

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

Name: Name suppressed

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Partially Confidential

1. Bullying is inherent in processes due to adversarial application of policy

Attachment 1 demonstrates how bullying is inherent within practices of WorkCover.

Recommendation 1.1

Independent review of processes and policies from the perspective of their length, clarity, and in particular their ability to be easily interpreted. It is my view that the more complicated and convoluted a process or policy, the less it is capable of being implemented and the more open it is to manipulation. If a policy/procedure cannot be expressed in simple, easy to understand language then it can be used as a tool to bully whether intentional or otherwise.

Recommendation 1.2

The establishment of an independent arbiter in issues associated with employment/people management. I have no confidence in the impartiality of People and Culture, or others in WCA, particularly in the current environment where retribution appears to be enacted without a party having any avenue of recourse and policy/procedures are used as tools to bully.

2. Exclusion from recruitment processes

Recommendation 2

Reasonable requests for information be provided in a timely manner and where appropriate an independent mechanism be established to query responses provided particularly the reasonableness of such responses in terms of answering the query and the appropriateness of such responses in terms of normal practice.

3. Failure to address allegations of bullying

Recommendation 3

I believe that it is critical to establish an independent arbiter to raise concerns that are unable to be addressed within existing systems due to perceived inherent bias. This position should be of the nature of an Ombudsman.

4. Failure to provide an opportunity to relieve upwards.

Recommendation 4

As with recommendation 3 I believe that it is critical to establish an independent arbiter to raise concerns that are unable to be addressed within existing systems due to perceived inherent bias. This position should be of the nature of an Ombudsman.

Following are two issues which in my view go to the core of how bullying is perpetrated at WorkCover, how it is disguised and how it is manipulated to engineer predetermined outcomes.

This paper is meant to demonstrate that processes within WCA are inherently adversarial, unclear, and have been subject to manipulation to suit (what appears to be) predefined outcomes. Further, that once a process is commenced there is no evidence of a 'health check' on the process as it occurs, and as such the impact of the process on people is not evaluated or indeed whether the process is leading to a fair outcome. Rather, dealing with the collateral damage is left to counselling services that ultimately have no power to cause modification to unfortunate behaviour within WCA and ultimately require the staff member

to heal themselves (if this is possible) without the chance of having their treatment independently reviewed.

Observation

Public service, at least from the perspective of a public servant, should be about providing frank and fearless advice often contrary to what is considered appropriate. It has at its' core a level of independence and honesty, and the view that this openness and honesty is also provided to our co-workers regardless of rank.

With this in mind we must respect contrary beliefs and listen attentively to differing views in our attempts to formulate policy and actions. Certainly this is flavoured by goals and the directions provided by our political masters, but always we must seek to act with honesty and integrity and without fear or favour.

I am of the opinion that this is not the case at WCA, and that causing disruption at any level is a definite career limiting move.

Processes

In this place, WorkCover Gosford (WCA) processes and procedures are extremely convoluted. In particular:

- Recruitment;
- performance management – employee development (not to be confused with managing poor performance); and
- management of poor performance;

(the tools of employing people) are handled in an adversarial fashion which often leaves one not only struggling to understand how decisions are made but even why they are made at all.

There is a disconnect between what is said and what is done in terms of identifying a process and setting out the steps, and how the process occurs, when this is compared to what actually happens. Certainly, staff are often confused about the rationale behind decisions and as information is often not passed to me I am unable to offer guidance. In fact, when queried about decision making processes or the application of procedures, answers are either not provided or I am told 'it is my decision' without substantive backup. This is amplified further when requests for explanations are either not provided or conveniently shelved.

I have seen a number of staff bullied by process and have mentored them in dealing with issues that arise from the application of policy in an adversarial manner, constantly reminding them to deal with the process and not the individual. Unfortunately it is often the instigating individual's interpretation of policy that causes the grief and there is no mechanism to escalate such issues. Thus, I acknowledge that overt bullies exist, but make the point that processes and procedures actually facilitate bullies unfortunate behaviour and the lack of an impartial external review mechanisms means that these issues fester and cause increased levels of angst amongst colleagues.

Certainly I have tried to escalate issues in the past and met with, at best, limited success, and I believe this is indicative of the difficulties encountered by all staff when attempting to provide genuine and constructive feedback, perhaps even to the level of interest shown in truly tackling the issue of bullying.

Unfortunately every change to process has resulted in the processes becoming more convoluted, less clear, and more amenable to creative application. Indeed it is impossible to determine what are appropriate processes without 'expert' guidance, and as such it is often that advice cannot be provided by a single individual, and as is often the case, decisions end up being made by some form of informal committee where group think results in a lowest-common-denominator solution without any accountability for the outcome or for the process and its impact on people.

Dissonance/Dissembling

In a state of dissonance, people may sometimes feel "disequilibrium": frustration, hunger, dread, guilt, anger, embarrassment, anxiety, etc. Cognitive Dissonance is the discomfort experienced when simultaneously holding two or more conflicting cognitions: ideas, beliefs, values or emotional reaction.

To a large extent the dissonance is caused by the variance between what is said and what is done, or indeed what a policy/procedure seems to require and what actually happens.

I raise this because the active dissembling that sees a restructure rebadged as a realignment; that in recruitment, which is supposed to be based upon capability and capacity seems in the end to have ultimate evaluation based on a position description, regardless of capability and capacity; and that thus outcomes have at least some element of being pre-determined. Whether this is perception or reality is a moot point when the staff member is being considered for redundancy, particularly where staff have held positions for a number of years and are now told they are not capable of undertaking the duties that they have already demonstrated their competence in undertaking.

Thus the confusion in identifying the difference between a restructure and realignment; it would seem that in both cases staff are made redundant and that broadly responsibilities and roles do not change.

The tragedy in this process is the demonstrable loss of intellectual capital and the capacity such creates to replicate past mistakes/inefficiencies, and I would suggest the active employment of the Peter Principle (where people are promoted to their own unique level of incompetence) to ensure that those who are favoured receive benefits.

Principle vs. Rule-based control

In general terms there are two mechanisms to engender control, these are rule or principle based.

In a rule based culture all requirements are clearly documented and must conform to the specifics of these rules.

A principles approach sets out broad guidelines subject to interpretation and implementation in the moveable-feast that is the current environment.

The problem with a rules-based approach is that it is subject to manipulation as long as a legal justification can be conjured.

Whereas in a principle-based approach broad guidelines are established and these are used to flavour decision making, in this approach personnel are free to make decisions but must be able to firmly demonstrate the basis for their decision and in particular how the approach employed did not disenfranchise someone. In my view this makes people accountable and removes the capacity to hide behind process and dissemble.

Considerations

In this place we have been trained over-and-over in bullying, the joke is that 'it is an odd year and thus we must be having bullying training'. I suspect that all this has achieved was to demonstrate to the real bullies how they might be able to continue their unfortunate behaviour.

The recent focus of leadership training is of the same ilk, although laudable in intent. I could compose another paper on the issue of leadership in this place and how the failure to question policies and procedures, due to an inherent fear of retribution or ignorance, drives a lack of clarity in outcomes and fails to meet the needs of staff and indeed wider community expectations.