed of the allegations against them in due time as they were on annual or sick leave. While this may be an area for discretion, comments were received from one of the parties that the delay in notification caused them additional stress and may have prejudiced them, as they were not given the opportunity to address the issues in a timely manner. The person stated they should have been informed whether on sick leave or not. There are circumstances where on occasions this may not be done. Accordingly, files should note that information was provided to individuals as soon as practicable.

In numerous matters the complainant, their manager or the delegate responsible for the investigation needed to make follow-up requests for information from ERT because information had not been received when requested.

8.5 Summary

We found support and wellbeing checks could have been carried out more frequently on those parties involved in the matters. The WorkCover grievance and bullying policies are clear on the requirement to notify employees of the EAP and BRS services as part of the grievance or bullying process. It is important to reiterate the confidentiality of these channels to employees to improve their confidence in them.

Additionally, we recommend that a consistent process be followed in relation to keeping all involved parties updated as to progress.

Although we have highlighted a number of discrepancies in each of the five files we reviewed, we found that the ultimate outcomes of the five matters were not adversely affected.

Appendices

Appendix A   History, organisational structural and legislative functions of WorkCover

History of WorkCover

- WorkCover was established in July 1989 to manage workplace injuries including injury prevention, rehabilitation and compensation.

- On 1 January 1990, the WorkCover Authority commenced operations following the proclamation of the *WorkCover Authority Administration Act 1989.*

- As at June 1992 WorkCover Authority had four major functional divisions – Insurance Fund Management Division; Corporate Services Division; Policy, Legislation and Public Affairs Division; and Risk Management Division.

- In 1992 the Workers Compensation (Dust Diseases) Board and the Sporting Injuries Committee formed part of the group of associated organisations to WorkCover, administered by the Insurance and Fund Management Division.

- Also in 1992 the Londonderry Occupational Centre and Thornleigh Laboratory Services were established to provide services for employers and unions in the areas of safety, testing, research, consultancy and training.

- By 1993 WorkCover had established a Regional Operations Division with four offices – metro-east, metro-west, country north and country south.

- In November 1997 the NSW Workers Compensation Scheme commenced for employer insurance for workplace injuries.

- The *WorkCover Authority Administration Act 1989* was replaced by the *Workplace Injury Management and Workers Compensation Act 1998* that maintained the general functions of WorkCover.

- During 1997/1998 WorkCover was restructured into three divisions – Corporate Governance Division; Insurance Division; and Occupational Health and Safety Division. At this point there were 24 district offices in Sydney suburbs and major country centres.

- In February 1999 the then Premier announced the Government's intention to relocate WorkCover's head office to Gosford by 2002 as part of the Government's Regionalisation Strategy.

- In 2000 new OHS legislation was introduced under the *Occupational Health and Safety Act 2000.*

- In 2000/2001 WorkCover was restructured, and an additional division included – General Manager's Group. There were now four divisions – Corporate Governance Division, Insurance Division, Occupational Health and Safety Division and General Manager's Group.

- WorkCover assumed key responsibility for introducing the NSW Government's comprehensive reform plan for workers compensation system in 2002.

- On 21 October 2002 WorkCover's head office move to Gosford was successfully completed.

- In 2003 the Independent Commission against Corruption (ICAC)'s 'Operation Cassandra' into safety certification and training in the NSW construction industry commenced. Assessors accredited by WorkCover were found to be engaging in corrupt conduct.

- In 2003/2004 WorkCover's divisions were restructured and renamed into four divisions – Corporate Governance Division, Insurance and Scheme Design, Occupation Health and Safety Division, and Strategy and Policy Group.

- In 2004 ICAC's 'Operation Cassowary' into safety certification and the operations of the WorkCover Licensing Unit commenced. A number of WorkCover employees were found to be engaged in corrupt conduct.

- In 2004/2005 WorkCover was restructured into five divisions – Corporate Services Division, Workers Compensation Division, Investment Division, Occupational Health and Safety Division, Strategy and Policy Division.

- In 2008, there were internal restructures within Divisions of WorkCover.

- In July 2009 WorkCover became part of the Compensation Authorities Staff Division (CASD) as part of the NSW Government's creation of Principle Agencies.
- In May 2010 WorkCover launched new Corporate Values.
- As at 30 June 2010 WorkCover's organisational structure consists of five divisions – Corporate Services Division, Workers Compensation Division, Investment Division, Work Health and Safety Division (renamed Occupational Health and Safety Division) and Strategy and Policy Division.
- In October 2010, WorkCover released a five year (2010-2015) Corporate Plan.

Organisational structure

A new organisational structure was announced in December 2010 as shown below. The Work Health and Safety, Strategy and Performance and Corporate and Shared Services divisions have changed and this includes a significant restructure of the Human Resources function now called People and Culture. The leadership role (Director, People and Culture) has also been replaced. This restructure was as a result of a capability review initiated by the current CEO to move towards providing a clearer approach to the business key results areas and key performance indicators thus assisting to provide employees with a clear line of sight of the business direction.

The new WorkCover corporate structure[4] is as follows:

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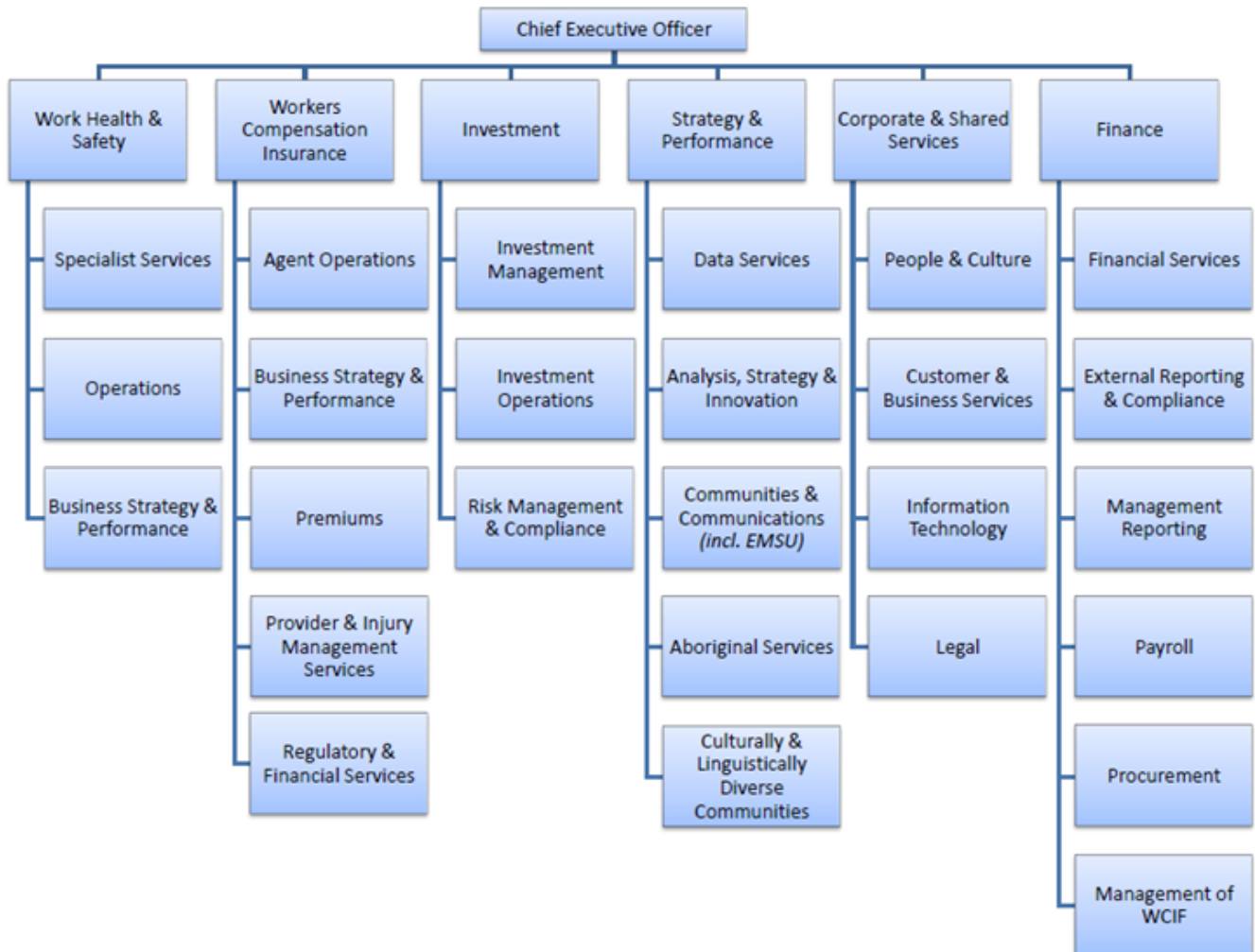
4   As provided by WorkCover in 2011

Further detail of the corporate and shared services division:

General Manager
Corporate &
Shared Services

Customer &
Business Services

- Customer Service Centre
- Business Services
- Licensing

People & Culture

- Strategy & Culture
- Learning & Diversity
- Recruitment & Workforce Planning
- Employee Relations
- Client Services

Information Technology

- Solutions, Design & Delivery
- Applications Management
- Service Support
- Quality Services
- Strategic Architecture

Legal

- Litigation
- Legislation, Advising & Commercial
- Counseling & Liaison

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5   As provided by WorkCover 2011

WorkCover legislative functions

WorkCover is constituted as a statutory body under the Workplace Injury Management and Workers Compensation Act 1998.

The general functions of the Authority, as defined by this Act are[6]:

1   To be responsible for ensuring compliance with the workers compensation legislation and the occupational health and safety legislation.

2   To be responsible for the day to day operational matters relating to the schemes to which any such legislation relates.

3   To monitor and report to the Minister on the operation and effectiveness of the workers compensation legislation and the occupational health and safety legislation, and on the performance of the schemes to which that legislation relates.

4   To undertake such consultation as it thinks fit in connection with current or proposed legislation relating to any such scheme

     a   To monitor and review key indicators of financial viability and other aspects of any such element.

5   To report and make recommendations to the Minister on such matters as the Minister requests or the Authority considers appropriate.

There are other functions of WorkCover that are conferred or imposed under other legislation, including workers compensation legislation, and occupational health and safety legislation. WorkCover's main statutory functions are to administer the following acts:

- Associated General Contractors Insurance Company Limited Act 1980

- Bishopsgate Insurance Company Limited and Certain Other Insurance Companies Act 1983

- Explosives Act 2003

- Occupational Health and Safety Act 2000

- Road and Rail Transport (Dangerous Goods) Act 1997

- Rural Workers Accommodation Act 1969

- Sporting Injuries Insurance Act 1978

- The Standard Insurance Company Limited and Certain Other Insurance Companies Act 1963

- Workers Compensation Act 1987

- Workplace Injury Management and Workers Compensation Act 1998

- Workers Compensation (Brucellosis) Act 1979

- Workers Compensation (Bush Fire, Emergency and Rescue Services) Act 1987

- Workers Compensation (Dust Diseases) Act 1942

- Workmen's Compensation (Lead Poisoning – Broken Hill) Act 1992.

Regulations support the general requirements of the legislation and provide more detail. WorkCover administers the following regulations:

- Dangerous Goods (Gas Installations) Regulation 1998

- Dangerous Goods (Road and Rail Transport) Regulation 2009

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[6] Workplace Injury Management and Workers Compensation Act 1998, paragraph 22(1)

- Explosives Regulation 2005
- Occupational Health and Safety Regulation 2001
- Occupational Health and Safety (Clothing Factory Registration) Regulation 2001
- Sporting Injuries Insurance Regulation 2009
- Sporting Injuries Insurance Rule 1997
- Workers (Bush Fire, Emergency and Rescue Services) Regulation 2007
- Workers Compensation Regulation 2003.

WorkCover also administers adherence to Industry codes of practice. Industry codes of practice are developed to achieve the standards required by the Occupational Health and Safety Act 2000 and Occupational Health and Safety Regulation 2001. Codes of practice are not law, but should be followed unless there is an alternative course of action that achieves the same or better standards.

Occupational Health and Safety Act 2000 (NSW)

The Occupational Health and Safety Act 2000 protects the health, safety and welfare of people at work. It sets out general requirements which must be met in all workplaces in New South Wales. One of WorkCover's main roles is to regulate the adherence to this Act. WorkCover has the authority to:

1   Direct businesses on matters such as the establishment of OHS committees
2   Draft Industry codes of practice
3   Appoint Inspectors with inspection powers including taking samples and carrying out a range of tests
4   Use reasonable force in gaining entry to premises
5   Prepare special reports for the Minister in respect to any incident
6   Issue notices on any contravention or other matter
7   Institute proceedings for offences against the Act.

New Work Health and Safety Legislation 2012

A national Work Health and Safety project is being coordinated by Safe Work Australia, an independent statutory body established on 1 November 2009 under the Safe Work Australia Act 2008. This project aims to combine the current ten principal OHS statutes across each state and territory into one new Work Health and Safety Act. The Act is currently in draft form as the Model Work Health and Safety Bill.

The Act was a result of a national review into work and health safety laws across Australia, including substantial public consultation. The national model laws consist of a model act, regulations and codes of practice. The Model Work Health and Safety (WHS) Act 2010 will replace the OHS Act 2000 and sets out work health and safety obligations of employers. It is expected that the bill will be enacted as legislation in early 2012. Model regulations and codes of practice are currently being developed.

Key changes for businesses and workers in NSW are[7] :

- Change of terminology from OHS to WHS
- The explanations of what employers and workers are – including a broader duty of care provision to that of 'person conducting a business or undertaking' (PCBU)

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7   Source: Australian Industry Group Publication

- Specific duty of care of officers – positive duty of care to exercise due diligence
- No requirement in the WHS Act to appoint or engage people with specific OHS responsibility
- Trained Health and Safety representatives elected by workers can issue Provisional Improvement Notices (PINs) and will have the combined power to direct unsafe work to cease
- Increases in penalties
- Prosecutions can only be brought by the regulator and will have a 2 year limitation (current union right to prosecute will be removed)
- No reverse onus of proof – under the new Model Act the onus of proof rests on the prosecution (rather than the defence, as is current legislation in NSW).

WorkCover legislative obligations

In addition to the obligations outlined in the legislation granting WorkCover authority to regulate, WorkCover is also subject to a range of other legislation including:

NSW Public Sector Employment and Management Act 2002

Professional standards and conduct for administrative and trades employees are governed by the provisions of the Public Sector Employment and Management Act 2002.

NSW Protected Disclosures Act 1994

The Protected Disclosures Act 1994 sets up a scheme that aims to encourage people who work in the NSW public sector to report maladministration, serious waste and wrong conduct of their colleagues or of any public sector agency they work for or with. Under the Act, if a public official makes a 'protected disclosure' they will have certain rights and protections. The Act provides a range of legal protections and places obligations on agencies handling protected disclosures to keep the whistleblower informed and their identity confidential.

Other New South Wales legislation

- Anti Discrimination Act 1977
- Industrial Relations Act 1996
- Freedom of Information Act 1989
- Crimes Act 1900
- Occupational Health and Safety Act 2000 and Regulations from 2001
- Public Finance and Audit Act 1985.

Other Federal legislation

- Age Discrimination Act 2004
- Disability Discrimination Act 1992
- Human Rights Equal Opportunities Commission Act 1986
- Racial Discrimination Act 1975
- Sexual Discrimination Act 1984
- Workplace Relations Act 1997.

Appendix B   WorkCover in the public arena

WorkCover has featured in a range of public arenas in relation to both bullying and harassment and other issues. There have been two ICAC investigations, which centred on practices in the Licensing Unit in 2004 and 2005. Issues relating to alleged bullying at WorkCover have appeared in various media and in the NSW Parliamentary Hansard from 2007 to date. These matters are summarised below.

Independent commission against corruption (ICAC) investigations (2003 and 2004)

In 2003 and 2004, ICAC undertook two separate investigations into allegations of inappropriate activity within WorkCover.

Operation Cassandra (2003)

ICAC Report: *Report on investigation into safety certification and training in the NSW construction industry – June 2004*

This investigation in 2003 examined corrupt assessment practices involving accredited assessors working on behalf of WorkCover. It was found that a number of assessors accredited by WorkCover to assess the competency of operators of heavy plant and equipment were issuing a Notice of Satisfactory Assessment (NOSA) and performing no assessment or no proper assessment. ICAC also found that accredited trainers were issuing OHS induction training certificates without actual induction taking place.

The investigation began in 2003 when ICAC was approached by WorkCover to provide assistance in investigating the activities of certain assessors accredited by WorkCover. The ICAC Report concluded that six people formally accredited by WorkCover as assessors, and one person formally accredited by WorkCover as a trainer, had engaged in corrupt conduct.

Operation Cassowary (2004)

ICAC Report: *Report on investigation into safety certification and the operations of the WorkCover NSW Licensing Unit – December 2005*

This investigation in 2004 related to the corrupt issuing of false Certificates of Competency by WorkCover licensing officers over several years. It was confirmed that many hundreds of false certificates were produced by individual employees in the Licensing Unit. These certificates were issued without appropriate supporting documentation showing applicants' successful assessment process.

The investigation began in 2004 after WorkCover reported to ICAC that anomalies had been identified in the issuing of certificates of competency by an employee in the Licensing Unit. The ICAC report found that 23 people had engaged in corrupt conduct.

Various media articles (2007 to 2010)

Year	Articles
2010	In September 2010, Sydney Morning Herald articles were published regarding allegations of serious bullying patterns in WorkCover. Other media organisations ran similar stories.
	Articles noted the State Government has ordered an independent inquiry into the claims of bullying. Articles also refer to a WorkCover employee and union delegate filing victimisation claims due to allegations of bullying claims against them.[8]
2008	In January 2008, the Sydney Morning Herald described WorkCover's joint taskforce with the Public Service Association after two survey results found "deep-seated fear and unhappiness among WorkCover employees". Detailed questions were placed on notice in the NSW Legislative Council covering allegations of bullying that is rife within WorkCover[9].
2007	In November 2007 a Daily Telegraph article documented that 86% of WorkCover employees surveyed nominated their own boss as the instigator of bullying. This article was referred to in Parliament in 2008.[10]

Hansard – Parliament of New South Wales 2007 to 2010

Hansard is the official record of the proceedings of Parliament and is a verified and accurate record.

Hansard records available up to 3 December 2010 for the NSW Legislative Assembly and to 2 December 2010 for the NSW Legislative Council were reviewed for references to WorkCover and bullying from 2007 onwards. We identified the following results:

- Three references in Full Hansard Transcripts from the NSW Legislative Council – in 2008, 2009 and 2010
- One reference in a Notice of Motion Paper for the NSW Legislative Council – for 2010
- 18 references in Question and Answer Papers from the NSW Legislative Council – 2007 to 2010
- Two references in Question and Answer Papers from the NSW Legislative Assembly – 2010.

Appendix H contains the dates of the Hansard papers where WorkCover and bullying are referred to. These records centred on the following issues:

Current inquiry into WorkCover

This current inquiry was raised once in Parliament in 2010. Questions concerned the scope and timeframes of inquiry, and who is conducting the inquiry.

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8 Articles include:

- Howden, S,' Intimidation and fear: welcome to agency charged with stamping out bullying', *Sydney Morning Herald*, 21 September 2010
- Robinson, G and Howden, S, 'Probe ordered into WorkCover bullying claim', *Sydney Morning Herald*, 21 September 2010
- 'Inquiry into bullying at WorkCover', *Sydney Morning Herald*, 21 September 2010
- Howden, S, 'WorkCover employee fights bullying claim', *Sydney Morning Herald*, 22 September 2010
- 'Investigation into WorkCover bullying allegations', *ABC News*, 21 September 2010

9 Article:

- West, A, 'WorkCover rocked by bullying claims', *Sydney Morning Herald*, 7 January 2008

10 Article:

- 'Watch Dog Bites its own Staff', *Daily Telegraph*, 23 November 2007

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Protected disclosures

Concerns were expressed seven times in the period from 2007 to 2010, about the confidentiality of information and independence of investigations of Protected Disclosures. Questions were raised about reports of whistleblowers' identities being disclosed and about those presiding over disclosures lacking independence. It was also questioned in 2008 whether ICAC would be called upon to conduct a full independent investigation into WorkCover's handling of protected disclosures.

Answers stated that WorkCover complies with the Protected Disclosures Act 1994 and the CEO has reiterated that to intimidate or interfere with a complainant is a criminal offence under the Act. In 2008 it was stated that the Government was currently considering the recommendations of ICAC's report into the Review of Protected Disclosures Act.

Bullying and harassment at WorkCover and investigations

Concerns about the number of incidents and reports concerning allegations of bullying, harassment, swearing, intimidation etc at WorkCover were raised in Parliament 24 times between 2007 and 2010. In 2007, Members of Parliament questioned the number of complaints made by WorkCover employees regarding sexual harassment, bullying and harassment and the number of Protected Disclosures made.

Answers to questions raised in 2007 revealed that from 2006 to 2007, there were four sexual harassment complaints, 15 bullying and harassment complaints and six Protected Disclosures within WorkCover. These numbers showed a significant increase from records from 2002 to 2006.

In addition, three questions were raised about the adequacy of WorkCover's methods for investigating complaints, bullying policies and bullying risk assessments. Answers assured that WorkCover has firm policies in place to address bullying and harassment and that all incidents are taken seriously and addressed appropriately.

Bullying and harassment in the LSU

Questions were raised in Parliament twice in 2010 about the number of complaints raised, investigations occurring and resulting actions specific to the LSU in Gosford. Answers stated that complaints were lodged by the Public Service Association about WorkCover breaching its own policy and procedures relating to bullying and harassment in the workplace. It is stated that "a full investigation was undertaken by WorkCover in its role as occupational health and safety regulator, in line with legislative requirements. The investigation revealed no evidence of bullying as defined in the WorkCover publication, *Preventing and Dealing with Workplace Bullying – A guide for employers and employees*. However, during the course of the investigation by WorkCover, a number of unrelated issues were identified."

WorkCover employee survey results

WorkCover has performed several employee cultural surveys and the results have been raised in Parliament four times from 2009 to 2010. Questions were asked to clarify whether the results revealed discontent, lack of confidence in senior management and high instances of bullying. Also raised were questions about the actions taken to address previous survey results.

Answers stated that from the 2008 survey 68% of employees said WorkCover is a great place to work. It was also reiterated that the results of surveys were fully investigated, and that, where appropriate, management action was taken.

WorkCover bullying and harassment in the media

The attention WorkCover has received in the media has been discussed three times in Parliament. This media attention includes articles from 2007, 2008, and 2010 as described in Appendix B.

Promotions and merit selections

The promotions, merit selection process and referees for a series of WorkCover senior employees were raised three times in 2009-2010. Answers to these questions stated that all appointments are based on merit in accordance with the Public Sector Employment Management Act 2002. Further details on these matters are subject to Confidentiality Orders.

Appendix C   WorkCover internal governance framework

WorkCover has a *Code of Conduct* (approved May 2006) to set out the standard of behaviour, values and principles expected from WorkCover employees. This includes contractors, agency and temporary employees. The Code of Conduct embodies the following values:

- Respect for the law and the system of government

- Respect for people

- Integrity, accountability and diligence

- Efficiency

- Customer Service

- Leadership.

The Code of Conduct includes guidance on a range of issues including ethical decision making, accepting bribes, gifts and benefits, conflicts of interest, secondary employment, alcohol and other drugs, accountability, public comment, use of WorkCover resources, intellectual property and security.

In addition, WorkCover has a 'Respectful Behaviour Guide' which is designed to provide clear guidelines about the types of behaviour that is considered to be 'respectful behaviour' in accordance with the WorkCover Code of Conduct, including courtesy and respect, communication and listening, professionalism and teamwork and acceptance and accountability.

WorkCover's new Corporate Values were launched on 7 May 2010 to reflect the workplace culture it seeks to embody. These five values are:

- Integrity – 'I do what I say I will do'

- Respect – 'I value people'

- Ethical Behaviour – 'I am honest and fair'

- Accountability – 'I take responsibility'

- Excellence – 'I aim to be my best'.

Appendix D   WorkCover internal governance framework for managing the risk of bullying

WorkCover has an obligation to manage the risk of bullying. Under legislation WorkCover must ensure its workplace is safe and without risk to health of its employees. WorkCover is also a signatory to the *Dignity and Respect in the Workplace Charter*, which describes steps to manage bullying.

WorkCover's approach to managing the risk of bullying is outlined in its *Managing the Risk of Workplace Bullying* policy.

OHS legislation

Duties of employers

1   Under the *Occupational Health and Safety Act 2000* Section 8 employers have duties that must be adhered to. An employer must ensure the health, safety and welfare at work of all the employees of the employer. That duty extends (without limitation) to the following:

   a   ensuring that any premises controlled by the employer where the employees work (and the means of access to or exit from the premises) are safe and without risks to health

   b   ensuring that any plant or substance provided for use by the employees at work is safe and without risks to health when properly used

   c   ensuring that systems of work and the working environment of the employees are safe and without risks to health

   d   providing such information, instruction, training and supervision as may be necessary to ensure the employees' health and safety at work

   e   providing adequate facilities for the welfare of the employees at work.

2   Others at workplace: An employer must ensure that people (other than the employees of the employer) are not exposed to risks to their health or safety arising from the conduct of the employer's undertaking while they are at the employer's place of work.

Identifying hazards

Under the Occupational Health and Safety Regulation 2001 Regulation 9 an employer must identify hazards:

1   An employer must take reasonable care to identify any foreseeable hazard that may arise from the conduct of the employer's undertaking and that has the potential to harm the health or safety of:

   a   any employee of the employer

   b   any other person legally at the employer's place of work or both.

2   An employer must ensure that effective procedures are in place, and are implemented, to identify hazards:

   a   immediately prior to using premises for the first time as a place of work

   b   before and during the installation, erection, commissioning or alteration of plant in a place of work

   c   before changes to work practices and systems of work are introduced

   d   before hazardous substances are introduced into a place of work

   e   while work is being carried out

   f   when new or additional information from an authoritative source relevant to the health or safety of the employees of the employer becomes available.

Duty to consult

The Occupational Health and Safety Act 2000 states that an employer must consult with employees to enable them to contribute to decisions that affect their health and safety at work. Employees must be given the opportunity to express their views and contribute to the resolution of health and safety issues. Consultation is required in a range of circumstances, including:

- when risks to health and safety are assessed
- when decisions are made about measures to eliminate or control the risks
- when altering or introducing procedures for monitoring risks to health and safety.

Consultation can take place with an OHS Committee, an OHS representative or through another arrangement as agreed with the employer and employee.

An OHS Committee or OHS Representative has the following functions:

- continue to review measures taken to ensure health and safety of workers
- investigate any matters that may be a risk to health and safety at the place of work
- attempt to resolve the matter, but if unable to do so, request an investigation by an Inspector for that purpose
- other functions as prescribed by the Regulations.

Dignity and respect in the workplace charter

The Dignity and Respect in the Workplace Charter was developed by Unions NSW and the PSA to protect workers from bullying and harassment in the workplace. WorkCover became a signatory in September 2005.

The Charter lists the following five steps to promoting a bully-free workplace:

1   Workplace consultation

- Set up consultative mechanisms for involving employees
- A risk assessment will be conducted to ensure the organisation is not 'at risk' by fostering a culture that encourages, or tacitly condones harassment and bullying.

2   Workplace awareness campaign

- All employees will be made aware of the meaning and application of the Charter.

3   Training and development

- Establish an effective training program to meet the zero tolerance objectives.

4   Procedures to deal with complaints

- Establish a complaints mechanism that includes
  – A time frame for complaints
  – A process that includes a record of the problem
  – A trained, designated and impartial mediator
  – Support for parties involved.

5   Consultation and feedback

- A six monthly review of the Charter and grievance procedures and mechanisms ensures the policy remains effective and relevant
- Review involves consultation with employers.

WorkCover risk management policy

The policy *Managing the Risk of Workplace Bullying* (approved 1 July 2009) outlines WorkCover's zero tolerance policy towards bullying. The policy aims to establish protocols to eliminate or minimise the risk of bullying. General Managers and Senior Managers of each division are responsible for actively ensuring the workplace is free from bullying.

WorkCover's policy outlines a risk management process:

1   Consult at every step

- WorkCover will consult with employees, contractor and labour hire personnel and elected health and safety representatives.
- This enables contribution to the making of decisions about health and safety matters at work.

2   Identify risks

Risks can be identified through the following:

- Reporting bullying
- Ongoing review of systems and structures
- Direct observation of conditions
- Consultation
- Raising issues at employee meetings etc
- Suggestion boxes
- Examining written reports, records and documents.

3   Assess the risk

- A risk assessment for bullying is a careful examination of who could allow or encourage bullying.
- The Bullying Checklist attached to the policy may be used as a tool to assess the potential for bullying in WorkCover workplaces.

We note that there is no guidance in the policy as to who should conduct a risk assessment or how regularly these should occur.

4   Eliminate/control risks

- Once risk factors have been identified and assessed, managers and leaders should take action to eliminate or control the possibility of bullying in their workplace.

5 Monitor

- The Bullying Checklist (attached to the policy) is used as a tool to assess the potential for bullying in WorkCover workplaces.

- This tool is used on a regular basis by local management, by employees, contractors or labour hire personnel as a means of providing anonymous feedback on their workplace to management and to their OHS Committees and representatives.

- The OHS Services employees in Human Resources Division will continually review hazard and injury/illness reports and seek feedback from employees about the implementation of the policy.

Appendix E WorkCover internal governance framework for managing allegations of bullying

Policies for reporting allegations of bullying

WorkCover has a range of internal policies that relate to the reporting, escalation, management investigation and resolution of allegations of bullying and harassment.

The main avenues for addressing bullying are set out in the *Managing the Risk of Workplace Bullying* and *Managing Reports of Workplace Bullying* policies – Both approved on 1 July 2009. These policies include the avenues for reporting and dealing with complaints of bullying, procedures for handling complaints, and requirements to monitor unresolved bullying issues and conduct follow-up reviews. These main policies are supported by the following ancillary policies:

- *Grievance and dispute handling* policy (approved December 2005) – Outlines the process for reporting and handling all types of grievances
- *Employee Assistance Program* policy (approved June 2004) – Outlines the third party confidential counselling services provided. EAP is an avenue for reporting bullying.
- *Return to work program* policy (approved February 2007) – Confirms WorkCover's commitment to providing employees who report injuries or illness with an opportunity of a safe return to work as soon as practicable.
- *Dealing with harassment prevention in the workplace* (approved November 2000) – Defines harassment and refers employees who wish to raise harassment.
- *Managing violence, bullying, harassment and sexual harassment* (no approval date) – Has been superseded by separate policies such as the bullying policies and others currently under development.

Definition of bullying

Workplace bullying is defined in the WorkCover *Managing the Risk of Workplace Bullying* policy as follows:

> *behaviour that is usually repeated, that is inappropriate, unreasonable and possibly aggressive and that creates a risk of physical and/or psychological harm*

For clarification, elements of this definition are further defined as:

> Repeated behaviour refers to *"the persistent nature of the behaviour, not to the specific form the behaviour takes"*.

> Unreasonable behaviour refers to *"behaviour that a reasonable person, having regard to the circumstances, would find offensive, humiliating, intimidating, degrading or threatening"*.

WorkCover develops and distributes industry publications to ensure workers, employers and the general public have access to OHS, workers compensation and injury management. In the WorkCover publication *Preventing and Responding to Bullying at Work*, issued in June 2009, bullying is defined as:

> *repeated unreasonable behaviour directed towards a worker or group of workers that creates a risk to health and safety. Bullying can occur wherever people work together. Under certain conditions, most people are capable of bullying. Whether it is intended or not, bullying is an OHS hazard*

The publication notes that a single incident of unreasonable behaviour may have the potential to escalate into bullying and therefore should not be ignored. Single incidents can still create a risk to health and safety.

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Previously, in 2008, WorkCover issued the industry publication *Preventing and Dealing with Workplace Bullying* which had further categorised types of bullying as:

> '*intended: where actions were intended to humiliate, offend, intimidate or distress, whether or not the behaviour did in fact have that effect or*
>
> *unintended: which although not intended to humiliate, offend, intimidate or distress, did cause and should reasonably have been expected to cause that effect'*

This publication is no longer available on the WorkCover website through its publication links. The 2009 publication is the current version available as guidance for workers, employers and the public. In the 2009 publication, intended and unintended bullying are not defined. However the description used is:

> *whether it is intended or not, bullying is an OHS hazard.*

All other types of grievances and disputes that do not constitute bullying, as defined above, are covered under the *Grievance and Dispute Resolution* policy. This includes harassment.

Process for reporting allegations of bullying

Under the *Managing Reports of Workplace Bullying* policy there are four avenues for reporting an allegation of bullying:

1   Informal report to an employee

The employee subject to the bullying, or one witnessing or suspecting bullying, can discuss the matter with their:

- Supervisor/Manager (up to General Manager and including a manager in Human Resources)
- OHS Representative or OHS Committee
- union representative.

As a record of agreed actions, the report recipient should email the reporter to confirm the reporter's express wishes about progressing their report. The report recipient can assist the employee if they wish to make a direct approach to the alleged bully. If issues cannot be resolved, or a direct approach fails, the report recipient will encourage the employee to refer their concerns to BRS.

2   Bullying Response Service (BRS)

The BRS is an independent advice and support system provided by a third party psychology and human resources firm engaged by WorkCover. A dedicated phone line is set up to direct callers to professionally qualified counsellors. These counsellors will assess possible resolution options including mediation and formal investigation.

3   Employee Assistance Program (EAP)

Counselling is available under an EAP. If an employee reports bullying the EAP counsellor will, if appropriate, encourage the employee to make a report to the BRS.

4   Formal report

A formal complaint will immediately result in a formal investigation. A written complaint will be sought from the employee and may be prepared with assistance from the report recipient, BRS or Return to Work (RTW) Coordinator.

Process for handling allegations of bullying

Once a bullying complaint has been made it may be handled in the following ways depending on the method chosen to report the allegation.

A. Direct approach

The recipient of a report of an informal complaint should listen, provide support and try to resolve the bullying issue. They will also assist the employee to make a direct approach to the alleged bully.

B. Mediation model

If mediation is considered appropriate it can be facilitated between parties with the assistance of a professional workplace mediator. Steps involved in mediation include:

1   Individual pre-mediation meetings with all parties

2   Introduction, setting of ground rules

3   Participant statements/mediator summaries

4   Construction of agenda

5   Exploration of issues

6   Private meetings with each participant

7   Finalise exploration of issues

8   Generate options, elect suitable options, negotiation of options

9   Make agreement

10   Test agreement

11   Close mediation

12   Finish, debrief and report back to WorkCover through RTW Coordinator.

If mediation is not the appropriate response, or the other party is not agreeable to it or it is unsuccessful, options will be provided to the employee. A formal investigation may be recommended.

C. Formal investigation

A formal investigation can be:

- requested by the employee at any time

- recommended by BRS counsellor after initial review

- recommended following an unsuccessful mediation

- recommended by the employee receiving the allegations in consultation with a General Manager and/or the Manager, Employment Relations Team, if there is a significant difference in power between the parties, or if the bullying includes violence or threats or if the apparent impact on the employee has been so severe that they are unable to confidently use the informal options.

The investigation process takes the following steps:

1   A written complaint is sought from the employee.

2   A formal fact-finding investigation is conducted to establish whether there is evidence that indicates bullying, misconduct, a breach of WorkCover's Code of Conduct or a breach of the Occupational Health and Safety Act. Investigations will be contracted by WorkCover to an appropriately skilled and impartial person.

3   If the investigation finds the report of bullying is substantiated, the options for further action vary according to the seriousness of the case.

4   A General Manager is appointed by the CEO to consider the report of the investigation and determine what further actions should be taken.

We note the *Managing Reports of Workplace Bullying* policy does not specify confidentiality requirements, training requirements, documentation requirements or timeframes for handling formal investigations.

Process for monitoring and following up bullying cases

WorkCover's *Managing the Risk of Workplace Bullying* policy sets out the process for monitoring and following up resolved bullying cases.

Monitoring resolved bullying cases

After a reported bullying issue has been resolved WorkCover will ensure the work situation is examined to identify, assess and eliminate any residual risks of bullying. The following actions are taken to ensure this:

• BRS provides six-monthly reports to WorkCover on cases. These reports will not include information that could identify employees.

• EAP provides six-monthly summaries on bullying issues raised.

Follow-up reviews

A follow-up review is undertaken three months after the resolution of a reported bullying case, to ensure the employee is confident that their workplace is free of the risk of bullying. The RTW Coordinator will initiate this review.

Flowchart: monitoring and following up bullying

The following flowchart shows the procedures for identifying risks, reporting, handling and monitoring bullying.

Phase 1:	Risk Management of Bullying

Phase 2:	Reporting Bullying

Informal Report to Senior Staff Member

Informal Complaint made to Staff member

Does the staff member want to continue report procedures?

No

Direct Approach to Bully

No

Yes

Support provided by report receipient

Bullying Response Service

Yes

Call the BRS line

Assessed by counsellor

Mediation possible?

No

Yes

Employee Assistance Program

Report made to EAP

Staff member agrees to disclose to BRS

Yes

No

Support continued by EAP

Formal Report

Formal Complaint made to Staff member

Phase 3:	Handling Bullying

Direct Approach

Informal Proccess

Resolved?

Yes

Mediation

Mediation Process

No

Resolved?

No

Yes

Formal Investigation

Written Complaint sought

Formal Investigation Process

Outcome decided on the basis of investigator report and approved by CEO

NB: A Formal Investigation can be demanded by a staff member at any point in the bullying handling process

Other Options – Support, Coaching, Team Building

Other Options supported by WorkCover

Phase 4:	Monitoring

Phase 4:	Follow Up 3 months Following Resolution

Appendix F   WorkCover internal grievance and dispute resolution policy

The *Grievance and Dispute Resolution* policy (approved December 2005) describes the procedure for all types of grievances. Although the policy was approved in December 2005, before the development of the *Managing the Risk of Workplace Bullying* policy, employees can still address a bullying complaint through the *Grievance and Dispute Resolution* policy.

Definitions

Grievance

In the *Grievance and Dispute Resolution* policy a grievance is:

> *a clear statement by an employee of a work-related problem, concern or complaint*

The terms Grievance and Dispute are used interchangeably in the policy.

Dispute

Dispute is defined as:

> *a clear statement by an individual or group of employees on a question, difficulty or conflict with the interpretation, application or operation of an award or agreement*

Harassment

In the *Dealing with Harassment Prevention in the Workplace* and *Managing Violence, Bullying, Harassment and Sexual Harassment* policies, harassment is defined as:

any unreasonable behaviour by an employer, supervisor or staff member towards another staff member at work that is unwanted, unacceptable and offensive to that person. What is important is how the behaviour affects the staff member it is directed towards.

Harassment is a breach of the WorkCover Code of Conduct. It is a form of discrimination in employment or in providing a service and is unlawful under the Anti-Discrimination Act 1977. In extreme cases this harassment may constitute a breach of discipline or a criminal offence.

Complaints relating to allegations of harassment should be raised under the *Grievance and Dispute Resolution* policy.

Reporting allegations of grievances

The *Grievance and Dispute Resolution* policy has similar avenues for reporting grievances and disputes as the bullying policy:

- Informal report to an employee
- Employee Assistance Program
- Formal report.

The BRS is a specific additional avenue for reporting bullying complaints but is not referred to in the grievance policy and does not apply to other grievances and disputes.

Handling allegations of grievances

The *Grievance and Dispute Resolution* policy describes the following methods of handling a grievance report:

Informal grievance procedure

The process is the same as outlined in the *Managing the Risk of Bullying* policy.

Formal grievance procedure

- Step 1: The Starting Point
  - An employee should raise their grievance/dispute in writing with their direct supervisor
  - The supervisor or responsible manager will address the matter within 5 working days of being notified, either by resolving the grievance/dispute or negotiating with the parties an agreed method and time-frame for proceeding
  - The following must be undertaken by the Supervisor/Manager to address a written grievance/dispute
    › Arrange a meeting with the aggrieved employee
    › Obtain all the facts of the grievance/dispute
    › Ensure the aggrieved employee has a copy of the policy
    › Discuss options to resolve the grievance with the aggrieved employee
    › Advise the aggrieved employee of the availability of EAP
    › If the aggrieved employee decides not to go ahead with the grievance but the matters raised are of a serious nature, discuss the matter with the Director, Human Resources immediately
    › Reassure the aggrieved employee about confidentiality
    › Arrange a meeting with the person allegedly causing the grief, advise a grievance has been received and the nature of the grievance. The alleged person is to be provided with an opportunity to respond to the grievance
    › Further interviews with employees who may be able to provide factual comment on the grievance
    › Determine what actions and/or decisions must be taken to conclude the matter.
- Step 2: Referral to Supervisor/Manager below General Manager
  - If the grievance cannot be dealt with in the five day period, or the agreed timeframe, or the employee who has lodged the grievance does not accept the actions of the Supervisor/Manager, the grievance may be referred to the next level of management
  - On receipt of a report from a Supervisor/Manager, the managers below General Manager will address the matter within 5 working days of being notified, either by resolving the grievance/dispute or negotiating with the parties an agreed method and time-frame for proceeding.
- Step 3: Referral to General Manager or CEO
  - Where the grievance report is received by a General Manager or the CEO, the report will be referred to the Director, Human Resources within 5 days
  - The Director, HR will nominate a suitable person to facilitate the grievance process and prepare a report with recommendations. The Director, HR may nominate an internal HR employee or a person from another area of WorkCover or an external person to facilitate the grievance process.
  - The nominated facilitator will communicate with all parties to the grievance/dispute within 5 working days of being nominated, in order to negotiate a method and timeframe for the investigation and report.

- Step 4: Implementation of report to General Manager or CEO
  - General Manager or, where appropriate, CEO will consider the report and subject to their approval, forward it to all parties providing them with an opportunity to respond within 14 calendar days.
  - Subject to any amendments approved by the General Manager or CEO, the report's recommendations will be implemented.

Further elements of the grievance policy

In addition to the description of reporting and handling grievances and disputes, the *Grievance and Dispute Resolution* policy has the following sections:

Procedural fairness

This section gives all parties the right to:

- know what has been alleged in the grievance
- have copies of written allegations, where considered appropriate by the grievance handler
- seek independent advice about the allegations and due process
- reply to the allegations
- receive adequate notice of any meetings about the matter
- have any related decisions made by an unbiased person and based on relevant evidence.

Confidentiality

Confidentiality is described as critical to the process of handling any grievance or dispute. All employees involved in the resolution of a grievance or dispute must ensure that all information is treated confidentially and is only made available to others with the knowledge and agreement of the parties to the grievance or dispute.

Documentation

The *Grievance and Dispute Resolution* policy is very specific on the level of documentation required by supervisors or managers receiving grievance and dispute complaints. All grievance papers must be placed on a file registered in the corporate records management system (TRIM). At the completion of the grievance process, all files should be forwarded to the Director, HR to ensure the records are housed securely.

Training

Managers/supervisors are required to undertake specific training and development in grievance management and in handling harassment complaints as soon as practicable after starting in a supervisory position.

Differences between grievance and bullying reporting and handling

The main differences lie in the policy descriptions of handling grievances and disputes versus handling bullying. These differences can be summarised as:

- Section on procedural fairness **not** in the *Managing the Risk of Workplace Bullying* policy
- Section on confidentiality **not** in the *Managing the Risk of Workplace Bullying* policy
- Section on documentation **not** in the *Managing the Risk of Workplace Bullying* policy
- Section on training **not** in the *Managing the Risk of Workplace Bullying* policy.

The following key matters are **not** dealt with in the *Managing the Risk of Workplace Bullying* policy:

- timeframes
- communication requirements between the complaint handlers and the complaint lodger
- escalation and referral procedure.

Appendix G   Bullying and harassment – Risk factors

Research suggests that workplace bullying and harassment is a significant and widespread concern in Australia; however, the factors that contribute to this situation are not well understood[11].The costs relating to bullying and harassment include the harm to the health of the targeted individual, distraction from workplace goals, adverse effects on employee productivity, morale, workplace absenteeism, high employee turnover and decreased levels of commitment[12]. These outcomes are estimated by WorkCover Victoria (2003) to cost Australian organisations approximately A\$3 billion a year[13]. Workplace bullying is also becoming a legitimate liability concern for organisations, with related case law increasing[14].

To help organisations mitigate these costs and better understand the risk factors associated with bullying and harassment, research is available containing recommendations for change and advice on minimising the incidence of bullying and harassment.

There are two main schools of thought concerning preventative measures. One is that certain characteristics of perpetrators and targets predispose them to bullying; the other focuses on the organisational factors that are commonly correlated with bullying and harassment.

As bullying and harassment is the product of workplace culture, working with individuals may not be enough to prevent further incidents, and therefore a comprehensive, systemic approach to introduce preventative measures and coordinated management at an organisational level is required[15].

We have examined workplace bullying and harassment under three main categories – Organisation, Processes and People. Each is dealt with below.

Organisation

Organisations often find it difficult to identify just where and whether bullying is taking place, because the distinction between bullying and mere bossiness is hard to draw, and because efficient supervisors/managers are usually of economic value to an organisation[16]. One Swedish study into workplace bullying in the public service found that bullying was preceded by certain organisational conditions, differing work expectations and value conflicts[17]. In 2009 WorkCover NSW produced the report *Preventing and Responding to Bullying at Work*. It identified five risk factors as being highly correlated with the likelihood of the presence of bullying in the workplace[18]. These factors include organisational change such as restructuring and outsourcing, negative leadership styles such as autocratic and inadequate supervision, lack of appropriate work systems such as a lack of role clarity, poor workplace relationships, and workforce characteristics[19]. We examine these risk factors in more detail below.

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[11] Query,T, and Hanley,G, 'Recognizing and Managing Risks Associated with Workplace Bullying', *CPCU eJournal*, July 2010, Vol 63, Issue 7, p1-8, 8p

Strandmark, M, and Hallberg, L R, (2007).'The origin of workplace bullying: experiences from the perspective of bully victims in the public service sector', *Journal of Nursing Management*, 15, 332-341

Interagency Round Table on Workplace Bullying (2005), *Dealing with Workplace Bullying – A Practical Guide for Employers*

[12] Query and Hanley, (2010). Safety Compliance Letter. Are You Tolerating Bullies on the Job? 4/1/2010, Issue 2512, p7-15, (3).

[13] Gender, emotion and aggression in the workplace: An investigation of the role of emotional intelligence ability in regulating emotion', *Aequus Partners Newsletter*. (2005), August 2005

[14] Query and Hanley, 2010

[15] Namie, G, *The Challenge of Workplace Bullying. Employment Relations Today* (Wiley). Summer 2007, Vol. 34 Issue 2, p43-51, 9p.

[16] Query and Hanley, 2010

[17] Strandmark and Hallberg, 2007

[18] WorkCover (NSW), *Preventing and Responding to Bullying at Work*, Edition No 3, June 2009

[19] WorkCover (NSW), 2009

Organisational change

Some organisational climates pre-empt bullying and harassment, rendering legislative requirements, policies, and practices redundant[20]. Indeed, during the recent economic downturn, one of the most common factors preceding bullying and harassment behaviours has been significant organisational change[21]. Examples of such changes are major internal restructuring, outsourcing, continual reorganisation, and technological change – All leading to a climate of instability. People may harass or bully others due to dissatisfaction with organisational arrangements including job security, restructuring or downsizing, inadequate supervision, inadequate support or training, and poor skills and practices in people management[22].

Negative leadership styles

An Australian cross-national/cross-industry survey revealed that 70% of bullying behaviour was inflicted by a supervisor or manager towards a subordinate[23].

Collaborative leadership and close supervision

In a workplace without consultation and with poor leadership, roles may be unclear and expectations mismanaged resulting in anxiety and conflict[24]. Management must ensure that it takes an active role with those employees they supervise, rather than being far removed from them[25]. Managers need to be aware of interpersonal relationships, to observe instances of bullying, acknowledge its existence and then take remedial action[26]. There must also be an improvement in management's ability and sensitivity towards dealing with and responding to conflicts[27].

Top-down leadership approach to bullying and harassment

For some organisations like WorkCover, creating an anti-bullying ethos is the equivalent of initiating cultural change, and therefore there needs to be from the top down as to what constitutes acceptable and unacceptable behaviour[28]. A clear and consistent culture that bullying and harassment will not be tolerated will minimise or even eliminate bullying behaviours and the problems they lead to[29]. In addition, introducing accountabilities and rewards to support a non-bullying work environment may also be useful for WorkCover[30].

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[20] Query and Hanley, 2010

[21] Safety Compliance Letter, 2010

[22] Interagency Round Table on Workplace Bullying, 2005

[23] Dowden, C, 'Sticks and Stones: the Importance of Psychological Safety in the Workplace' *Canadian Manager*, Fall 2010, Vol 35 Issue 3, p4-7, 4p

Query and Hanley, 2010

Rossi, J, 'From the Bully Pulpit', *Intelligence*, April, Vol 60. Issue 4, p12-13, (2).

[24] Strandmark and Hallberg, 2007

[25] Safety Compliance Letter, 2010

[26] Strandmark and Hallberg, 2007

[27] Safety Compliance Letter, 2010

[28] Dowden, C, Fall 2010

Query and Hanley, op. cit.

Safety Compliance Letter, op. cit.

[29] Safety Compliance Letter, op. cit.

[30] Meglich-Sespico, P., Faley, R.H., and Knapp, D.E. (2007). Relief and redress for targets of workplace bullying. Employment Responsibility Rights Journal, 19, 31-43

OHS capability enhancement in Human Resources

Ensure HR teams are fully aware of all issues of harassment, discrimination, and bullying, and have the relevant skills and experience, particularly as they are often heavily involved in the investigations and preventative measures such as training[31]. Management also needs to ensure they know how to investigate a case of bullying and harassment and when to engage an independent investigator with experience in dealing with these cases[32].

Processes

Lack of appropriate work systems

Work systems such as a lack of policies about appropriate behaviours, high rate and intensity of work, employee shortages, interpersonal conflict, organisational constraints, role ambiguity and role conflict are other factors which might increase the risk of bullying and harassment[33]. Introducing an anti-bullying policy and training is a basic strategy to prevent bullying[34].

Streamline the policies

Policies obligate employees, whereas mission statements do not[35]. Creating a zero tolerance anti-bullying policy is part of the broader commitment to a safe and healthy work environment[36]. Developing an anti-bullying policy is part of a wider commitment to ensuring a safe and productive work environment and a healthy workplace[37]. Research suggests that organisations should consolidate their related policies, defining bullying and harassment concisely, and declaring its unacceptability[38].

Simplify the reporting mechanism and the resolution process

For those companies that place the responsibility for action on the organisation itself, a key issue is effective complaint-handling procedures[39]. Policies and procedures are more than just words. A court will expect an employer to implement workplace policies which establish appropriate standards of behaviour and grievance handling procedures, and will hold to account those employers who fail to do so[40]. The result of putting policies in place without ensuring their operation will be a lack of penalty for the wrong-doers, and the targets of the bullying and harassment will feel violated a second time, by the lack of justice[41].

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[31] Query and Hanley, op. cit.

Meglich-Sespico, op. cit.

[32] Query and Hanley, op. cit.

[33] Safety Compliance Letter, op. cit.

[34] Meglich-Sespico, op. cit.

[35] Namie, op. cit.

[36] Strandmark and Hallberg op. cit.

Safety Compliance Letter, op. cit.

[37] Query and Hanley, op. cit

[38] Namie, op. cit.

[39] Meglich-Sespico, op. cit.

[40] Hopkins, G. (2006). A little pushing and shoving: Where are we going with bullying in the workplace? Aequus Partners Presentation, September 2006.

[41] Vickers, op. cit.

When witnessed or reported, bullying and harassment allegations should be addressed immediately; particularly if they seem to be entrenched in the organisation[42]. Recent Australian cases have affirmed the importance of properly and efficiently investigating complaints[43]. Key lessons arising from these cases are that "employers should promptly investigate employee complaints and ensure that investigators are clear about their role to investigate (not to attempt informal resolution), and to act without delay"[44]. Hopkins supports this notion and notes that bullying complaints may escalate unnecessarily because they are not dealt with promptly and on the first complaint, and if the complainant is not apprised of the process and outcome of their complaint. Hopkins observes that managing bullying is a challenge, particularly when the bullying is perpetrated by customers/clients, but that if left unattended the bullying is more likely to escalate than diminish[45].

It is also important to have procedures to support the victim[46]. Due to the sensitivity of many bullying incidents, agreed procedures should be conducted in confidence wherever possible, and with fair procedures to minimise conflict and stress for the individuals involved[47]. Treat the bullied target-complainant as credible until proven otherwise[48]. Employees are encouraged to participate in developing safe work procedures to deal with bullying, and providing it is safe to do so, should report incidents of bullying to an appropriate person at the workplace[49]. Employees who are bullied should not have to submit a written complaint when making an informal complaint, although you may be advised to keep a record of what is happening[50].

Most bullies are able to constrain their behaviour when consequences for their actions change[51]. Individuals are less likely to engage in anti-social behaviour when it is clear that it is not tolerated and perpetrators are likely to be punished – The behaviours are no longer 'normalised'[52]. If people believe bullying and harassment will be accepted or is acceptable, they are less likely to restrain themselves, and may even feel encouraged without an appropriate penalty[53].

Other suggestions to improve complaint management include being familiar with any company policies and procedures regarding bullying and harassment, and establishing an environment where employees feel free to speak up about inappropriate behaviour and where they know they will be heard impartially. Training managers in company policies regarding bullying and harassment, in how to respond appropriately to complaints regarding this issue and in what type of behaviour to look out for in their teams is also a useful strategy. Hopkins comments that training commonly focuses on awareness, and fails to give managers the skills to manage a bullying complaint[54].

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[42] Safety Compliance Letter, op. cit.

[43] Meglich-Sespico, op. cit.

[44] Meglich-Sespico, op. cit.

[45] Hopkins, G. (2006). A little pushing and shoving: Where are we going with bullying in the workplace? Aequus Partners Presentation, September 2006.

[46] Strandmark and Hallberg op. cit.

[47] Interagency Round Table on Workplace Bullying op. cit

[48] Namie, op. cit.

[49] Namie, op. cit.
   Interagency Round Table on Workplace Bullying op. cit

[50] Interagency Round Table on Workplace Bullying op. cit

[51] Namie, op. cit.

[52] Safety Compliance Letter, op. cit.
   Vickers, op. cit.

[53] Vickers, op. cit.

[54] Hopkins, op. cit.

Training

Education and training are critical, ideally with supplementary training for speciality groups such as HR, management, and the executive team[55]. Further to this, organisations need to provide ongoing training for all employees covering bullying and harassment and how to deal with them[56]. Organisations may hold awareness campaigns for their employees on what constitutes bullying and harassment[57]. Organisations may also make an appropriately trained employee available to anyone who feels they are being bullied so they can discuss the situation with guaranteed confidentiality[58]. Ideally, the presence of this person will deter those non-genuine cases of poor performers using claims of bullying and harassment as an excuse[59].

Bullying and harassment versus performance management

Different working expectations often precede bullying behaviour[60], so organisations need to ensure the boundaries for workplace behaviour are well defined[61]. Employers have to tread the difficult line between preventing cases of genuine bullying and identifying cases that may be vexatious complaints[62].

Employers are also placing emphasis on bullying by introducing policies and awareness training. Despite this there still seems to be paucity in our knowledge about what bullying is (and isn't) and how to deal with it[63]. Bullying and harassment are not the legitimate management of an employee's work performance; equally, criticism given to an employee that is constructive and warranted and delivered in an open and fair manner is not bullying or harassment[64]. Tough or demanding managers/supervisors are not necessarily bullies, as long as their primary motivation is to obtain the best performance by setting high expectations[65].

People

Poor workplace relationships

Inadequate information flows between organisational levels and lack of employee participation in decision-making are other factors which might increase the risk of bullying and harassment[66]. A lack of communication was identified as a key request for change in the WorkCover employee engagement survey.

Workforce characteristics

Other research has indicated that bullying has become a fundamental feature in the public service role of nursing[67].

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[55] Namie, op. cit.

[56] Query and Hanley, op. cit.

[57] Safety Compliance Letter, op. cit.

[58] Query and Hanley, op. cit.

[59] Query and Hanley, op. cit.

[60] Strandmark and Hallberg op. cit.

[61] Strandmark and Hallberg op. cit.

[62] Query and Hanley, op. cit.

[63] Hopkins, op. cit.

[64] Hopkins, op. cit.

[65] Safety Compliance Letter, op. cit.

[66] Safety Compliance Letter, op. cit.

Another study suggested that while bullying may be a universally unpleasant experience, the degree of distress it causes may be symptomatic of the national culture[68]. For example, in higher power distance cultures like Eastern cultures, supervisors deliver corrective feedback in public and in a stern manner. Employees in lower power distance cultures such as Australia may tend to perceive this behaviour as harsh[69]. Arguably, WorkCover's Gosford office could be perceived as an intimate and therefore particularly low power distance culture, and could expect more egalitarian relationships with supervisors and employees.

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[67] Safety Compliance Letter, op. cit.

[68] Vickers, op. cit.

[69] Loh, J., Restubog, S.L.D., and Zagenczyk, T.J. (2010). Consequences of workplace bullying on employee identification and satisfaction among Australians and Singaporeans. Journal of Cross-Cultural Psychology, 41(2), 236-252

Appendix H Hansard transcript dates

All Hansard Transcripts can be found on the Parliament of NSW website.
[http://www.parliament.nsw.gov.au/prod/web/common.nsf/V3HHBHome]

Hansard full day transcripts – Legislative council

Date
27 October 2010
1 April 2009
28 October 2008

Notices of motion papers – Legislative council

Date	Notices of motion paper no.	Item no.
1 March 2011	184	199

Question and answer – Legislative council

Date	Q&A paper no.	Item no.
9 November 2010	176	4739
28 October 2010	175	4595 from paper 169 23/09/2010
1 June 2010	152	4244 from paper 143 20/04/2010
		4268 from paper 143 20/04/2010
22 April 2010	145	4195 from 18/03/2010
28 July 2009	110	3292 from paper no 108 23/06/2009
7 May 2009	98	3031 from paper no 95
5 May 2009	96	2783 from paper no 84 3/3/2009
		2950 from paper no 93 31/3/2009
		2951 from paper no 93 31/3/2009
		2623 from paper no 83 4/12/2008
		2629 from paper 83 4/12/2008
28 August 2008	64 and 63	2030 from paper 62 26/06/2008
26 February 2008	36	1213 from paper 30,15/11/2007
		1214 from paper 30 15/11/2007
		1215 from paper 30, 15/11/2007
		1216 from paper 30, 15/11/2007

Question and answer – Legislative assembly

Date	Q&A Paper No.	Item No.
5 February 2010	178	8974 from paper no 175 1/12/2009
		8973 from paper no 175 1/12/2009
		8972 from paper no 175 1/12/2009

Appendix I Employee engagement survey communication

Dear [xxxx],

PricewaterhouseCoopers (PwC) have been engaged by the Department of Premier and Cabinet to undertake an independent review of recent allegations of bullying and harassment within WorkCover NSW.

PwC will be inviting all staff to participate in an online cultural survey from Monday 1 November to Friday 12 November 2010. This survey will provide all staff with an opportunity to have their say on a number of important issues including alleged bullying and harassment issues.

The online survey will take most people about 20 minutes to complete and will help to recognise strengths and identify areas for development.

Please note, your individual responses to the survey will not be sent or provided to WorkCover (NSW).

About the online survey

All answers will be sent directly to the Voice Project, a research and consulting company linked with Macquarie University. The survey results will only be reported for groups with ten or more respondents.

Once all responses have been analysed, the results will be used by PwC and The Voice Project to prepare an independent report for the Department of Premier and Cabinet's independent inquiry.

The Voice Project and Macquarie University may also use the raw data in research and benchmarking but at no time will any individual or organisation be directly or indirectly identified in the published research.

On Monday the 1st of November 2010 each staff member will receive a personalised invitation to complete the online survey. Details and instructions on how to complete the survey will be emailed directly to each staff member and include a personal identification number (PIN) which will provide access to a secure database to be administered by The Voice Project. Information you provide to log in will not be used to track your response, rather it will ensure appropriate access to the database.

Staffs are welcome to complete the online survey at work or alternatively can be completed at home.

How to fill in the online survey

- Part 1 – Will contain a series of multiple choice questions relating to your experiences working for WorkCover (NSW).
- Part 2 – Will include specific multiple choice questions relating to workplace bullying and harassment.
- Part 3 – Contains open questions where staff can give more information about specific answers or bring things up that aren't covered in other places in the survey.

If you have any questions about this online survey please contact a senior consultant from The Voice Project.

voice
project
improving organisations by giving people a voice

pwc

Thank you for taking the time to fill in the WorkCover Staff Survey.

PricewaterhouseCoopers (PwC) have been engaged by the Department of Premier and Cabinet to undertake an independent review of recent allegations of bullying and harassment within WorkCover NSW.

PwC are inviting all staff to participate in the online survey from Monday 1 November to Friday 12 November 2010. This survey will provide all staff with an opportunity to have their say on a number of important issues including workforce bullying and harassment.

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The Voice Project and Macquarie University may also use the raw data in research and benchmarking but at no time will any individual or organisation be directly or indirectly identified in the published research.

How to fill in the survey

- If a question asks if you agree or disagree with a statement, click the corresponding button.
- When you don't feel as though a question is appropriate for you, don't have an opinion, or don't know the answer, answer "Not Applicable/Don't Know".
- There are open questions at the end where you can give more information about your previous answers or bring things up that aren't covered in other places in the survey.
- Answer the questions based on your personal experience within the last 12 months. Don't try to think how other people might answer the questions, or what might be happening in other parts of this organisation.

Definitions

- "Organisation" = WorkCover NSW or any of its affiliates
- "Senior management" = Refers to WorkCover Senior Executives, Divisional General Managers and Directors.
- "Manager / Supervisor" = Refers to the WorkCover NSW person who you directly report to
- "Customers" = Refers to those people who WorkCover provides Services to
- "Bullying" = Workplace bullying is repeated, unreasonable behaviour towards a staff member, or group of staff members that creates a risk to health and safety. Workplace bullying is defined as unreasonable behaviour from one or more WorkCover NSW staff member(s) towards another WorkCover NSW staff member(s).
- "Harassment" = Harassment refers to any behaviour by an employer, supervisor or employee towards another employee at work that is unwanted, unacceptable and offensive to that person. This behaviour may be verbal, physical, or take the form of written material. It may include issues such as a person's political persuasion, religion, disability, gender or sexual preferences, ethnicity or cultural background.

Questions?

If you have any questions about this survey please contact:

Please complete this survey by Friday, 12th November

NSW Department of Premier and Cabinet
PwC
90
What would you like to grow?

Section 1

			Score
Organisation Direction	1	I am aware of the vision senior management has for the future of WorkCover	____
	2	I am aware of the values of WorkCover	____
	3	I am aware of the overall strategy senior management has for WorkCover	____
Results Focus	4	Staff are encouraged to continually improve their performance	____
	5	High standards of performance are expected	____
	6	WorkCover has a strong focus on achieving positive results	____
Mission and Values	7	I believe in the overall purpose of WorkCover	____
	8	I believe in the values of WorkCover	____
	9	I believe in the work done by WorkCover	____
Ethics	10	WorkCover is ethical	____
	11	WorkCover is socially responsible	____
	12	WorkCover is environmentally responsible	____
	13	My work unit is free from discrimination	____
Role Clarity	14	I understand my goals and objectives and what is required of me in my job	____
	15	I understand how my job contributes to the overall success of WorkCover	____
	16	During my day-to-day duties I understand how well I am doing	____
Diversity	17	Sexual harassment is prevented and discouraged	____
	18	Discrimination is prevented and discouraged	____
	19	There is equal opportunity for all staff in WorkCover	____
	20	Bullying and abusive behaviours are prevented and discouraged	____
	21	My work unit is free from harassment	____
	22	Sexual and other harassment is prevented and discouraged	____
Resources	23	I have access to the right equipment and resources to do my job well	____
	24	I have easy access to all the information I need to do my job well	____
	25	We can get access to additional resources when we need to	____
	26	Management provide support to staff in reporting any discrimination or harassment	____
Processes	27	There are clear policies and procedures for how work is to be done	____
	28	In WorkCover it is clear who has responsibility for what	____
	29	Our policies and procedures are efficient and well-designed	____

NSW Department of Premier and Cabinet
PwC
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What would you like to grow?

Employee engagement survey and definitions

			Score
Technology	30	The technology used in WorkCover is kept up-to-date	____
	31	WorkCover makes good use of technology	____
	32	Staff in WorkCover have good skills at using the technology we have	____
Safety	33	Keeping high levels of health and safety is a priority of WorkCover	____
	34	We are given all necessary safety equipment and training	____
	35	Staff are aware of their occupational health and safety responsibilities	____
	36	Supervisors and management engage in good safety behaviour	____
	37	WorkCover has effective procedures for handling staff grievances	____
Facilities	38	The buildings, grounds and facilities I use are in good condition	____
	39	The condition of the buildings, grounds and facilities I use is regularly reviewed	____
	40	The buildings, grounds and facilities I use are regularly upgraded	____
	41	My work unit is free from harassment and discrimination	____
Leadership	42	I have confidence in the ability of senior management	____
	43	Senior management are good role models for staff	____
	44	Senior management keep people informed about what's going on	____
	45	Senior management listen to other staff	____
	46	Management encourage staff to report harassment and discrimination	____
	47	Management act promptly to resolve problems or complaints about discrimination and harassment	____
Recruitment and Selection	48	WorkCover is good at selecting the right people for the right jobs	____
	49	Managers in WorkCover know the benefits of employing the right people	____
	50	Managers in WorkCover are clear about the type of people we need to employ	____
Cross-Unit Cooperation	51	There is good communication across all sections of WorkCover	____
	52	Knowledge and information are shared throughout WorkCover	____
	53	There is cooperation between different sections in WorkCover	____
Learning and Development	54	When people start in new jobs here they are given enough guidance and training	____
	55	There is a commitment to ongoing training and development of staff	____
	56	The training and development I've received has improved my performance	____
Involvement	57	I have input into everyday decision-making in WorkCover	____
	58	I am encouraged to give feedback about things that concern me	____
	59	I am consulted before decisions that affect me are made	____

Employee engagement survey and definitions

			Score
Rewards and Recognition	60	The rewards and recognition I receive from this job are fair	____
	61	WorkCover fulfils its obligations to me	____
	62	I am satisfied with the income I receive	____
	63	I am satisfied with the benefits I receive (super, leave, etc)	____
Performance Appraisal	64	My performance is reviewed and evaluated often enough	____
	65	The way my performance is evaluated is fair	____
	66	The way my performance is evaluated provides me with clear guidelines for improvement	____
	67	My work unit is free from bullying and/or abusive behaviour	____
Supervision	68	I have confidence in the ability of my manager	____
	69	My manager listens to what I have to say	____
	70	My manager gives me help and support	____
	71	My manager treats me and my work colleagues fairly	____
Career Opportunities	72	Enough time and effort is spent on career planning	____
	73	I am given opportunities to develop skills needed for career progression	____
	74	There are enough opportunities for my career to progress in WorkCover	____
Motivation and Initiative	75	My co-workers put in extra effort whenever necessary	____
	76	My co-workers are quick to take advantage of opportunities	____
	77	My co-workers take the initiative in solving problems	____
Talent	78	I have confidence in the ability of my co-workers	____
	79	My co-workers are productive in their jobs	____
	80	My co-workers do their jobs quickly and efficiently	____
Teamwork	81	I have good working relationships with my co-workers	____
	82	My co-workers give me help and support	____
	83	My co-workers and I work well as a team	____
Wellness	84	I am given enough time to do my job well	____
	85	I feel in control and on top of things at work	____
	86	I feel emotionally well at work	____
	87	I am able to keep my job stress at an acceptable level	____
Work/Life Balance	88	I maintain a good balance between work and other aspects of my life	____
	89	I am able to stay involved in non-work interests and activities	____

			Score
	90	I have a social life outside of work	____
	91	I am able to meet my family responsibilities while still doing what is expected of me at work	____
Flexibility	92	WorkCover has enough flexible work arrangements to meet my needs	____
	93	I can change my working hours if I need to	____
	94	I have a say about my work conditions	____
Organisation Objectives	95	The goals and objectives of WorkCover are being reached	____
	96	The future for WorkCover is positive	____
	97	Overall, WorkCover is successful	____
Change and Innovation	98	Change is handled well in WorkCover	____
	99	The way WorkCover is run has improved over the last year	____
	100	WorkCover is innovative	____
	101	WorkCover is good at learning from its mistakes and successes	____
Customer Satisfaction	102	WorkCover offers products and/or services that are high quality	____
	103	WorkCover understands the needs of its customers	____
	104	Customers are satisfied with our products and/or services	____
Organisational Commitment	105	I feel a sense of loyalty and commitment to WorkCover	____
	106	I am proud to tell people that I work for WorkCover	____
	107	I feel emotionally attached to WorkCover	____
	108	I am willing to put in extra effort for WorkCover	____
Job Satisfaction	109	My work gives me a feeling of personal accomplishment	____
	110	I like the kind of work I do	____
	111	Overall, I am satisfied with my job	____
Intention To Stay	112	I am likely to still be working in WorkCover in two years time	____
	113	I would like to still be working in WorkCover in five years time	____
	114	I can see a future for me in WorkCover	____

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What would you like to grow?

Section 2

115	WorkCover is committed to creating a diverse workforce.	
	Note: *A diverse workforce is one that reflects and uses the diverse genders, ages, cultural backgrounds, disability status, Indigenous status etc of the community it serves.*	
116	My manager/supervisor treats employees with dignity and respect.	
117	People in my workplace are expected to treat each other respectfully.	
118	Bullying and/or harassment is not tolerated in my workplace.	
	Note: *Bullying and/or harassment does not include appropriately conducted workplace performance management.*	
119	*My workplace is free of bullying and/or harassment.*	
120	My workplace is free from sexual harassment.	

121	I have been bullied and/or harassed in my workplace. If the answer is NO proceed to Section 3	☐No		☐Yes	
	Note: *Bullying and/or harassment does not include appropriately conducted workplace performance management.*				
	If you have been bullied and/or harassed in your workplace:				
122	Did you formally report your concern to someone in authority within the organisation? **(Select Verbally or in Writing)**	☐ No	☐ Yes, Verbally	☐ Yes, In Writing	
123	Were you satisfied with how this matter was dealt with by the organisation?	☐No		☐Yes	
124	By whom were you bullied and/or harassed? **(Select all those that apply if applicable)**				
a	A client or clients	☐			
b	Another employee (not a manager/supervisor)	☐			
c	A manager/supervisor	☐			

125	For each one selected from the previous question, please indicate the nature of your experience? **(Select all those that apply)**	A client or clients	Another employee	A manager/supervisor
a	Negative, intimidating or aggressive body language	☐	☐	☐
b	Verbal threats	☐	☐	☐
c	Shouting, offensive language or insults	☐	☐	☐
d	Sexual harassment	☐	☐	☐
e	Racial harassment	☐	☐	☐
f	Persistent nit-picking or unjustified criticisms	☐	☐	☐
g	Being isolated and ostracized	☐	☐	☐

h	Gossip or rumours being spread about me	☐	☐	☐
i	Having extra work deliberately created or having my ability to work disrupted	☐	☐	☐
j	Setting unreasonable deadlines	☐	☐	☐
k	Withholding information from me so I am less able to do the job	☐	☐	☐
l	Preventing access to opportunities; eg training or career development	☐	☐	☐
m	Humiliation through sarcasm, criticism, teasing or insults, sometimes in front of other employees or customers	☐	☐	☐
n	Threats or acts of physical violence	☐	☐	☐
o	Sabotage of my work	☐	☐	☐
p	Constant surveillance of me to a greater extent than others with no justifiable reason	☐	☐	☐
q	Inequitable treatment compared to other employees	☐	☐	☐
r	Other (not covered above)	☐	☐	☐

Section 3

Typed copies of your responses to the following "open-ended" questions will be included in the final report. Please don't mention names or provide any information that would enable individuals to be identified.

126   List the three greatest strengths of WorkCover.

127   List three ways WorkCover could be improved.

128   Do you have any additional comments?

129   I felt comfortable completing this survey (Strongly Disagree – Strongly Agree)

Your answers to the questions below will NOT be used to identify individuals. Results will only be reported for groups with 10 or more respondents.

130   Which location are you in?

1	2	3	4
Gosford	Sydney Metro	Regional – North	Regional South

131   Which Division are you in?

1	2	3	4	5	6	7
Investment Division	Workers Compensation Division	Occupational Health and Safety	Corporate Services Division	Strategy and Policy Division	Office of the CEO	Other/No response provided

132   What is your gender?

1	2
Female	Male

133   What is your age?

1	2	3	4	5	6	7	8
Under 25	25-29	30-34	35-39	40-44	45-49	50-54	55 and Over

134	What is your employment level?
1	Clerk 1- 6
2	Clerk 7-10
3	Clerk 11-12
4	Legal (Grade 1-6)
5	Library (Grade 2-4)
6	Graduate
7	Inspector
8	District Co-Coordinator/State Co-Coordinator
9	State Inspector/Assistant State Inspector
10	Dept Professional Officers
11	Engineer
12	Laboratory Officer
13	Technical Officers
14	Team Co-ordinator/Team Manager
15	Senior Officers/SES
135	What is your employment status?
1	Permanent full time
2	Permanent part time
3	Public Service (WorkCover) Temp – Full time

4	Public Service (WorkCover) Temp – Part time
5	Agency Temp – Full time
6	Agency Temp – Part time
7	Secondment
8	Contractor
136	Roughly how many minutes did it take you to complete this survey?

1	2	3	4	5	6	7
10 or fewer minutes	11-15 minutes	16-20 minutes	21-25 minutes	26-30 minutes	31-35 minutes	More than 35 minutes

Performance – how to interpret

- This report contains various levels of information. When compiling such a report there is always a trade-off between providing lots of information versus keeping the report simple and user-friendly. We manage this trade-off by providing the detail towards the end of the report, and highlights of the results towards the front of the report.

- The highlights of results include the following:

    - A performance overview using "traffic lights" that shows at a glance the areas of high, medium and low performance.

    - Graphs such as the one shown to the right are used to show how various organisational units, demographic characteristics or levels performed in comparison to other units, demographic characteristics or levels.

Performance – how to interpret

- This report presents information about both performance and importance for the items and scales within the Voice climate survey.

- At the most basic level of reporting for scales and items, the commonly used score is the "agreement index" (represented by "% Fav") that shows the percentage of people who responded favourably (i.e., with either an "Agree" or "Strongly Agree") to the survey items. "Traffic lights" are used to indicate whether the percentage is "Low", "Medium" or "High" based on commonly used, but nevertheless arbitrary, cut-offs of "< 50%", "50-<80%" and ">= 80%" Fav responses.

- At the next level, the distribution of responses for each item and scale is shown (i.e., what proportion of respondents gave "Strongly Disagree", "Disagree", "Mixed", "Agree" or "Strongly Agree").

Legend

High	>=80%
Medium	50<80%
Low	<50%

SD   D   M   A   SA

Distribution

What would you like to grow?
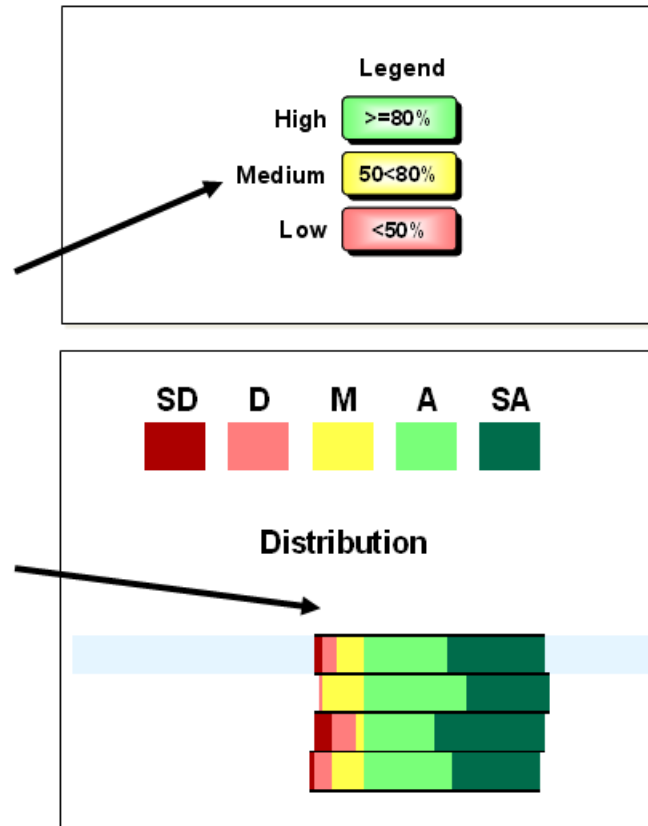
Performance – how to interpret

- For each item and scale, the percentage of respondents who did not give an answer, or who answered "Not applicable" is shown in the column labelled "%N/A". Analyses on all items and scales did not include these responses.

- For each item and scale, a "mean" is also shown. The mean is the average score on the 1-to-5 scale where 1 = "Strongly Disagree" and 5 = "Strongly Agree".

- The % Fav statistics are shown using the same "traffic lights" described on the previous page.

- Where external benchmark data are available, the %Diff columns show the difference (in terms of percentage points) between your organisation's % Fav score and the average % Fav for other organisations in our database. So, for example, a figure of +2% would indicate that your % Fav result of say 78%, was 2 percentage points above the average for other organisations (i.e. 76%).

- The % Diff columns are colour-coded using traffic lights, with red representing a result 10 percentage points or more below the benchmark figures, green representing a result 10 percentage points or more above the benchmark figures, and yellow indicating a result in between.

%N/A	Mean	% Fav		Govt % Diff	All Ind % Diff
0%	4.0	78%		+2%	+7%
0%	4.1	80%		-2%	+1%
0%	4.0	78%		-1%	+4%
1%	4.0	77%		+8%	+15%
0%	4.1	81%		-14%	-17%
0%	4.1	80%		-10%	-12%
0%	4.1	83%		-23%	-25%
1%	4.2	81%		-9%	-12%
1%	4.1	81%		+13%	+14%
4%	3.9	73%		-11%	-13%
34%	4.4	92%		+14%	+18%
2%	3.8	69%		-1%	+1%
0%	4.3	90%		-1%	0%
0%	3.7	58%		-20%	-21%
0%	3.1	53%		-2%	-3%
0%	3.8	71%		-10%	-13%
1%	3.4	60%		-7%	-8%

What would you like to grow?

Importance – how to interpret

- The report also estimates the importance of each of the scales and items for driving (1) Passion and (2) Progress. Importance is not determined by your specific organisation priorities or by Voice Project's own theory or research. **Importance is derived statistically from staff responses to your survey**, using correlations (denoted statistically with an "r"). It indicates the strength of the link between each of the scales and Passion and Progress, as rated by staff.

- The report shows importance using blue bar graphs – the longer and darker a bar, the more likely it is that that management practice is an important driver of either Passion or Progress (eg, if leadership and Passion were highly correlated, improving leadership may improve Passion). It is important to note, however, that correlation does not prove causality.

- Sometimes no bar is shown because it's not appropriate to calculate a correlation between two variables when one of the variables is either the same as the other variable or was calculated from the other variable (e.g., job satisfaction is used to calculate Passion so no correlation is shown between these scales).

- Importance estimates are only shown for groups with 30 or more respondents because the statistics behind these estimates are more robust when larger numbers of responses are included.

High	(r > .50)
Med	(.40 < r < .50)
Low	(r < .40)

Scale Scores	Impact On PASSION	Impact On PROGRESS
PASSION / ENGAGEMENT		
- Organisational Commitment		
- Job Satisfaction		
- Intention to Stay		
PROGRESS		
- Organisation Objectives		
- Change & Innovation		
- Customer Satisfaction		
Organisation Direction		
Results Focus		
Mission & Values		
Ethics		
Role Clarity		
Diversity		
Resources		
Processes		
Technology		
Safety		
Facilities		

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What would you like to grow?

Importance – how to interpret

- The outcome variables used to estimate importance are:
  - Passion (Engagement) Index
  - Progress Index
- The Passion Index is the average of the three scales:
  - Organisational Commitment
  - Job Satisfaction
  - Intention To Stay
- The Progress Index is the average of the three scales:
  - Organisation Objectives
  - Change & Innovation
  - Customer Satisfaction

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What would you like to grow?
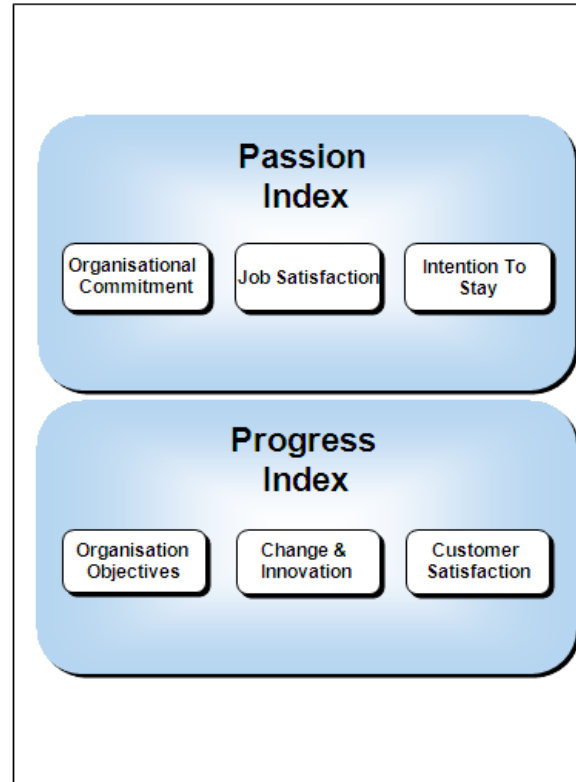
Weather map – how to interpret

- Demographics collected in the survey are shown across the top of the columns. Scales are shown along the left hand side.

- The number of people responding in each demographic is shown below the column titles.

- The % Fav statistics are shown using the same "traffic lights" described on previous pages that is, where the percentage is valued at "Low", "Medium" or "High" and colour coded accordingly.

- Vertical stripes of a given colour that is largely uninterrupted, indicating opinions based on the demographic to which the staff member belongs.

- Horizontal stripes of a given colour that is largely uninterrupted, indicating issues that are most likely to be organisation wide.

What would you like to grow?

Employee engagement guidance and overall survey results

	Whole of WorkCover Number of responses: 779			
	High	≥80%		
	Med	50<80%	SD D M A SA	
	Low	≤50%		

Legend (Govt/All Ind % Diff): ≥+10%, -10<+10%, ≤-10% — High / Med / Low

		%N/A	Mean	2010 % Fav	Distribution	Govt % Diff	All Ind % Diff	Impact On PASSION	Impact On PROGRESS
	Scale Scores								
	PASSION / ENGAGEMENT	4%	3.9	69%		+2%	+7%		
	- Organisational Commitment	3%	3.8	68%		-2%	+1%		
	- Job Satisfaction	2%	3.9	73%		-1%	+4%		
	- Intention To Stay	7%	3.8	67%		+8%	+15%		
	PROGRESS	8%	3.3	51%		-14%	-17%		
	- Organisation Objectives	8%	3.6	61%		-10%	-12%		
	- Change & Innovation	7%	2.8	30%		-23%	-25%		
	- Customer Satisfaction	8%	3.6	62%		-9%	-12%		
PURPOSE	**Organisation Direction**	1%	4.0	77%		+13%	+14%		
	Results Focus	0%	3.7	65%		-11%	-13%		
	Mission & Values	1%	4.6	92%		+14%	+18%		
	* **Ethics**	3%	3.9	71%		-1%	+1%		
	Role Clarity	0%	4.1	79%		-1%	0%		
	* **Diversity**	2%	3.5	59%		-20%	-21%		
PROPERTY	* **Resources**	0%	3.6	64%		-2%	-3%		
	Processes	1%	3.3	49%		-10%	-13%		
	Technology	1%	3.3	52%		-7%	-8%		
	* **Safety**	2%	4.0	75%		+4%	+6%		
	* **Facilities**	8%	4.1	78%		+18%	+16%		
PARTICIPATION	* **Leadership**	2%	3.1	41%		-19%	-20%		
	Recruitment & Selection	6%	3.0	38%		-21%	-23%		
	Cross-Unit Cooperation	2%	2.6	24%		-23%	-26%		
	Learning & Development	3%	3.6	62%		+4%	+3%		
	Involvement	3%	2.9	38%		-11%	-11%		
	Rewards & Recognition	3%	3.8	68%		+13%	+14%		
	* **Performance Appraisal**	5%	3.5	55%		-1%	+0%		
	Supervision	2%	3.8	67%		-8%	-7%		
	Career Opportunities	5%	3.0	41%		-3%	-3%		
PEOPLE	**Motivation & Initiative**	4%	3.8	67%		-2%	+1%		
	Talent	3%	3.9	70%		-5%	-3%		
	Teamwork	2%	4.2	82%		0%	+1%		
PEACE	**Wellness**	2%	3.5	60%		-6%	-8%		
	Work/Life Balance	3%	4.1	79%		+4%	+4%		
	Flexibility	4%	4.0	75%		+6%	+8%		

* Scale scores are based on standard benchmarking items only.

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What would you like to grow?

			Whole of WorkCover																

Whole of WorkCover

Number of responses: 779

	High	≥80%						≥+10%	≥+10%	High
	Med	50<80%	SD	D	M	A	SA	-10<+10%	-10<+10%	Med
	Low	≤50%						≤-10%	≤-10%	Low

		%N/A	Mean	2010 % Fav	Distribution	Govt % Diff	All Ind % Diff	Impact On PASSION	Impact On PROGRESS

Item Scores

Category	#	Item	%N/A	Mean	2010 % Fav	Govt % Diff	All Ind % Diff
Organisation Direction	1	I am aware of the vision senior management has for the future of WorkCover	1%	3.8	72%	+11%	+12%
	2	I am aware of the values of WorkCover	0%	4.5	93%	+20%	+21%
	3	I am aware of the overall strategy senior management has for WorkCover	2%	3.7	65%	+9%	+9%
Results Focus	4	Staff are encouraged to continually improve their performance	0%	3.7	63%	-7%	-10%
	5	High standards of performance are expected	0%	3.8	66%	-13%	-15%
	6	WorkCover has a strong focus on achieving positive results	0%	3.8	66%	-12%	-14%
Mission & Values	7	I believe in the overall purpose of WorkCover	0%	4.7	94%	+15%	+20%
	8	I believe in the values of WorkCover	0%	4.6	91%	+16%	+19%
	9	I believe in the work done by WorkCover	2%	4.6	90%	+10%	+15%

			%N/A	Mean	2010 % Fav	Distribution					Govt % Diff	All Ind % Diff	Impact On PASSION	Impact On PROGRESS

Whole of WorkCover

Number of responses: 779

High ≥80%
Med 50<80%
Low ≤50%

SD D M A SA

≥+10% ≥+10% High
-10<+10% -10<+10% Med
≤-10% ≤-10% Low

Item Scores

Category		Item	%N/A	Mean	2010 % Fav	Govt % Diff	All Ind % Diff
Ethics	10	WorkCover is ethical	1%	3.8	70%	-5%	-4%
	11	WorkCover is socially responsible	2%	4.0	76%	+2%	+4%
	12	WorkCover is environmentally responsible	5%	3.8	67%	+3%	+4%
	13	My work unit is free from discrimination	0%	3.6	60%		
Role Clarity	14	I understand my goals and objectives and what is required of me in my job	0%	4.2	81%	-1%	0%
	15	I understand how my job contributes to the overall success of WorkCover	1%	4.3	85%	+2%	+3%
	16	During my day-to-day duties I understand how well I am doing	0%	3.9	72%	-2%	-2%

			Whole of WorkCover		High	≥80%						≥+10%	≥+10%	High	
					Med	50<80%	SD	D	M	A	SA	-10<+10%	-10<+10%	Med	
			Number of responses: 779		Low	≤50%						≤-10%	≤-10%	Low	
				%N/A	Mean	2010 % Fav			Distribution			Govt % Diff	All Ind % Diff	Impact On PASSION	Impact On PROGRESS

Item Scores

			%N/A	Mean	2010 % Fav	Distribution	Govt % Diff	All Ind % Diff	Impact On PASSION	Impact On PROGRESS
Diversity	17	Sexual harassment is prevented and discouraged	2%	4.2	85%		+0%	+0%		
	18	Discrimination is prevented and discouraged	2%	3.7	63%		-18%	-19%		
	19	There is equal opportunity for all staff in WorkCover	1%	3.0	39%		-29%	-31%		
	20	Bullying and abusive behaviours are prevented and discouraged	1%	3.2	46%		-30%	-32%		
	21	My work unit is free from harassment	1%	3.6	61%					
	22	Sexual and other harassment is prevented and discouraged	2%	3.9	70%					
Resources	23	I have access to the right equipment and resources to do my job well	0%	3.8	70%		+2%	+1%		
	24	I have easy access to all the information I need to do my job well	0%	3.8	69%		+2%	+1%		
	25	We can get access to additional resources when we need to	1%	3.3	52%		-9%	-10%		
	26	Management provide support to staff in reporting any discrimination or harassment	8%	3.3	50%					

			%N/A	Mean	2010 % Fav	Distribution	Govt % Diff	All Ind % Diff	Impact On PASSION	Impact On PROGRESS

Whole of WorkCover

Number of responses: 779

High	≥80%
Med	50<80%
Low	≤50%

SD D M A SA

	≥+10%	≥+10%	High
	-10<+10%	-10<+10%	Med
	≤-10%	≤-10%	Low

Item Scores

			%N/A	Mean	2010 % Fav	Govt % Diff	All Ind % Diff
Processes	27	There are clear policies and procedures for how work is to be done	0%	3.6	61%	-2%	-5%
	28	In WorkCover it is clear who has responsibility for what	1%	3.2	46%	-12%	-16%
	29	Our policies and procedures are efficient and well-designed	1%	3.0	39%	-15%	-17%
Technology	30	The technology used in WorkCover is kept up-to-date	1%	3.3	54%	-5%	-5%
	31	WorkCover makes good use of technology	1%	3.2	45%	-14%	-15%
	32	Staff in WorkCover have good skills at using the technology we have	2%	3.5	57%	-2%	-5%
Safety	33	Keeping high levels of health and safety is a priority of WorkCover	1%	3.9	74%	+2%	+1%
	34	We are given all necessary safety equipment and training	3%	3.9	72%	+4%	+4%
	35	Staff are aware of their occupational health and safety responsibilities	1%	4.1	84%	+14%	+17%
	36	Supervisors and management engage in good safety behaviour	3%	3.9	72%	0%	+1%
	37	WorkCover has effective procedures for handling staff grievances	9%	3.1	43%		

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What would you like to grow?

			%N/A	Mean	2010 % Fav	Distribution					Govt % Diff	All Ind % Diff	Impact On PASSION	Impact On PROGRESS

Whole of WorkCover

Number of responses: 779

High	≥80%
Med	50<80%
Low	≤50%

| SD | D | M | A | SA |

		≥+10%	≥+10%	High
		-10<+10%	-10<+10%	Med
		≤-10%	≤-10%	Low

Item Scores

			%N/A	Mean	2010 % Fav	Govt % Diff	All Ind % Diff
Facilities	38	The buildings, grounds and facilities I use are in good condition	1%	4.3	89%	+22%	+20%
	39	The condition of the buildings, grounds and facilities I use is regularly reviewed	13%	4.1	81%	+21%	+20%
	40	The buildings, grounds and facilities I use are regularly upgraded	10%	3.7	63%	+11%	+10%
	41	My work unit is free from harassment and discrimination	1%	3.6	60%		
Leadership	42	I have confidence in the ability of senior management	1%	3.1	43%	-22%	-24%
	43	Senior management are good role models for staff	1%	2.9	36%	-25%	-26%
	44	Senior management keep people informed about what's going on	1%	3.2	46%	-10%	-10%
	45	Senior management listen to other staff	4%	3.0	38%	-18%	-20%
	46	Management encourage staff to report harassment and discrimination	4%	3.4	54%		
	47	Management act promptly to resolve problems or complaints about discrimination and harassment	14%	3.0	38%		

Whole of WorkCover				
Number of responses: 779				

High	≥80%
Med	50<80%
Low	≤50%

SD D M A SA

	≥+10%	≥+10%	High
	-10<+10%	-10<+10%	Med
	≤-10%	≤-10%	Low

		%N/A	Mean	2010 % Fav	Distribution	Govt % Diff	All Ind % Diff	Impact On PASSION	Impact On PROGRESS
Item Scores									
Recruitment & Selection	48 WorkCover is good at selecting the right people for the right jobs	3%	2.8	29%		-23%	-24%		
	49 Managers in WorkCover know the benefits of employing the right people	7%	3.3	48%		-17%	-18%		
	50 Managers in WorkCover are clear about the type of people we need to employ	9%	3.1	38%		-24%	-25%		
Cross-Unit Cooperation	51 There is good communication across all sections of WorkCover	2%	2.5	20%		-24%	-26%		
	52 Knowledge and information are shared throughout WorkCover	2%	2.6	24%		-24%	-27%		
	53 There is cooperation between different sections in WorkCover	3%	2.8	28%		-23%	-27%		
Learning & Development	54 When people start in new jobs here they are given enough guidance and training	4%	3.5	57%		+3%	+0%		
	55 There is a commitment to ongoing training and development of staff	1%	3.7	65%		+6%	+7%		
	56 The training and development I've received has improved my performance	3%	3.7	65%		+3%	+2%		

		Whole of WorkCover															
					High	≥80%							≥+10%	≥+10%	High		
		Number of responses:			Med	50<80%	SD	D	M	A	SA		-10<+10%	-10<+10%	Med		
		779			Low	≤50%							≤-10%	≤-10%	Low		
				%N/A	Mean	2010 % Fav			Distribution				Govt % Diff	All Ind % Diff	Impact On PASSION	Impact On PROGRESS	

		Item Scores														
Involvement	57	I have input into everyday decision-making in WorkCover	4%	2.8	32%						-11%	-10%		
	58	I am encouraged to give feedback about things that concern me	2%	3.3	52%						-8%	-8%		
	59	I am consulted before decisions that affect me are made	2%	2.7	29%						-16%	-18%		
Rewards & Recognition	60	The rewards and recognition I receive from this job are fair	3%	3.3	48%						-4%	-4%		
	61	WorkCover fulfils its obligations to me	3%	3.5	57%						-4%	-3%		
	62	I am satisfied with the income I receive	2%	4.0	79%						+30%	+31%		
	63	I am satisfied with the benefits I receive (super, leave, etc)	2%	4.3	89%						+28%	+32%		
Performance Appraisal	64	My performance is reviewed and evaluated often enough	3%	3.5	59%						+3%	+4%		
	65	The way my performance is evaluated is fair	7%	3.5	57%						-2%	-1%		
	66	The way my performance is evaluated provides me with clear guidelines for improvement	6%	3.3	50%						-4%	-5%		
	67	My work unit is free from bullying and/or abusive behaviour	3%	3.5	57%									

				Whole of WorkCover Number of responses: 779		High Med Low	≥80% 50<80% ≤50%		SD	D	M	A	SA		≥+10% -10<+10% ≤-10%	≥+10% -10<+10% ≤-10%	High Med Low		
						%N/A	Mean	2010 % Fav			Distribution				Govt % Diff	All Ind % Diff	Impact On PASSION	Impact On PROGRESS	

Item Scores

			%N/A	Mean	2010 % Fav	Distribution	Govt % Diff	All Ind % Diff	Impact On PASSION	Impact On PROGRESS
Supervision	68	I have confidence in the ability of my manager	2%	3.7	63%		-10%	-10%		
	69	My manager listens to what I have to say	2%	3.8	69%		-4%	-3%		
	70	My manager gives me help and support	2%	3.8	68%		-6%	-5%		
	71	My manager treats me and my work colleagues fairly	2%	3.8	66%		-9%	-8%		
Career Opportunities	72	Enough time and effort is spent on career planning	6%	3.0	37%		-4%	-3%		
	73	I am given opportunities to develop skills needed for career progression	5%	3.2	49%		0%	+0%		
	74	There are enough opportunities for my career to progress in WorkCover	5%	2.9	36%		-8%	-9%		
Motivation & Initiative	75	My co-workers put in extra effort whenever necessary	3%	3.8	70%		-2%	+1%		
	76	My co-workers are quick to take advantage of opportunities	7%	3.8	66%		+1%	+1%		
	77	My co-workers take the initiative in solving problems	3%	3.7	64%		-3%	+0%		

What would you like to grow?

		Whole of WorkCover Number of responses: 779									
			High	≥80%					≥+10%	≥+10%	High
			Med	50<80%	SD	D	M	A SA	-10<+10%	-10<+10%	Med
			Low	≤50%					≤-10%	≤-10%	Low

			%N/A	Mean	2010 % Fav	Distribution	Govt % Diff	All Ind % Diff	Impact On PASSION	Impact On PROGRESS
		Item Scores								
Talent	78	I have confidence in the ability of my co-workers	2%	4.0	75%		-2%	+0%		
	79	My co-workers are productive in their jobs	3%	3.9	69%		-6%	-3%		
	80	My co-workers do their jobs quickly and efficiently	4%	3.8	65%		-7%	-4%		
Teamwork	81	I have good working relationships with my co-workers	2%	4.3	87%		+3%	+4%		
	82	My co-workers give me help and support	2%	4.1	79%		-2%	-1%		
	83	My co-workers and I work well as a team	2%	4.2	80%		0%	0%		
Wellness	84	I am given enough time to do my job well	2%	3.6	65%		+3%	-1%		
	85	I feel in control and on top of things at work	2%	3.5	59%		-5%	-8%		
	86	I feel emotionally well at work	2%	3.4	56%		-13%	-13%		
	87	I am able to keep my job stress at an acceptable level	2%	3.5	58%		-6%	-9%		

What would you like to grow?

Employee engagement guidance and overall survey results

								High	≥80%
	Whole of WorkCover				High	≥80%		Med	50<80%
					Med	50<80%	SD D M A SA	Low	≤50%
	Number of responses: 779				Low	≤50%			

							≥+10%	≥+10%	High
							-10<+10%	-10<+10%	Med
							≤-10%	≤-10%	Low

Category	#	Item	%N/A	Mean	2010 % Fav	Distribution	Govt % Diff	All Ind % Diff	Impact On PASSION	Impact On PROGRESS
		Item Scores								
Work/Life Balance	88	I maintain a good balance between work and other aspects of my life	2%	3.9	73%		+3%	+2%		
	89	I am able to stay involved in non-work interests and activities	2%	4.0	78%		+5%	+5%		
	90	I have a social life outside of work	3%	4.2	85%		+5%	+5%		
	91	I am able to meet my family responsibilities while still doing what is expected of me at work	3%	4.1	81%		+4%	+4%		
Flexibility	92	WorkCover has enough flexible work arrangements to meet my needs	3%	4.2	85%		+8%	+12%		
	93	I can change my working hours if I need to	5%	4.1	80%		+16%	+16%		
	94	I have a say about my work conditions	5%	3.6	60%		-4%	-2%		

	Whole of WorkCover												
			High	≥80%						≥+10%	≥+10%	High	
			Med	50<80%		SD	D	M	A	SA	-10<+10%	-10<+10%	Med	
	Number of responses: 779		Low	≤50%							≤-10%	≤-10%	Low	

			%N/A	Mean	2010 % Fav	Distribution	Govt % Diff	All Ind % Diff	Impact On PASSION	Impact On PROGRESS
	Item Scores									
Organisation Objectives	95	The goals and objectives of WorkCover are being reached	11%	3.5	57%		-8%	-10%		
	96	The future for WorkCover is positive	8%	3.5	57%		-15%	-17%		
	97	Overall, WorkCover is successful	6%	3.7	69%		-5%	-8%		
Change & Innovation	98	Change is handled well in WorkCover	5%	2.7	25%		-25%	-27%		
	99	The way WorkCover is run has improved over the last year	8%	2.9	35%		-20%	-22%		
	100	WorkCover is innovative	6%	3.0	35%		-20%	-21%		
	101	WorkCover is good at learning from its mistakes and successes	9%	2.7	26%		-27%	-31%		
Customer Satisfaction	102	WorkCover offers products and/or services that are high quality	5%	3.8	69%		-3%	-5%		
	103	WorkCover understands the needs of its customers	6%	3.6	62%		-10%	-13%		
	104	Customers are satisfied with our products and/or services	13%	3.5	55%		-13%	-17%		

Whole of WorkCover	High	≥80%			≥+10%	≥+10%	High
	Med	50<80%	SD D M A SA		-10<+10%	-10<+10%	Med
Number of responses: 779	Low	≤50%			≤-10%	≤-10%	Low

		%N/A	Mean	2010 % Fav	Distribution	Govt % Diff	All Ind % Diff	Impact On PASSION	Impact On PROGRESS
	Item Scores								
Organisational Commitment	105 I feel a sense of loyalty and commitment to WorkCover	2%	4.0	75%		+3%	+6%		
	106 I am proud to tell people that I work for WorkCover	2%	3.8	66%		-8%	-5%		
	107 I feel emotionally attached to WorkCover	4%	3.4	52%		-7%	-5%		
	108 I am willing to put in extra effort for WorkCover	2%	4.1	81%		+6%	+10%		
Job Satisfaction	109 My work gives me a feeling of personal accomplishment	2%	3.8	71%		0%	+5%		
	110 I like the kind of work I do	2%	4.1	79%		+2%	+8%		
	111 Overall, I am satisfied with my job	2%	3.8	69%		-3%	+0%		
Intention To Stay	112 I am likely to still be working in WorkCover in two years time	7%	4.0	77%		+11%	+17%		
	113 I would like to still be working in WorkCover in five years time	7%	3.8	67%		+12%	+19%		
	114 I can see a future for me in WorkCover	7%	3.6	56%		+3%	+8%		

Group: WorkCover Overall responses to the Bullying and/or Harassment Questions (%)

Total number of people reporting being bullied and/or harassed: 310

		No	Yes, verbally	Yes, in writing
116	Did you formally report your concern to someone in authority within the organisation?			
		35.2%	45.5%	18.7%

		No	Yes	Not given
117	Were you satisfied with how this matter was dealt with by the organisation?			
		75.8%	14.5%	9.7%

		A client or clients	Another employee	A manager/supervisor
118	By whom were you bullied and/or harassed?			
		6.8%	46.5%	69.4%

		A client or clients	Another employee	A manager/supervisor
119	For each one selected from the previous question, please indicate the nature of your experience?			
a	Negative, intimidating or aggressive body language	4.8%	30.0%	41.3%
b	Verbal threats	5.2%	11.9%	21.6%
c	Shouting, offensive language or insults	5.2%	19.7%	24.8%

d	Sexual harassment	1.0%	3.2%	3.2%
e	Racial harassment	1.6%	2.9%	2.3%
f	Persistent nit-picking or unjustified criticisms	1.0%	25.8%	47.4%
g	Being isolated and ostracized	1.0%	23.2%	35.5%
h	Gossip or rumours being spread about me	1.0%	24.2%	26.1%
i	Having extra work deliberately created or having my ability to work disrupted	0.6%	14.8%	27.7%
j	Setting unreasonable deadlines	0.3%	6.1%	31.0%
k	Withholding information from me so I am less able to do the job	1.3%	22.9%	32.3%
l	Preventing access to opportunities; eg training or career development	0.0%	5.5%	31.0%
m	Humiliation through sarcasm, criticism, teasing or insults, sometimes in front of other employees or customers	0.3%	25.2%	29.7%
n	Threats or acts of physical violence	3.2%	1.3%	1.6%
o	Sabotage of my work	0.6%	14.2%	15.2%
p	Constant surveillance of me to a greater extent than others with no justifiable reason	0.6%	9.4%	33.2%
q	Inequitable treatment compared to other employees	0.6%	13.2%	45.2%
r	Other *(not covered above)*	1.6%	11.3%	19.0%

NSW Department of Premier and Cabinet
PwC
123
What would you like to grow?

Group: WorkCover Overall responses to the Bullying and/or Harassment Questions (Count)

Total number of people reporting being bullied and/or harassed: 310

116	Did you formally report your concern to someone in authority within the organisation?	No	Yes, verbally	Yes, in writing
		109	141	58
117	Were you satisfied with how this matter was dealt with by the organisation?	No	Yes	Not given
		235	45	30
118	By whom were you bullied and/or harassed?	A client or clients	Another employee	A manager/ supervisor
		21	144	215
119	For each one selected from the previous question, please indicate the nature of your experience?	A client or clients	Another employee	A manager/ supervisor
a	Negative, intimidating or aggressive body language	15	93	128
b	Verbal threats	16	37	67
c	Shouting, offensive language or insults	16	61	77
d	Sexual harassment	3	10	10
e	Racial harassment	5	9	7
f	Persistent nit-picking or unjustified criticisms	3	80	147

g	Being isolated and ostracized		3	72	110
h	Gossip or rumours being spread about me		3	75	81
i	Having extra work deliberately created or having my ability to work disrupted		2	46	86
j	Setting unreasonable deadlines		1	19	96
k	Withholding information from me so I am less able to do the job		4	71	100
l	Preventing access to opportunities; eg training or career development		0	17	96
m	Humiliation through sarcasm, criticism, teasing or insults, sometimes in front of other employees or customers		1	78	92
n	Threats or acts of physical violence		10	4	5
o	Sabotage of my work		2	44	47
p	Constant surveillance of me to a greater extent than others with no justifiable reason		2	29	103
q	Inequitable treatment compared to other employees		2	41	140
r	Other (not covered above)		5	35	59

NSW Department of Premier and Cabinet
PwC
125
What would you like to grow?

Q132 Group

	Whole of WorkCover	Agent Operations	Business Analysis & Strategy	Business Assist Group	BusRisk Management & Site Services	Communications Group	Human Resources Group	Industry Relationships Group	Information Technology Services Group	Knowledge Management
Responses:	779	21	16	29	57	33	29	120	34	30
PASSION / ENGAGEMENT	69%	80%	68%	75%	74%	79%	63%	77%	69%	69%
- Organisational Commitment	68%	78%	64%	80%	67%	74%	59%	75%	66%	68%
- Job Satisfaction	73%	89%	75%	77%	77%	82%	66%	81%	72%	79%
- Intention To Stay	67%	72%	66%	68%	77%	81%	64%	74%	68%	61%
PROGRESS	51%	61%	46%	49%	62%	52%	60%	51%	52%	62%
- Organisation Objectives	61%	76%	62%	62%	69%	65%	80%	61%	63%	76%
- Change & Innovation	30%	39%	18%	20%	47%	29%	30%	31%	37%	44%
- Customer Satisfaction	62%	69%	58%	63%	71%	62%	70%	61%	57%	66%
PURPOSE Organisation Direction	77%	94%	81%	71%	78%	83%	87%	78%	79%	88%
Results Focus	65%	81%	63%	62%	71%	80%	66%	68%	58%	69%
Mission & Values	92%	97%	90%	96%	92%	95%	93%	95%	95%	97%
* Ethics	71%	79%	67%	59%	72%	77%	83%	73%	81%	80%
Role Clarity	79%	95%	86%	76%	80%	90%	72%	81%	74%	90%
* Diversity	59%	74%	64%	54%	56%	65%	53%	54%	69%	59%
PROPERTY * Resources	64%	81%	52%	74%	69%	61%	65%	67%	62%	57%
Processes	49%	64%	30%	31%	54%	57%	55%	52%	51%	48%
Technology	52%	65%	56%	62%	62%	56%	68%	42%	58%	47%
* Safety	75%	88%	84%	81%	80%	81%	79%	74%	75%	83%
* Facilities	78%	86%	98%	88%	90%	91%	84%	77%	74%	85%
PARTICIPATION * Leadership	41%	60%	46%	21%	52%	50%	40%	36%	51%	44%
Recruitment & Selection	38%	49%	44%	41%	38%	38%	44%	37%	49%	33%
Cross-Unit Cooperation	24%	32%	25%	13%	33%	19%	25%	24%	29%	18%
Learning & Development	62%	82%	68%	60%	64%	79%	72%	61%	61%	62%
Involvement	38%	54%	38%	39%	49%	56%	34%	30%	44%	37%
Rewards & Recognition	68%	86%	81%	69%	76%	80%	63%	68%	63%	72%
* Performance Appraisal	55%	84%	73%	57%	63%	61%	57%	44%	47%	63%
Supervision	67%	91%	83%	78%	58%	80%	49%	64%	68%	69%
Career Opportunities	41%	52%	55%	45%	55%	47%	36%	46%	34%	47%
PEOPLE Motivation & Initiative	67%	77%	75%	84%	58%	66%	57%	69%	70%	60%
Talent	70%	81%	94%	77%	58%	77%	58%	70%	75%	70%
Teamwork	82%	89%	100%	85%	82%	82%	68%	86%	91%	74%
PEACE Wellness	60%	86%	75%	70%	66%	62%	33%	67%	57%	56%
Work/Life Balance	79%	93%	89%	76%	82%	76%	71%	86%	77%	77%
Flexibility	75%	72%	70%	77%	77%	82%	76%	72%	76%	85%

* Scale scores are based on standard benchmarking items only.

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What would you like to grow?

Employee engagement survey results – group and team analysis

		Whole of WorkCover	Legal Group	OHS, Office of the GM	Operations & Tactical Support Group	Premium Functions	Provider Services	Regulatory & Financial Services	Specialist Services Group	Testsafe Australia	Other
	Responses:	779	36	12	50	24	27	13	57	41	79
	PASSION / ENGAGEMENT	69%	56%	81%	70%	68%	81%	56%	75%	54%	62%
	- Organisational Commitment	68%	59%	77%	72%	68%	82%	50%	77%	54%	61%
	- Job Satisfaction	73%	64%	84%	70%	65%	82%	62%	76%	66%	67%
	- Intention To Stay	67%	46%	84%	68%	72%	80%	57%	71%	40%	59%
	PROGRESS	51%	50%	53%	40%	43%	83%	42%	55%	30%	44%
	- Organisation Objectives	61%	61%	74%	43%	49%	95%	60%	68%	31%	49%
	- Change & Innovation	30%	38%	24%	19%	29%	65%	20%	27%	13%	24%
	- Customer Satisfaction	62%	51%	62%	58%	52%	89%	45%	70%	47%	59%
PURPOSE	**Organisation Direction**	77%	72%	82%	67%	82%	94%	82%	79%	54%	72%
	Results Focus	65%	62%	70%	63%	64%	87%	49%	56%	63%	53%
	Mission & Values	92%	87%	100%	89%	93%	95%	100%	93%	78%	87%
*	**Ethics**	71%	65%	68%	73%	66%	96%	66%	71%	59%	65%
	Role Clarity	79%	79%	78%	74%	82%	90%	75%	79%	67%	75%
*	**Diversity**	59%	56%	65%	59%	56%	88%	48%	60%	50%	54%
PROPERTY	**Resources**	64%	64%	70%	52%	62%	77%	62%	70%	44%	59%
	Processes	49%	40%	64%	38%	56%	73%	36%	58%	42%	40%
	Technology	52%	55%	39%	47%	40%	65%	57%	50%	50%	46%
*	**Safety**	75%	67%	72%	72%	85%	92%	88%	74%	53%	71%
*	**Facilities**	78%	61%	77%	77%	84%	91%	85%	78%	43%	81%
PARTICIPATION *	**Leadership**	41%	44%	31%	25%	35%	84%	21%	47%	21%	32%
	Recruitment & Selection	38%	47%	41%	30%	30%	76%	13%	36%	28%	35%
	Cross-Unit Cooperation	24%	37%	15%	14%	22%	48%	26%	21%	12%	19%
	Learning & Development	62%	48%	72%	66%	65%	77%	41%	63%	51%	54%
	Involvement	38%	27%	34%	37%	46%	69%	29%	42%	15%	30%
	Rewards & Recognition	68%	59%	76%	79%	69%	84%	62%	71%	48%	65%
*	**Performance Appraisal**	55%	67%	62%	57%	60%	69%	44%	46%	34%	57%
	Supervision	67%	52%	79%	72%	63%	90%	44%	64%	55%	64%
	Career Opportunities	41%	33%	49%	36%	43%	65%	14%	40%	16%	31%
PEOPLE	**Motivation & Initiative**	67%	67%	54%	82%	64%	74%	71%	76%	44%	57%
	Talent	70%	76%	51%	75%	69%	79%	67%	75%	62%	59%
	Teamwork	82%	87%	78%	88%	79%	80%	80%	89%	73%	73%
PEACE	**Wellness**	60%	50%	77%	66%	53%	61%	44%	63%	43%	47%
	Work/Life Balance	79%	67%	79%	83%	86%	81%	71%	81%	75%	75%
	Flexibility	75%	53%	79%	83%	82%	80%	77%	73%	73%	74%

Q132 Group

* Scale scores are based on standard benchmarking items only.

Employee engagement survey results – group and team analysis

			Whole of WorkCover	Q133 Team										
				Application Management Unit	Chemicals Team	Construction & Utilities Team	Directors Office	Engineering Team	HR OHS & Payroll Services Team	Licensing	Licensing Solutions Cert, Construction Induction	Legal Support Group	Manufacturing, Primary Prod, Transport & Storage	Policy
		Responses:	779	11	10	14	17	10	11	26	15	12	20	15
		PASSION / ENGAGEMENT	69%	75%	56%	88%	73%	74%	53%	66%	87%	66%	76%	61%
		- Organisational Commitment	68%	73%	58%	81%	76%	63%	53%	61%	85%	72%	76%	64%
		- Job Satisfaction	73%	79%	60%	95%	90%	90%	64%	68%	87%	67%	80%	58%
		- Intention To Stay	67%	73%	49%	88%	51%	69%	43%	69%	88%	58%	72%	62%
		PROGRESS	51%	65%	27%	57%	57%	55%	54%	45%	72%	61%	50%	49%
		- Organisation Objectives	61%	80%	28%	68%	65%	48%	74%	49%	82%	64%	60%	64%
		- Change & Innovation	30%	50%	3%	38%	39%	32%	29%	29%	60%	46%	31%	20%
		- Customer Satisfaction	62%	64%	50%	64%	68%	85%	58%	56%	73%	74%	58%	62%
PURPOSE		Organisation Direction	77%	91%	64%	69%	94%	74%	74%	70%	85%	59%	67%	69%
		Results Focus	65%	61%	27%	84%	81%	77%	52%	68%	76%	59%	70%	62%
		Mission & Values	92%	100%	77%	95%	94%	100%	84%	96%	86%	97%	89%	89%
	*	Ethics	71%	88%	50%	75%	76%	77%	74%	57%	93%	61%	75%	79%
		Role Clarity	79%	79%	67%	91%	83%	87%	57%	78%	80%	75%	75%	71%
	*	Diversity	59%	68%	43%	72%	81%	56%	43%	40%	69%	46%	55%	83%
PROPERTY	*	Resources	64%	78%	34%	69%	71%	74%	67%	57%	69%	64%	72%	69%
		Processes	49%	52%	20%	60%	61%	64%	35%	34%	58%	34%	52%	31%
		Technology	52%	55%	24%	31%	57%	64%	55%	45%	74%	72%	35%	78%
	*	Safety	75%	75%	38%	72%	81%	85%	63%	70%	90%	73%	76%	78%
	*	Facilities	78%	74%	56%	63%	68%	75%	74%	82%	96%	74%	76%	86%
PARTICIPATION	*	Leadership	41%	56%	18%	47%	77%	33%	34%	36%	60%	30%	42%	35%
		Recruitment & Selection	38%	63%	7%	54%	45%	62%	42%	27%	50%	39%	44%	44%
		Cross-Unit Cooperation	24%	36%	14%	26%	33%	22%	13%	24%	42%	55%	16%	31%
		Learning & Development	62%	69%	45%	60%	81%	80%	58%	42%	84%	56%	67%	59%
		Involvement	38%	44%	17%	45%	68%	54%	31%	37%	69%	23%	34%	41%
		Rewards & Recognition	68%	81%	40%	64%	84%	80%	56%	64%	81%	59%	69%	87%
	*	Performance Appraisal	55%	46%	31%	69%	56%	67%	22%	39%	89%	62%	47%	67%
		Supervision	67%	84%	43%	66%	84%	88%	41%	43%	71%	46%	56%	85%
		Career Opportunities	41%	36%	22%	69%	55%	47%	27%	40%	65%	35%	60%	46%
PEOPLE		Motivation & Initiative	67%	85%	64%	72%	79%	67%	40%	58%	46%	61%	59%	87%
		Talent	70%	82%	60%	88%	71%	87%	43%	46%	62%	78%	71%	96%
		Teamwork	82%	91%	80%	91%	88%	97%	43%	76%	89%	89%	94%	100%
PEACE		Wellness	60%	68%	50%	63%	65%	73%	25%	48%	82%	50%	66%	84%
		Work/Life Balance	79%	89%	89%	89%	72%	83%	55%	76%	87%	63%	80%	92%
		Flexibility	75%	91%	70%	79%	78%	73%	71%	65%	85%	53%	65%	89%

* Scale scores are based on standard benchmarking items only.

What would you like to grow

Employee engagement survey results – group and team analysis

			Whole of WorkCover	Claims	Public Sector & Communication Service Team	Regional Service Delivery - North	Regional Service Delivery - South	Reatail, Wholesale, Consumer & Business Services	Strategic Investing Unit	Testsafe Australia	Third Party Management	WorkCover Information Centre	Other
		Responses:	779	13	14	28	31	25	13	27	12	12	217
		PASSION / ENGAGEMENT	69%	94%	79%	65%	70%	85%	90%	54%	84%	93%	66%
		- Organisational Commitment	68%	96%	79%	64%	70%	82%	89%	54%	79%	88%	64%
		- Job Satisfaction	73%	100%	81%	67%	79%	92%	82%	66%	95%	100%	68%
		- Intention To Stay	67%	86%	76%	63%	63%	82%	100%	42%	77%	91%	65%
		PROGRESS	51%	82%	49%	45%	45%	57%	69%	29%	36%	48%	51%
		- Organisation Objectives	61%	85%	55%	55%	52%	75%	90%	30%	42%	54%	60%
		- Change & Innovation	30%	68%	46%	18%	25%	33%	37%	13%	13%	35%	27%
		- Customer Satisfaction	62%	93%	47%	62%	57%	61%	81%	43%	54%	56%	64%
PURPOSE		Organisation Direction	77%	93%	85%	76%	84%	83%	67%	47%	70%	72%	77%
		Results Focus	65%	90%	60%	59%	63%	71%	59%	58%	70%	81%	62%
		Mission & Values	92%	92%	98%	94%	95%	95%	93%	71%	92%	97%	92%
	*	Ethics	71%	91%	81%	67%	65%	87%	65%	57%	74%	67%	71%
		Role Clarity	79%	93%	74%	79%	88%	83%	69%	69%	97%	97%	78%
	*	Diversity	59%	84%	40%	53%	53%	52%	57%	50%	61%	71%	58%
PROPERTY	*	Resources	64%	75%	67%	48%	73%	67%	85%	40%	64%	61%	62%
		Processes	49%	77%	55%	41%	56%	47%	69%	38%	45%	67%	48%
		Technology	52%	62%	41%	41%	50%	46%	39%	47%	53%	50%	50%
	*	Safety	75%	94%	80%	69%	74%	71%	71%	51%	96%	77%	77%
	*	Facilities	78%	86%	75%	80%	78%	80%	74%	47%	89%	85%	84%
PARTICIPATION	*	Leadership	41%	81%	36%	14%	39%	42%	43%	20%	27%	48%	39%
		Recruitment & Selection	38%	71%	43%	22%	37%	43%	32%	21%	40%	34%	34%
		Cross-Unit Cooperation	24%	42%	29%	19%	27%	32%	18%	10%	11%	17%	22%
		Learning & Development	62%	72%	69%	45%	50%	74%	57%	46%	79%	92%	62%
		Involvement	38%	60%	24%	24%	21%	33%	36%	16%	40%	61%	36%
		Rewards & Recognition	68%	81%	50%	61%	69%	78%	67%	40%	86%	86%	69%
	*	Performance Appraisal	55%	57%	35%	24%	47%	58%	35%	22%	75%	70%	59%
		Supervision	67%	79%	56%	40%	69%	77%	75%	46%	85%	84%	70%
		Career Opportunities	41%	65%	31%	26%	40%	53%	39%	11%	50%	45%	40%
PEOPLE		Motivation & Initiative	67%	82%	47%	65%	67%	72%	75%	40%	92%	82%	64%
		Talent	70%	85%	41%	66%	65%	64%	76%	61%	84%	88%	68%
		Teamwork	82%	85%	62%	88%	81%	82%	90%	77%	97%	100%	78%
PEACE		Wellness	60%	54%	47%	51%	76%	82%	52%	46%	90%	92%	54%
		Work/Life Balance	79%	83%	77%	79%	90%	91%	71%	79%	88%	96%	76%
		Flexibility	75%	75%	76%	66%	64%	86%	73%	76%	89%	86%	75%

Q133 Team

* Scale scores are based on standard benchmarking items only.

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Appendix M Employee engagement survey responses specific to LSU

LSU's Key Strengths are 'Mission and Values' and 'Facilities'

'Mission and Values' and 'Facilities' were the areas that received the most favourable scores across the two LSU teams with greater than 10 respondents, 'Licensing' (26 respondents) and 'Licensing Solutions Certification/Construction Induction' (15 respondents) (the 'Licensing Processing Certification' team received less than 10 responses).

The below table illustrates the key strengths for each team. For the 'Mission and Values' and 'Facilities' scores, these were approximately 10% more favourable than the government and industry benchmarks.

Survey areas	'Licensing' % favourable score	Survey areas	'Licensing Solutions Certification/Construction Induction' % favourable score
'Mission and Values'	86%	'Mission and Values'	96%
'Facilities'	82%	'Facilities'	96%
'Teamwork'	76%	'Ethics'	93%
'Work/life balance'	76%	'Safety'	90%
'Safety'	70%	'Teamwork'	89%
'Organisation Direction'	70%	'Performance appraisal'	89%

The 'Licensing Solutions Certification/Construction Induction' team was one of two teams to receive the most favourable scores (with the 'Claims' team).

LSU's Key Opportunities for Improvement are 'Cross-Unit Cooperation', 'Recruitment and Selection', and 'Processes'

The least favourable scores were as follows:

'Cross-Unit Cooperation', 'Recruitment and Selection', and 'Processes' were the areas that received the least favourable scores across the two Licensing teams with greater than 10 respondents.

The below table illustrates the key opportunities for each team. All 'Licensing Solutions Certification/Construction Induction' team's opportunities were less favourable than government and industry benchmarks. All 'Licensing' team's opportunities were at least 20% less favourable than government and industry benchmarks.

Survey areas	'Licensing' % favourable score	Survey areas	'Licensing Solutions Certification/Construction Induction' % favourable score
'Cross-Unit Cooperation'	24%	'Cross-Unit Cooperation'	42%
'Recruitment and Selection'	27%	'Motivation and Initiative'	46%
'Change and Innovation'	29%	'Recruitment and Selection'	50%
'Processes'	34%	'Processes'	58%

The 'Licensing' team was one of two teams to receive the least favourable scores (with the 'Testsafe Australia' team).

Highly relevant additional question

As well as the standard questions, this latest survey included some additional questions. Of particular interest were the answers in response to the question 'My workplace is free of bullying and/or harassment' with a 16% favourable score from the 'Licensing' team and a 57% favourable score from the 'Licensing Solutions Certification/Construction Induction' team.

Highly relevant survey responses specific to Bullying and/or Harassment

There was also a section of the survey with questions designed to further examine the nature of alleged bullying and/or harassment issues within WorkCover. Employees were not required to provide a response to these questions. Of the 779 survey respondents, 310 (40%) indicated that they had been bullied and/or harassed in the workplace and completed the relevant additional questions section of the survey on the topic. With LSU and Gosford as the focus areas, 171 (55%) of the 310 were from Gosford. 19 (6%) of the 310 were from the three LSU teams 'Licensing', 'Licensing Processing Certification', 'Licensing Solutions Certification/Construction Induction'. The decision was made not to provide further detail to the LSU responses to this section of the survey due to the low level of responses and the associated risk of identifying individuals. As such, the following information pertains to the Gosford location only.

As previously explored, although the Gosford site's statistical results were not significantly different to those from other locations, the free text comments suggested there were some cultural issues relating to a smaller office at Gosford with many family and friends as employees. Across WorkCover, the interviews brought to light that bullying and/or harassment has and does exist within a number of different units within WorkCover and across regions and locations.

The below highlights the key issues identified from those respondents who indicated they had been bullied and/or harassed and completed this particular section of the survey supported by evidence from the interviews where available. Where percentages do not add to 100% and counts do not add to 310, this is as a result of the respondents' ability to select more than one possible answer in response to the question.

Managers/Supervisors are the primary instigators of bullying and/or harassment at Gosford

Of those who indicated that they had been bullied and/or harassed and responded to the question in relation to 'by whom were you bullied and/or harassed', respondents indicated originations as follows:

'By whom were you bullied and/or harassed'	Manager/supervisor	Another employee	Client/clients
% of participants in this section of the survey	71.9%	46.8%	1.8%
Count	123	80	3

Bullying and/or harassment claims are poorly managed at Gosford

65% of respondents to this section of the survey indicated they formally reported their concern to someone in authority within the organisation. Of those, only 18.1% were satisfied with how this matter was dealt with by the organisation. As previously explored, across WorkCover many interviewees were critical of WorkCover senior management's apparent inaction with regards to identifying early phases of potential bullying. This was exacerbated by poor communication of the status of many complaints – Sometimes drawing out over many months.

Employee engagement survey responses specific to LSU

Those who had formally reported their concern	Yes, verbally	Yes, in writing	No
% of participants in this section of the survey	48%	17%	35%
Count	82	29	60

Those who were satisfied with how this matter was dealt with	Yes	No	Not given
% of participants in this section of the survey	18.1%	75.4%	6.4%
Count	31	129	11

Appendix N   Panel composition

SELECTION COMMITTEE COMPOSITION

Convenor → Preferably the immediate supervisor of the position being recruited.
The convenor should be thoroughly familiar with the requirements of the position, its duties, and the skills, knowledge and experience need to do the job.
Salary must be at least the maximum of the grade being advertised.

Independent → Must be an employee from a separate Division / Agency to that of the position being advertised.
Must be of the opposite sex to the convenor.
Salary must be at least the maximum of the grade being advertised.

Example 1: A vacancy within Agent Operations Group, Workers Compensation Division (WCD)

Convenor → Immediate supervisor of vacancy (female) – Agent Operations Group WCD

Independent → An employee (male) from either: OHSD, SPD, ID, CSD or another CASD Agency

Example 2: A vacancy within Operations, LSPC

Convenor → Immediate supervisor of vacancy (male) – Operations Division, LSPC

Independent → An employee (female) from either: Support Division (LSPC) or any other CASD Agency

Example 3: A vacancy within Organisational Strategy, WCC

Convenor → Immediate supervisor of vacancy (male) – Organisational Strategy Division, WCC

Independent → An employee (female) from either: Operations & Business Support or Legal & Medical Services (WCC) or any other CASD Agency

Note: Where a vacancy is being recruited in a regional area, the Convenor may seek an independent from any other NSW Government Agency

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Appendix O   EAP statistics

WorkCover EAP utilisation is increasing

	Apr 07 – Mar 08	Apr 08 – Mar 09	Apr 09 – Mar 10
New referrals (attending for an initial appointment)	140	178	182
Employees	98	124	130
Family members	37	28	36
Manager Assist consultations	5	26	16
Employee numbers		1341	1383
Utilisation		13.27%	13.15%
Utilisation excluding family	7.91%	11.18%	10.55%

- Slight increase in the number of referrals from Apr 07-Mar 08 year to Apr 08-Mar 09 year, and no increase in Apr 09-Mar 10 year.
- Although Manager Assist usage dropped more recently, the majority of calls have been in relation to managers dealing with or intervening in conflict situations.

There are pockets of WorkCover with consistently higher utilisation

The below is based on a total 123 profiled employees for Apr 08 – Mar 09 and 120 in Apr 09 – Mar 10.

	Apr 08 – Mar 09		Apr 09 – Mar 10	
Location	Gosford – Head Office	55% (68)	Gosford – Head Office	49% (59)
Division	OH&S Division	39% (48)	Corporate Services	35% (42)
Employees	Clerical employees	54% (66)	Clerical employees	58% (70)
Age	40-49 years	36% (44)	40-49 years	32% (38)
Tenure	5-10 years	33% (41)	5-10 years	39% (47)

There has been an increase in the number of work-related issues presented.

	Apr 07 – Mar 08	Apr 08 – Mar 09	Apr 09 – Mar 10
Personal issues	77%	76% (93)	69% (83)
Work-related issues	23%	24% (30)	31% (37)

- There has been an increase in the presentation of work-related issues within WorkCover over the last year (7% and 7 cases).
- Some of the increase in work-related issues may be in relation to organisational change and uncertainty during this period.

Work-related interpersonal issues continue to be the primary work-related concern

	Apr 07 – Mar 08	Apr 08 – Mar 09	Apr 09 – Mar 10
Interpersonal	13% (12)	16% (20)	17% (20)
Occupational Health	2% (2)	4% (5)	12% (14)
Vocational	8% (7)	4% (5)	3% (3)

Conflicts with managers or supervisors has been the traditional area of concern, and the last year has seen a shift to conflict with co-workers as the primary concern

	Apr 07 – Mar 08	Apr 08 – Mar 09	Apr 09 – Mar 10
Alleged discrimination, harassment or bullying		4	6
• Alleged bullying		1	2*
• Alleged discrimination			2
• Discrimination and harassment			2
Conflict situations with managers or supervisors	4	10	6
Co-workers		4	8
Other employees		2	N/A

- In all previous reports, conflicts with supervisors (performance management, disagreements and differences of opinion, conflicting interpersonal styles, and issues with management of change) has been the highest presenting issue, this year conflict with co-workers is the predominant issue.

- *Referred to EAP via the Bullying Response Service.

Apr 08 – Mar 09 EAP recommendations

- Explore and implement strategies to build employee and managerial skills in early recognition and management conflict in the workplace.

- Note: there were no explicit and relevant recommendations coming out of the Apr 09 – Mar 10 report.

Appendix P   OHS meeting minutes – References to bullying 2008-2010[70]

Chairs committee

Date	Time	Item	Outcome
Thursday 9 September 2010	10am-3pm	WorkCover Templates – Minutes and Agendas	Chairs and Reps reminded that minutes are not for recording verbatim discussions but to summarise the discussion and record actions which will form the basis of the next agenda
		Bullying Response Service (BRS)	The role of OHS Rep is to listen, refer to management with the reporters' consent and/or encourage employees to contact BRS. Not to take on the management and/or resolution of the incident/claim of bullying

OHS committee

Date	Time	Item	Outcome
16 September 2010	2pm-4pm	*No items relating to bullying*	
2 July 2010	1pm-3pm	Draft Discussion Tool for Licensing	OHS employee representatives have looked at developing a discussion tool to be used when looking at bullying in the Gosford Licensing Unit, following meetings on the 16th and 23rd April. It was agreed to convene a working group to develop a draft tool for bullying activity in Licensing.
		Joint Bullying Working Party Update	Item carried over to next meeting (*note this was not addressed in the next meeting*)
15 April 2010	2pm-4pm	Report from Bullying Working Group meeting held 28 January 2010 to discuss Respectful Behaviours Survey Completed by external provider	A member reported from the Minutes of the meeting: • Purpose of the meeting was to review the recommendations made by external service provider. It was reported to the meeting that the WorkCover Executive has approved all recommendations and that further meetings will take place to discuss action items, which have not occurred to date • The WorkCover CEO has directed that all business units within WorkCover were to complete the bullying checklist included in the Internal WorkCover policy Managing the Risk of Workplace Bullying by 28 February 2010. HR confirmed they are receiving completed checklists

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[70] Names and titles of individuals have been removed from these minutes.

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Date	Time	Item	Outcome
			• The OHS Committee has agreed to request clarification to the commentary in Item 1 of the BWG minutes. The word 'Outcomes' to be reviewed as the Committee is unsure what outcomes it is referring to – The outcome of the individual would be maintained, however, the Committee would like clarification around the wording • It was also agreed to seek clarification to the commentary in Item 3and4 – Paragraph 3 of the BWG minutes. The committee believes that bullying and other forms of negative behaviour are hazards • It was agreed that one of the members draft a letter to the Chair of the BWG, seeking clarification on these points. Draft to be circulated to committee members for comment.
15 April 2010	2pm-4pm	Licensing – Ongoing issues	• An OHS Employee representative reported that OHS Committee members continue to receive reports of behaviour in the licensing unit that could involve bullying • OHS Employee representative raised issue of the failure of the Inspector conducting the investigation of bullying the Licensing Unit to notify both WorkCover, as the employer, and the Gosford OHS Committee that an investigation was occurring. Further the OHS Committee was not given its right to accompany the inspector during the section – As per OHS Act • An HR Officer confirmed that the WorkCover Inspector had failed to notify WorkCover as an employer that an investigation was happening. As the employer WorkCover had also not notified the OHS Committee about the investigation and its findings • Committee agreed to seek Management commitment that the OHS Committee would be advised, should another investigation be required, as per the OHS legislation and WorkCover policy • An HR Officer said the CEO has requested a review into how WorkCover can address future issues requiring internal investigations and potential conflicts of interest situations – WC as Regulatory vs WC as an employer. A member was nominated to review how WC can better manage this situation and develop processes/procedures to maintain independence • OHS Committee Management member stated that there is no bullying in the Licensing Unit and that anyone is welcome to discuss this issue with them. It was agreed that this would be discussed out of session, with the Committee Chair to provide an update on results of this discussion to the Committee at the next meeting *(note this was not addressed at the next meeting)*

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Date	Time	Item	Outcome
4 December 2009	2pm-4pm	WorkCover NSW 2009 Respectful Behaviours Survey Overview and Key recommendations from external consultant	• OHS Committee Chair tabled the Executive Summary of the WorkCover NSW 2009 Respectful Behaviours Survey and read the key recommendations from the survey • It was noted that a Joint Bullying Workshop Meeting is to take place and a request was made to approach General Manager, Corporate Services Division to see if a joint meeting can be organised that also includes a presentation from the OHS Committee. It is requested that feedback be provided to the OHS Committee at the next meeting • OHS Committee Chair identified the need to display 'Dealing with Bullying in the Workplace and Bullying Response Service (BRS)' flowcharts and posters on the OHS Notice board
		Investigation into allegations of bullying – Licence Processing Unit	• The Committee discussed the investigation by a WorkCover Inspector of a complaint of the risk of bullying not being managed in the licensing unit in Gosford. An OHS Committee Management member stated that claims of bullying were not substantiated by the investigation. • OHS Employee representative read the following extract from a letter of 10 July 2009 from the Public Sector and Community Services Team, WorkCover NSW, to the complainant – The Public Service Association of NSW: – "During the investigation, however, it become apparent that that nature and volume of the work conducted by this (Licensing) Unit, employee arrangements that were in place, issues of work equity, and perceived strained interpersonal relationships contributed to a work environment that could be consistent with the description of unintended bullying as defined by the Guide" That is, the WorkCover publication 'Prevention and Dealing with Workplace bullying – A Guide for Employers and Employees'
1 October 2009	2pm-4pm	Investigation of bullying issues	• Committee asked if an OHS Representative would be involved in the investigation process for bullying issues. OHS Committee Chair advised that she has been approached and will be involved in investigations and will be able to provide further information to the committee at future meetings • Amendment requested by OHS employee representative– "No consultation with OHS Committee to date. OHS Chair has been approached for a meeting post investigation" – Amendment accepted by OHS Committee (4 December 2009)
Wednesday 17 June 2009	*No time noted*	*No items relating to bullying*	
Thursday 2 April 2009	2pm	*No items relating to bullying*	

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Date	Time	Item	Outcome
Thursday 19 February 2009	2pm	*No items relating to bullying*	
Thursday 4 December 2008	2pm	*No items relating to bullying*	
Thursday 30 October 2008	3pm	*No items relating to bullying*	
Wednesday 24 September 2008	1pm-2pm	*No items relating to bullying*	
Tuesday 5 August 2008	10am-12pm	*No items relating to bullying*	
Thursday 1 July 2008	10am-12pm	*No items relating to bullying*	
Thursday 8 May 2008	10am-10.30am	*No items relating to bullying*	
Thursday 14 February 2008	10am-11am	Bullying and Harassment: Media reports and management action	Recent media reports on bullying within WorkCover were distributed and briefly discussed by members.

Appendix Q   LSU action plan

ORIGINAL - **Licensing Solutions Action Plan**

CC Survey question	Issues/perceptions	Staff Solutions	Action
Question 1 Management does a good job of assigning and coordinating people	Lack of clarity around work activities and ineffective management of resources both in terms of allocation and performance	Managers to be more open and provide reasons / explanation around decisions impacting staff	Information be provided at Team meetings or other appropriate meetings by Team Leaders and/or management. **Ongoing**
		Managers to talk with each staff to gain better appreciation of practical operational issues and their impact	Regular walks around by management and discussions with individual staff. **Ongoing**
		Develop suitable performance framework for business, teams and staff	Reporting systems to be developed focused on team performance and License type. **June 2010.**
		Focus on putting resources into a workable database	New combined licensing to be delivered by **31 December 2010.** Regular updates to be provided to staff. **Ongoing**
Question 2 Managements actions match its words	Managers not open or consistent in their communication and delivery of agreed actions	As part of regular Branch / Section meetings record and monitor key agreed actions to provide staff visibility of progress	Action items to be recorded at Team Meetings and progress reviewed and reported on at subsequent meetings **Ongoing**
		Managers to be more open, approachable and provide reasons / explanation around decisions impacting staff	See Question 1 Actions
		Managers to focus on exception management and not micro manage	Discussions to occur within Licensing management team in relation to this matter. **31 May 2009**

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CC Survey question	Issues/perceptions	Staff Solutions	Action
Question 3 I am offered training / development to further myself professionally	Internal training not structured, practical or 'hands on' and not delivered with consideration of current workloads	Managers to be more open and provide reasons / explanation around decisions impacting staff	See Question 1 Actions
		Take up by staff of training - development opportunities to be encouraged and benefits communicated	Discussions to occur at Team Meetings as to training required for development and development opportunities coming up. **Ongoing**
		Training programs reflect actual work activities (real life)	Training in Licensing processes to be one on one. **Ongoing**
Question 4 This is a psychologically and emotionally healthy place to work	This is an unhealthy workplace due to excessive workloads, job uncertainty and continual change	Managers to be more open and provide reasons / explanation around decisions impacting staff	See Question 1 Actions
		Provide staff with specific and open training regarding WCA's temporary employment policy and other HR issues	Presentation by HR to be arranged with opportunity for questions **30 June 2009**
		Management to seek a better balance between work and social aspects of the workplace	To happen naturally as workload improves.
		Managers to focus on exception management and not micro manage	See Question 2 Actions
		Management to better communicate the benefits of workplace change and support staff through their issues	Development of a change framework including 2 way communication and changes in legislation and processes. **30 June 2009**
		Develop a program that helps educate staff on the wider workplace environment so as to help to strengthen staff resilience to the workplace stresses	Management to provide advice on expectations and issues in the workplace that may impact on Licensing or WorkCover generally. **Ongoing**
		Create more permanent positions	4 permanent positions have been created for long-term temporaries.
		Provide plenty of notice to temporary staff about their future	Existing temps to be advised of ongoing employment by **15 May 2009**

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CC Survey question	Issues/perceptions	Staff Solutions	Action
Question 5 Everyone has the opportunity to get special recognition	Perception is that individual achievements are not always recognised publicly.	Introduce recognition scheme - highlighted as a development tool.	Regular walks around by management acknowledging good work at an individual, team and group level. **Ongoing**
Question 6 Promotions go to those who best deserve them	Staff are unhappy with Recruitment process and limited positions above grade 3/4.	Constant reminder and encouragement of Learning Services available

BRM&SS Peer Support program to assist with help on job applications. | Staff should be encouraged to include their development aspirations in their IDP and encouraged to attend learning / training sessions to allow them to achieve. **Ongoing**

Staff be encouraged to seek assistance by Team Leaders. **Ongoing** |
| Question 7 Managers avoid playing favorites | Some staff appear to have better access to management due to favorites. | More staff meetings.

Performance feedback scheme.

Continued communication of advantages of IDP and new performance scheme when introduced. | Fortnightly team meetings of 30 minutes including all staff. See Questions 5 and 9 Actions

Team Managers to encourage staff to participate in the schemes. **Ongoing** |
| Question 8 People avoid politics/ backstabbing as ways to get things done | Politics / Backstabbing as ways to get things done ahead. | All previous listed. | No other actions required. |

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CC Survey question	Issues/perceptions	Staff Solutions	Action
Question 9 If I am unfairly treated, I believe I will be given a fair go if I appeal	Some staff said they would be given a fair go, while temps were worried about appealing and some staff said they would just go the PSA.	Staff should be given regular informal feedback about their performance by team leaders both good and areas for improvement. A third party who reports direct to GMCSD who can support people by offering advice etc. Staff is reminded of GMCSD Open House. Staff are treated fairly and consistently in processes. All staff have the opportunity of higher duties	Team Leaders, License Assessment Officers, Manager and Director to provide informal feedback to staff on a regular basis. **Ongoing** Staff can discuss issues with Executive Officer and Project Office Manager CSD. General Manager's Open House is available Thursdays at 3.00pm or at other times by special arrangement Management to review previous decisions as part of decision-making process. **Ongoing.** Register of higher grade actions be maintained **June 2009**
Question 10 Team functions and roles are clearly understood by staff	Few team meetings with staff having poor awareness of what is happening or being done within the team There needs to be a lot more clarity on roles, some staff don't know what they are supposed to be doing or who is responsible for what with new staff just placed in the mix.	Fortnightly team meetings of 30 minutes including all staff. Review how phones will be managed during these meetings. Clearly defined directions by management that filter down through team leaders into teams Review meetings staff/ management are required to attend List of tasks needs to be compiled for each unit with a list of staff, list of tasks and how long these tasks take to do. Staff to be signed off as competent to carry out allocated tasks	Commencing immediately fortnightly team meeting be held **May 2009** Team meetings to include segment on defined directions **May 2009** Review of all meetings to occur and decisions made as to the continuance of various meetings. **June 2009** As per adjoining solution, some work has already been completed. **July 2009** Competency process to be developed with appropriate sign off **September 2009**

CC Survey question	Issues/perceptions	Staff Solutions	Action
Question 11 Open two way communication is encouraged in my Division	Due to lack of regular team meetings and agency temps being excluded from the meetings communication could be improved. It is also often difficult to get access to Manager/ Team Leaders.	Regular formalised 30 minute Section and Team Meetings needed with staff to submit agenda items meetings. Management and staff to respectfully hear and respond to views of all parties expressed in meetings in relation to issues and processes in the workplace Discuss with Team Leaders their accessibility	See question 10 plus the ability of staff to submit agenda items. **May 2009** Self explanatory **Ongoing** Review workload of team leaders to allow them more available time for staff. **July 2009**
Question 12 Management addresses issues of staff non performance responsively and appropriately	Common view that non performers should be dealt with appropriately and consistently	Manager's/ Team Leaders/ Supervisors to address poor behaviour or work ethic of staff Dealing with non-performance issues needs to be addressed consistently. Management let staff know that performance management is occurring but that it is confidential.	Managers/ team leaders ensure that non performance issues are addressed in accordance with WCA policy **Ongoing** Ensure all non-performance is dealt with, not just some staff. **Ongoing**

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Appendix R Guide to bullying and harassment classification

The following tables provide an example of a guide to the classification of reported bullying and harassment incidents.

The first table provides the user with a method to categorise the severity of the reported issue by examining the nature of the reported incident. One or more types of incidents in the severe category will automatically warrant further investigation. In addition, the degree to which an individual has been subjected to multiple types of incidents may also increase the likelihood of the event being classified as severe.

Nature of reported incident

Mild		Moderate		Severe	
Inappropriate work allocation	Disrespect	Rumours and Gossip	Isolation (eg silent treatment)	Verbal abuse	Physical abuse
Micro-management	Unrealistic work demands	Criticism	Sarcasm	Non-verbal intimidation	Institutional abuse

In the event an incident is classified as moderate or mild using the above table, these may still require further investigation determined by the second table. The second table provides further insights in relation to the seriousness of the reported incident, the greater the seriousness, the stronger the need for further investigation.

Seriousness of reported issue

	Low	Moderate	High
Repetition	One-off	Occasional	Frequent
Duration	Short-term	Medium-term	Prolonged
Aggression	Consistent	Fluctuating	Increasing
Intent	Accidental/unintentional	Deliberate	Malicious

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