

## **PUBLIC ADMINISTRATION COMMITTEE WORKSAFE INQUIRY**

### **Introduction**

My name is Graham Edwards and I was a local government officer for more than 40 years between 1971 and 2014. An outline of my career is included as Attachment 1.

I wish to make a submission to the Public Administration Committee: Inquiry into WorkSafe and for that purpose I have concentrated on my experience at the smallest and last of the six (6) municipalities at which I worked, the

I had previously encountered similar issues at the \_\_\_\_\_ and \_\_\_\_\_ but not with the intensity of \_\_\_\_\_ which is where the gravity of a systemic toxic workplace, to employee welfare, was most observable and I gained an insight to how it has persisted for decades.

While my career was in local government the circumstances might apply to any workplace.

### **Workplace -**

I accepted a position as the Executive Officer of the Works Department at the \_\_\_\_\_ with consolidation for old age and eventual retirement in mind. The position was not accepted for career advancement.

Within days of arrival in November 2005 it was clear that very serious problems infected the workplace. An extraordinary level of workforce trauma was evident. I found that Council records revealed a well-documented, history of feuding, bullying and blame.

Department of Local Government enquiries a decade before my arrival had identified deficiencies and that the Occupational Health and Safety, Equal Opportunity and Anti-Discrimination obligations of an employer were not being satisfied.

I had been recruited to address a toxic culture and recognised that widespread role confusion stemmed from the CEO.

Nonetheless, I was well equipped by my background and adopted a positive attitude. My priority was to define and implement roles throughout the Works Department.

It was however necessary to place my trust in the new CEO(s) as their acceptance of the responsibilities of that position was critical to enforcing change throughout the organisation. Many discussions were held with \_\_\_\_\_

### **WorkSafe Intervention – When Have All Avenues Have Been Exhausted?**

When the role confusion and bullying persisted I began to seek support elsewhere in 2007, firstly from Local Government Insurance Services (LGIS) which I continued to consult extensively.

1. LGIS consistently claimed that it could not intervene and inform the Council unless authorised by the CEO and that change would not occur unless wanted by the CEO.

LGIS did however visit \_\_\_\_\_ and commented positively about my efforts and:

- Informed the CEO about the importance of a clear line of authority.
- Noted the absence of Procedures for Managing Performance and Misconduct and provided these to the CEO in March 2012.

Others I consulted were:

- WorkSafe (Albany) which directed me to the Hon. Peter Watson MLA.
- WorkSafe (Perth) which directed me to the Corruption and Crime Commission.
- The Western Australian Local Government Association (Workplace Solutions).
- Local Government Managers Australia (LGMA)
- Nella Global Solutions, a WALGA Preferred Supplier.
- Corruption and Crime Commission.
- Public Sector Commission.
- Hon. Peter Watson MLA.
- Slater and Gordon Solicitors.
- Hon. Sally Talbot MLC.
- The Australian Services Union.

#### **WorkSafe's Oversight - Procedures for the Fair and Equitable Treatment of Employees**

The Procedures for Misconduct and Performance Management provided to the CEO by LGIS in March 2012 were not presented for adoption by the Council and implementation, or made public. For more than 6 years I had been trying to manage workforce harassment and intimidation fairly and equitably, without transparent procedures and from a position constantly destabilised.

The general attitude of the CEOs seemed to be to either turn a blind eye or that "if you make it difficult for those you don't want, they will leave." It seemed that they had aligned with the "local" aggressors and enabled bullying.

While the CEOs had the authority and a duty to either enforce, respect, amend or terminate my contract it was instead habitually disrespected and frustrated.

In December 2013 I wrote to \_\_\_\_\_ and requested mediation with the Council pursuant to the dispute clause of my contract of employment. The response referenced discussion by the "elected group" and referred me to mediation in Perth with the CEO and of LGIS. I had already been seeking support from those sources for more than 6 years.

At that time the CEO knew that:

- I had a fixed term contract which would conclude in August 2014.
- I had extensive outstanding leave entitlements.
- I would be 64 in May 2014 and was approaching retirement age.
- In February 2014 he could present a confidential item to the Council recommending against contract renewal. (The position, but not the duties, became redundant).
- The Local Government Act 1995 section 5.36(3) states that *"A person is not to be employed by a local government in any other position unless the CEO is satisfied by the proposed arrangements relating to the persons employment."*

Transparency and the right, or indeed duty, to inform a Local Government free from repression, reprisal and prejudice is critical to good governance, safe workplaces, families and communities.

It seems irrational that legal action or the press are necessary to inform and receive fair treatment.

### **WorkSafe's Duty of Care and Funding**

A CEO holds a position of substantial power, influence and trust with a statutory duty to ensure a safe workplace where every employee is free from abuse and receives fair, equitable treatment.

Misconduct and bullying stemming from the role confusion I encountered was readily addressed; but beyond my authority. Both the CEO and WorkSafe had the authority and a duty to act, yet neither accepted that responsibility.

WorkSafe "Guidelines for Bullying" nominate types of unacceptable behaviour, those who are susceptible, the malicious intent, the potential consequences and that an employer should have procedures affording employees the right to natural justice.

WorkSafe however will only intervene after all other avenues have been exhausted. WorkSafe is the agency of last resort yet had the power of enforcement.

Would WorkSafe clarify when all avenues are exhausted and WorkSafe will intervene? If not WorkSafe, who will enforce Occupational Health and Safety legislation to protect employees?

WorkSafe's acceptance of responsibility and ability to enforce is not necessarily a matter of funding.

### **The Pervasive Implications**

The Public Administration Committee references work related deaths, however any workplace that neglects employee welfare, undermines community service, suppresses careers, provokes mental illness, family breakdown, domestic violence and suicide has repercussions for departments including:

- i. Treasury.
- ii. Commerce (WorkSafe)
- iii. Local Government.
- iv. Public Sector Management.
- v. Health (Mental Health Commission)
- vi. Corruption and Crime Commission
- vii. Education
- viii. Child Protection.

Effectively a FIFO worker over a long period I was:

- i. Isolated from family and my partner who rejected residing in an unwelcoming environment.
- ii. Maligned and marginalised amid local family and community relationships while subject to unrelenting and eventually overwhelming hostility and workload.
- iii. Containing the impact but unable to eliminate role confusion originating from the CEO.
- iv. Defending the right to fair treatment of all employees whose welfare was my responsibility.
- v. Delivering unprecedented productivity for the local government while being exploited for my knowledge as a career I valued was being dismantled and personal life, health and welfare in old age were being irrevocably damaged.

The workplace incidents I faced are far too numerous to describe comprehensively but I will select examples and forward the details together with other information to the Hon Adele Farina.

I am disappointed that nobody would assist with addressing such damaging circumstances. On behalf of many employees and families who have been affected, I appeal for your consideration accordingly.

Yours faithfully

Graham Edwards  
25 July 2017

Attachment 1:                   Local Government Career Outlined  
Attachment 2: