

Summary of the Investigation Report into Allegations of Bullying and Harassment in the Hunter Housing NSW

Background

On 22 June 2010, Housing NSW contracted an independent investigator to commence enquiries into recent allegations from four complainants about bullying and harassment in the Hunter area, specifically relating to the Newcastle Tenancy Services Team. Two of these complainants were former employees and two current. None had lodged a formal written grievance but all were agitating for action to be taken. On examination, it was apparent that the four complainants were in communication with each other and their complaints were inter-linked.

The investigator was provided with background information and asked to provide a Fact-Finding Investigation Report at the conclusion of the investigation. She was also asked to assess if the Newcastle Tenancy Services team, might be a candidate for the “hotspot” program of risk assessment due to the recent complaints.

The investigation was conducted by an independent consultant investigator who was admitted to the Supreme Court of NSW as a legal practitioner in 2000 and currently holds a NSW solicitors practicing certificate.

Now self-employed as an independent consultant, the investigator has conducted numerous fact-finding and disciplinary investigations for several NSW public service agencies as well as public service bodies in other states.

As well as investigating workplace grievances and OH&S assessments, the investigator has also had extensive experience in investigations involving workplace bullying, harassment and corruption.

This report was commissioned by Housing Head Office not the Northern region and the investigator was chosen for her extensive experience and qualifications in these types of matters. This summary is based on the report and contains the findings and recommendations in the report. The full report cannot be released due to privacy considerations.

PROCESS:

The investigator interviewed eleven (11) witnesses; conducted face to face interviews with all complainants and most Managers; reviewed briefing papers; interviewed the Public Service Association (PSA) Regional Organiser; considered documentation provided by all parties; considered representations made and documentation provided

by third parties, including former Housing NSW employees and media reports. Relevant Housing policies such as: *Policy for Prevention of Workplace Bullying; Guidelines for Prevention of Workplace Bullying; Grievances and Disputes Policy* and the *Code of Conduct and Ethics* were also reviewed.

The investigator was specifically asked to examine recent allegations and not to revisit older allegations that had been previously investigated. The enquiries were therefore limited to issues raised by the four complainants about the conduct of various managers within Housing NSW, Hunter region in the past eighteen months or so, as evidenced by documents provided by them.

OVERALL FINDINGS:

Based on the complainant and witness interviews, and in the context of relevant policies, the investigator found that staff did not have an informed and proper understanding of what constitutes real bullying and harassment as opposed to legitimate management practices.

The report expressed the view that across-the-board re-education and training is necessary for staff in the Hunter area on the *Prevention of Workplace Bullying Policy and Guidelines*, so that staff are made aware of the difference between what is simply management, work-performance and the application of legitimate systems and processes, as opposed to bullying and harassment.

Training and re-education is also required on the relevant aspects of the *Code of Conduct and Ethics* and the *Grievances and Disputes Policy*.

SPECIFIC FINDINGS

- The allegations by employees about bullying and harassment are without substance and do not warrant any further action.
- The allegations by former staff about individual managers and Housing NSW generally are without substance and merit no further action.
- Furthermore, there is no obligation on Housing NSW to re-visit and re-investigate matters raised by former staff which have already been addressed and resolved.
- The agency acted appropriately in recognising and acknowledging the “*early warning signs that bullying might be occurring*” in the Hunter area.
- Based on further and more specific details about the allegations and an analysis of this information, the Hunter area and, in particular, the Newcastle Tenancy Services Team, is not “a candidate for the hot spot program risk assessment”.
- Consideration should be given to notifying staff of the outcome of this investigation in which management has been found not to have engaged in bullying and harassment.

- Consideration should be given to informing staff that issues raised in this investigation have been examined in depth, so as to discourage future allegations of bullying and harassment being made based upon the same facts.
- There is a need for re-education and training for staff in the Hunter area on the concepts of what constitutes bullying and harassment and what does not.
- There is a need for re-education and training for staff in the Hunter area on the *Code of Conduct* and *Grievances & Disputes Policy*.

RECOMMENDATIONS

The report recommends that:

- Staff in the Hunter area, in particular the Newcastle Tenancy Services Team, be notified of the outcome of this investigation and that the investigation has found no substance to the recent claims by four staff that they have been subject to bullying and harassment by management in the Hunter area.
- To avoid continuing speculation and rumour, staff should be specifically informed that managers identified have been found not to have engaged in bullying and harassment.
- There should be education and training for staff in the Hunter on the concepts of what constitutes bullying and harassment and what does not and on the relevant aspects of the *Code of Conduct* and *Grievances & Disputes Policy*. Specific emphasis should be placed on assisting staff in understanding and recognising issues that warrant legitimate intervention by management on work-performance issues.
- Staff should be reminded that if they seek to make a complaint or lodge a grievance, they will be required to substantiate the complaint in a timely manner, in writing and with particulars and supporting detail.
- Staff in the Hunter area should be notified that the making of vexatious complaints and the lodging of vexatious grievances exposes the complainant to potential disciplinary action.

HOUSING RESPONSE TO THE FINDINGS AND RECOMMENDATIONS:

Housing NSW has accepted the report and findings and is in the process of implementing the recommendations.