

**Submission to Taskforce Flaxton:
A Crime and Corruption Commission
examination of corruption and corruption risks
in Queensland corrective services facilities**

Queensland's Custodial Corrections Officers: Devalued, Disrespected and Disempowered

INTRODUCTION

Together Queensland, Industrial Union of Employees (**Together**) is the leading industrial union representing the interests of the employees of Queensland Corrective Services (QCS). Together represents over 1800 of the Custodial Correctional Officers (CCOs) employed in the publicly run correctional centres.

Together Queensland:

- is an Industrial Organisation of Employees under the *Industrial Relations Act 2016* (Qld);
- is a counterpart of the Australian Municipal, Administrative, Clerical and Services Union (ASU) Central and Southern Queensland Clerical and Administrative Branch. The ASU is a registered organisation under the *Fair Work (Registered Organisations) Act 2009* (Cth) (FWRO Act).

Together delegates and members support the measures and functions performed by the Crime and Corruption Commission (the CCC) and, in particular, the examination of corruption in Queensland corrective services facilities.

The safety of our members at work is of utmost importance and any opportunity to improve the standards of integrity and conduct in private correctional facilities in Queensland is supported.

BACKGROUND

As noted in the CCC issues paper, Correctional facilities house a particularly challenging sector of society. Individually and collectively prisoners present challenges to the order and functioning of correctional facilities. Many prisoners have disadvantaged backgrounds, come from marginalised groups in society and have a range of highly complex and constant needs.

The recent Human Rights Watch report, *Abuse and Neglect of Prisoners with Disabilities in Australia*, noted that people with disabilities, particularly a cognitive or psychosocial disability, are overrepresented in the criminal justice system in Australia—comprising around 18 percent of the country's population, but almost 50 percent of people entering prison.¹

This already dangerous and difficult environment is made even more so as a result of the current capacity problems. The Issues Paper notes that, "*in a number of high-security correctional facilities, this has resulted in people "doubling-up" in a cell originally built for one person*". With respect, this understates the gravity of the problem. Double ups are occurring in every state run centre (other than the low security centres), in some there are insufficient facilities for all prisoners to sit down to

¹ Human Rights Watch (2018), *Abuse and Neglect of Prisoners with Disabilities in Australia* <https://www.hrw.org/report/2018/02/06/i-needed-help-instead-i-was-punished/abuse-and-neglect-prisoners-disabilities>,

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eat at the one time and access to scarce industry programs designed to assist in rehabilitation is further reduced.

This has contributed to the reported increases at every centre in assaults on staff - ranging from 49% to 223% and a 110% increase in offender on offender assaults during the periods of 14/04/12 - 14/04/18 to 15/04/15 – 14/04/18. In addition to that, the state budget service delivery statement 2017/2018, clearly indicates on page 19, that assault rates of prisoners against officers is 0.6 per 100 prisoners, three times the departments own target threshold.

This explosion in prisoner numbers has necessitated a marked ramp up in recruitment of new officers, who come straight into a stressed, volatile and dangerous environment where, as will be detailed later, they feel devalued, disrespected and disempowered.

FACTORS CREATING OR FACILITATING CORRUPTION RISKS

As noted in the issues paper, the high-risk environment CCOs work in, *“can increase occupational stress, undermine job satisfaction and reduce commitment to their jobs and organisation. Negative perceptions of their job could motivate staff to compromise their job responsibilities, particularly if they perceive the workplace as unfair and they have a sense of isolation within the organisation.”*

In our submission, there are significant current and historical factors that unnecessarily exacerbate negative perceptions CCOs may have about their job, undermine job satisfaction, reduce commitment, and create actual unfairness, not just perceived unfairness, in the workplace.

We submit that CCOs have some justification in believing they are *devalued, disempowered* and *disrespected* in their workplace, unnecessarily increasing the risk of corruption.

Devalued

There a range of factors that have the effect of CCOs feeling they are devalued in their work, as set out below:

- **Remuneration.** The role of a CCO is a complex and difficult one and CCOs have significant expectations placed upon them. While the public and media often consider them as merely guards this is far from the case. The government website states that CCOs are the *“eyes and ears on the inside, at the frontline of custodial operations”*, the role requires them to:

- *monitor and maintain the security of the correctional environment*
- *supervise and provide services to prisoners on a daily basis*
- *play a crucial role in the rehabilitation of prisoners.*²

CCOs are required to complete the 10 week Custodial Officers Entry Program (COEP), and pass written and physical assessments. After completion of the COEP, they must also successfully complete the Certificate III in Correctional Practice (Custodial) course within 12 months of appointment.

Progression through the base grade CCO role requires attainment of *the Certificate IV in Correctional Practice* (Cert IV) and, prior to 2016, also required the Diploma in Correctional Administration.

Yet despite these demands, CCOs represent some of the lowest paid employees in the Public Sector. The current starting salary of a CCO (excluding penalties) is \$1860.50 a fortnight, without a Cert IV qualification or higher, the maximum salary rate they can reach is currently \$2313.00 (after seven years' service) and the maximum salary point in the base grade CCO band is \$2423.30. The table

² <http://www.justice.qld.gov.au/corporate/business-areas/queensland-corrective-services/work-for-us>

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below sets out the comparison rates of Administration staff under the *State Government Entities Certified Agreement 2015*.

CCO Level	Fortnightly Salary	Nearest Equivalent AO Level	Fortnightly Salary
GS 1-1	\$1860.50	AO2-3	\$1862.80
GS 1-7	\$2174.00	AO3-1	\$2247.60
GS 1-9	2364.20	AO3-2	\$2334.20

The recent Sofronoff review into the Queensland Parole System highlighted the need to invest in rehabilitation. CCOs have the overwhelming proportion of interaction and engagement with prisoners during their sentences. Better qualified and remunerated staff would be an investment in better treatment and rehabilitation of prisoners. Their career path and training should reflect that.

It is our submission that Correctional Officers are undervalued compared to other professions and other states and we would be prepared to provide supplementary material if requested.

- **Sick Leave.** Given the stressors and dangers of the job, illness and injury is a common occurrence. Some studies in other jurisdictions have also suggested that Post Traumatic Stress Disorder is a significant problem amongst Correctional Officers.

This results in a higher usage of personal leave than would otherwise be the case. This is exacerbated by the predominance of 12 hour shifts, which means that after only 6.3 absences in a year the annual balance is exhausted. Given that personal leave is used for parental and carers responsibilities as well as personal illness, this can mean that sick leave balances are quickly exhausted.

However, management of sick leave in QCS is authoritarian in nature rather than conducted in a supportive manner. The much criticised “Bradford Factor” is used to trigger absentee management, which sees CCOs precluded from supplementing their income by accepting overtime, and attempts to manage necessary absences through other mechanisms, such as change of duty, are often refused.

- **Hours “owed”.** CCOs are occasionally required to undergo additional training. When this occurs if the training “day” is less than 12 hours CCOs are required to make up the difference. This often leads to perverse outcomes. An example is the recent initiative of QCS to have staff undertake two week’s training as Conflict Resolution Officer.

Despite the fact that staff had often travelled further than usual to attend the training and had to make arrangements to accommodate the fact that they were required to work additional days that they were not usually rostered to, many staff came away “owing” hours for undertaking the training the employer wanted them to undergo in the first place.

- **Workcover.** The role of a CCO entails the real risk of injury in the course of the job. In 2013 the historical practice of administratively paying the difference between the Workcover compensation payments and CCOs average weekly earnings was discontinued despite the concerns raised by the union. This meant that CCOs that had been injured in the line of duty also suffered a 15% reduction in their weekly earnings while injured. Given the already low level of pay that reduction had significant impacts.

The decision was reversed in 2016 after submissions by the union but left an indelible impression for CCOs regarding the apparent regard they were held in by the employer when they were injured.

Disrespected

CCOs also often feel disrespected in their role, another potential driver of misconduct and corruption. The reasons for this are set out below:

- **Lack of voice, lack of action and targeting of union delegates for raising concerns.** Despite recent efforts at senior levels of QCS there is regularly a lack of genuine consideration of the views and experience of CCOs in the operation of their workplace. Consultation is often token or perfunctory leading to stress in the workplace.

A recent example is the updating of the Perimeter Monitoring Systems. QCS implemented a multi-million dollar “upgrade” that reduced situational awareness in Master Control Rooms and degraded their operation and effectiveness, without any engagement with staff that actually worked in Master Control. It required a formal dispute to be raised before any meaningful consultation occurred.

This has coincided with a lack of action on issues of concern to CCOs. Over the last two years a number of delegates (and General Managers) have met with the department during day long workshops, for the sole purpose of analysing the issues arising from overcrowding and the subsequent and alarming rise in ‘Offender on Staff’ and ‘Offender on Offender’ assaults. At these meetings and during numerous teleconferences, the delegates have provided the department with potential solutions, articulated areas of concern and made innumerable requests for safety equipment to be issued to CCO’s, in order to assist with keeping themselves, prisoners and other correctional staff and contractors safe. Despite these efforts, little tangible change has occurred.

Union delegates have a difficult job in the current climate. They are the voice of their colleagues, raising issues of concern with management that are uncomfortable or challenging. They do this voluntarily because they want to make a difference. Yet there have been regular instances where they are criticised and/or targeted for undertaking their role, despite the employer’s formal commitment to recognise, accept and support the role they have in the workplace in relation to union activities that support and assist members.

- **Poor ESU processes.** Together submits that there may be a correlation in the rise in corruption complaints over the last three years and the timing of Machinery of Government changes that placed QCS under the Department of Justice and Attorney General (DJAG).

It has been the experience, as advised by our members and industrial staff, that the conduct of discipline matters where DJAG have carriage has been unnecessarily adversarial. Subject Officers report that they have been treated without apparent respect or regard for their situation.

Further, their attempts to secure support officers of their choice is hampered with restrictions being placed that frustrate the process from members experience.

Regardless of the severity of the issue at hand, ESU notifications have invariably categorised the matter as potential official misconduct, the second most serious level of offence behind corruption, but yet CCOs when found guilty only receive a formal warning. On other occasions behaviour by Supervisors and Management that appear to be clear breaches of the Code of Conduct received no sanction at all.

This perceived inconsistency and heavy-handedness has led to an environment where CCOs have no confidence that they will be dealt with fairly by ESU and management and a number of Centres use referral to ESU to threaten staff.

- **Poor HR processes.** Staff treatment by Human Resources employees at centres is also inconsistent. HR practices can either be transactional or transformational in approach. While at

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some Centres the efforts of the HR staff are proactive and supportive, this is not the experience at other centres where HR appear to believe their job is to ensure CCOs get the bare minimum in entitlements.

There have been examples where requests by staff for entitlements such as leave or overtime have been refused based on poor understanding of the Award or Collective Agreement. In fact, in one instance, an Award that had been obsolete for many years was cited to frustrate a request made by a CCO for leave they were actually entitled to.

Additionally, members and delegates report concern over a lack of transparency in some centres when it comes to recruitment and promotion. For example, in recent years a position of "Violence Prevention Coordinator" was created in each Correctional Centre, they were introduced without consultation and, while some Centres undertook internal expression of interest processes, others just simply appointed staff to the positions without any process at all.

Together is able to provide a number of examples to support this element if requested.

- **Bullying.** The Human Rights Watch report, *Abuse and Neglect of Prisoners with Disabilities in Australia*³, identified bullying of prisoners with disabilities by other prisoners and staff as a significant issue. This comes as no surprise given the identified culture of bullying that exists in QCS.

The Anti Bullying and Harassment Committee Report of 19 December 2016 (see attached at Annex A) identified there was a significant and widespread workplace bullying problem at QCS, with three quarters (74 %) of employees witnessing or personally experiencing bullying or harassment in their workplace. The Committee also found that the perpetrator was more likely to be someone of higher rank than the victim and that bullying has a significant impact on the workplace culture, as well as at the individual level, especially for those who have been a victim.

It also found that despite the high level of bullying evident, there does not appear to be strong evidence of any persons being held to account for such behaviours.

Despite the acceptance of the recommendations of the Committee by QCS and some efforts to change the culture it persists. Given a culture where people in positions of authority bully those underneath them with impunity, the potential for similar mistreatment of prisoners is real.

Real action on stamping out bullying behaviour is vital to avoid this risk.

Disempowered

In the face of the increasing challenges in the workplace associated with overcrowding, members report that they feel they are not given the tools, time or support required to do the job properly:

- **Lack of tools to manage prisoner behaviour.** The overcrowding has meant that the mechanisms previously available to manage poor prisoner behaviour are no longer effective. Detention Units are either used as cells or, if they are still used for their original purpose, Prisoners sent to them are moved back out again early to deal with the next incident.

The use of Breach Notices has become so bureaucratic and laboured that by the time a breach is issued it is days after the event and does not effectively modify the behaviour. Together delegates since June 2017 had been seeking details on exactly what legal entitlements various classes of prisoners had versus other privileges they were granted in an effort to meaningfully discuss an

³ Op cit.

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incentive and privileges scheme to manage behaviour. This information was only provided in recent weeks.

CCOs have also been seeking expanded use of options to deal with prisoner violence, safely and effectively. This included access to chemical agents, reintroduction of 24 hour dog squad coverage, changes to response models and equipment carriage vests that increase freedom of movement.

While some changes are occurring they are glacial in nature.

- **Inability to have the time to do the job properly.** The extreme overcrowding in centres has meant that instead of effectively rehabilitating prisoners QCS have moved to a model that would be better described as “Rack and Stack”. The need to concentrate on safety has meant time simply isn’t available for rehabilitation.

This is exacerbated by the fact that the reduction in industries from seven day a week operations to only Monday to Friday that occurred as part of the Newman Government budget cuts have not been reversed in several centres limiting access to training designed to rehabilitate prisoners.

Case noting has had to be reduced and out of cell time is being curtailed simply to managing the burgeoning prison population safely.

Correctional Centres are still being managed with processes designed for a correctional system that is within capacity, fully resourced and functional. That system simply doesn’t exist anymore.

If the Queensland Government genuinely wants a system that rehabilitates prisoners and prepares them to re-enter society in a way that keeps the community safe it needs to invest in industries, capacity and staff.

- **Lack of action following incidents.** Finally, CCOs perceptions of the regard they are held in by the employer and society are negatively affected by the lack of consequences for prisoners who assault staff. Often the prisoners are not charged for assaulting CCOs. In fact, there have been several instances of CCOs having to go to the local police station in their own time in order to get charges laid.

Even when charges are laid, prisoners regularly receive concurrent sentences that are of no real deterrence value. Even when assaults are referred back to Centres for action, often there is no meaningful penalty for the prisoner for assaults, even when those assaults have left our members hospitalised.

LEGISLATIVE, POLICY OR PROCEDURAL CHANGES

In our submission the following changes should be considered:

1. **Increased capacity.** The fundamental issue facing the Queensland Correctional System is lack of capacity and this affects every facet of operations in centres. Trying to tackle the other challenges in the Correctional system without creating the additional capacity needed will ignore the primary problem.
2. **Improved training, reward and career paths.**
3. **ESU/HR Review.** Ensure the current establishment of QCS as a standalone department includes a complete review of ESU and HR processes to address issues with culture, consistency and technical competence.

4. **Increased tools for CCOs including:**
 - Reintroduction of 24 hr Dog Squad operations
 - Reintroduction of 7 day industries
 - Additional use of force options

5. **Increased consequences for staff assaults.**

CONCLUSION

The Queensland Correctional System is under unprecedented stress. The extreme overcrowding is seeing a surge in assaults and incidents and the work of our members has never been more dangerous and stressful; nor has it been less rewarding.

Together members and delegates welcome any review that genuinely looks to address the underlying drivers of inappropriate conduct and introduces changes that improves their safety and satisfaction in the workplace.

We appreciate the opportunity to make this submission and are happy to assist the inquiry further as necessary.

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**Annex A to
Together Qld's Submission to
Taskforce Flaxton**

ANTI BULLYING AND HARRASSMENT COMMITTEE REPORT

19 December 2016

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REPORT OF THE ANTI BULLYING AND HARASSMENT COMMITTEE

DECEMBER 2016

1. INTRODUCTION

The Committee was established in December 2015, as a direct result of concerns raised by Together Union members, responses by QCS employees to the 2015 Employee Opinion Survey, and QCS reviewing instances of alleged inappropriate behaviour.

A specific activity that was to be undertaken by the Committee was the preparation of advice to QCS Board of Management that provided greater insights into bullying and harassment within QCS and recommendations regarding proposed strategies to address bullying and harassment, such that staff could undertake their roles and duties within safe workplaces.

This report represents the findings of the Committee in relation to bullying and harassment within QCS and recommended actions to address such behaviours to promote staff confidence in QCS being a safe workplace where bullying and harassing behaviours are rigorously addressed.

2. EXECUTIVE SUMMARY

2.1 Background to Findings

The Anti Bullying and Harassment Committee in providing the following description of bullying and harassment within QCS is informed by the results of the Colmar- Brunton external market research company on line survey (the significance and credibility of which is heightened by the response rate of 1270 staff responses from 4,243 distributed surveys); staff written submissions , discussions with staff who contacted the hotline that was established and information contained in the “ Guide for Preventing and Responding to Workplace Bullying “ , Safe work Australia, May 2016.

2.2 Findings

- There is significant and widespread workplace bullying problem at QCS, with three quarters (74 %) of employees witnessing or personally experiencing bullying or harassment in their workplace (Workplace Bullying and Harassment Research-Final Report , page 10)
- Employees face some significant barriers when it comes to taking action against bullies with only half of victims choosing to report it or take action after the incident (Final Report – page 11)
- Bullying has a significant impact on the workplace culture as well as on an individual level, especially for those who have been a victim rather than a witness. (Final report –page 12)
- Current departmental processes, for addressing allegations of bullying, together with concise current information available to staff who wish to seek assistance in responding to bullying and harassment appear inadequate and confused.

- Despite the high level of bullying evident there does not appear to be strong evidence of any persons being held to account for such behaviours.
- To ensure QCS provides safe workplace, urgent and significant actions are required.

2.3 Key Recommendations

The following recommendations are designed to evidence the commitment of QCS to ensuring safe workplaces for all staff through processes and practices that identify, prevent, respond to and reduce the risk of workplace bullying and harassment.

The recommendations are also framed, to take into account relevant sections from the Safe Work Australia *Guide for Preventing and Responding to Workplace Bullying*, May 2016.¹

Recommendation One:

Ensure senior management are held accountable for identifying, preventing and responding to workplace bullying.

Recommendation Two:

Develop a standalone policy designed to prevent workplace bullying.

Recommendation Three:

Increase Awareness of QCS actions re Inappropriate Behaviours.

Recommendation Four:

Access to mediation services

Recommendation Five:

Support Program for victims of bullying /Workplace Based Peer Support Staff

Recommendation Six :

Implement Processes to assist identify potential Bullying and Harassment impacts upon staff and workplaces

Recommendation Seven :

Establishment of a Dedicated Unit to coordinate QCS responses to Bullying and Harassment

Recommendation Eight :

Conduct of follow up Survey to evaluate the benefits of the recommendations.

¹ Safe Work Australia. 2016. *Guide for Preventing and Responding to Workplace Bullying*. [ONLINE] Available at: <http://www.safeworkaustralia.gov.au/sites/SWA/about/Publications/Documents/827/Guide-preventing-responding-workplace-bullying.pdf>. [Accessed 13 December 2016].

Recommendation Nine:

Improved , Concise Information for Staff On Intranet

Recommendation Ten:

QCS should implement a comprehensive training program to address bullying and harassment issues.

3. COMMITTEE BACKGROUND

3.1 Establishment of the Committee

The catalyst for the establishment of the Committee was the results of the 2015 Employee Opinion Survey which evidenced:

- An increase in 9 centres , in terms of the response to “experienced harassment /bullying the last 12 months”
- At least 41% of staff reported bullying
- Had a response rate ranging from 18 % of staff (Wolston Correctional Centre) to 49 % of staff at Brisbane Womens’ Correctional Centre

These results were markedly worse than the average results for the Department of Justice and Attorney General and indicated a potentially very significant problem. An analysis of the 2014 Employee Opinion Survey results revealed similarly high reports of harassment and bullying.

Whilst the survey indicated bullying and harassment were serious issues impacting upon a significant percentage of staff within QCS, the survey did not provide detailed insight into either the forms of bullying/harassment being experienced; or why staff might choose not to report such behaviours.

A meeting was held between Together Union – QCS representatives to discuss how to deal with the issues highlighted by the surveys. The agreed outcomes included:

- The need to create a safe environment for all staff and visitors in which issues of inappropriate behaviour, bullying and harassment can be raised.
- The need to understand the issue (eg what are the drivers; why do staff feel bullied or harassed; to determine a range of solutions
- That both QCS and Together Union should work together to address issues
- That engagement of external advice/expertise was desirable.
- The requirement to enhance training at the Academy to promote workplaces free of bullying and harassment.

The Committee was established in December 2015, as a direct result of concerns raised by Together Union members, responses by QCS employees to the 2015 Employee Opinion Survey , and QCS reviewing instances of alleged inappropriate behaviour.

3.2 Committee Membership

The Anti Bullying and Harassment Committee has comprised:

- **Don Brown**- external member- retired Commissioner of the QIRC and retired Workplace Rights Ombudsman (Co –chair)
- **Col Dillon AM-APM**- external member –a member of the Kumbumerri people , with extensive experience in Queensland public service , together with over 40 years experience in Aboriginal and Torres Strait Islander affairs at both the state and federal level (Co – chair)
- **Dr Shannon Murdoch** - external member- Griffith University – developer and deliverer of Mentors in Violence Prevention Project, that has been delivered to professional sportspersons, military groups, correctional officer recruits and community groups.
- **Michael Thomas** – Director, Industrial Services, Together Union.
- **David McInnes, John Wilson and Greg Tanner**- Together Union delegates, serving custodial correctional Officers.
- **Jeff Loof** - Executive Director: Human Resources, DJAG
- **Tygh Field**, Director: Probation and Parole, QCS
- **Alan Butler**, General Manager: Capability and Development , QCSA

3.3 Committee Process

The Committee set out to operate through three stages:

Stage One: Undertake Background Research

To undertake activities to seek greater awareness and understanding of the issues regarding bullying and harassment within QCS. Such activities may include visits by external members of the committee to QCS locations; presentations re Employee Opinion Survey data; information from staff re what are the drivers/circumstances that cause staff to state they have experienced/witnessed bullying and harassment, together with why they choose to report/not report; presentations by HR /Ethical Standards staff re existing procedures/reporting avenues/ possible consequences available to staff.

Committee to establish a process by which existing/past staff can submit information to the Committee.

Stage 2: Strategy Proposals

To provide advice to QCS BOM regarding possible strategies and education/awareness raising campaign to promote workplaces where bullying and harassment is not condoned; and staff feel confident that allegations of such behaviour will be appropriately responded to in accord with DJAG/QCS procedures based on recognition that all staff have shared obligations for contributing to such workplaces.

To review and recommend enhancements to training provided through the QCS Academy within both entry level and management programs, focussed on promoting respectful workplaces.

To provide advice to BOM regarding possible strategies that further raise staff awareness of the mechanisms to raise issues of bullying and harassment, whilst having the confidence that they can do so in a safe environment.

To examine the establishment of a “helpline”, externally hosted that would provide staff a further opportunity to raise issues concerning bullying and harassment, and to seek advice re reporting and responding to such concerns.

Stage 3: Implementation Oversight

Commissioner Mark Rallings and the external co chairs of the committee provided advice to all QCS staff through an email message of 6 April 2016, regarding the role of the committee.

4. COMMITTEE ACTIVITIES

- The committee conducted 11 meetings
- Established as of 8 July 2016, Anti –Bullying and Harassment Hotline, 1300 785 993
- Established as of 8 July 2016, dedicated email address to receive written submissions Anti-BullyingCommittee@dcs.qld.gov.au
- The establishment of the two avenues by which staff could present information to the Committee or seek advice re dealing with /reporting bullying and harassment matters, was advised to all staff by Commissioner Mark Rallings, by email, 8 July 2016.
- Engaged private market research company Colmar Brunton to administer staff survey.
- External committee members Don Brown and Col Dillon made themselves available to staff at BWCC the opportunity to meet with them personally, across the period, to discuss issues relevant to that location.
- Received presentation from Ms Margaret Allison, retired Public Service Commissioner, regarding findings from her review of QFES response to harassment complaint involving female firefighters, and possible learnings that could inform Committee recommendations.
- Individual committee members provided insight to the Committee through reference to actual workplace based situations re challenges, frustrations and personal impacts upon staff re:
 - Bullying and harassment behaviours; and
 - Current negative perceptions and experiences re: Agency response to and investigative processes re bullying and harassment allegations, including length of time investigations took , with associated lack of advice to parties involved during the process.

5. INFORMATION REGARDING SPECIFIC ACTIVITIES UNDERTAKEN

5.1 Workplace Bullying and Harassment Research : QCS Staff Survey

Background

The Committee engaged Colmar Brunton (market research company) to undertake an on line confidential staff survey to inform a greater understanding of such issues/areas as

- How many employees have witnessed or experienced bullying and harassment at work , and in what form
- Identify who the perpetrator was in these cases
- The reporting behaviours of staff (what was reported; if it wasn't reported then why not, if reported , was it dealt with satisfactorily)
- What employees attitudes are towards bullying and harassment within the workplace
- What role management/leadership play in addressing /contributing to the issue.
- Whether there are differences in the experiencing /witnessing of bullying and harassment by different demographic groups (eg gender; age; length of employment ; managers vs employees) and QCS organisational areas (Custodial, Probation and Parole and Corporate).

A 15 minute on line survey was distributed to 4,243 QCAS employees with 1270 surveys (30%) being completed across the period 15 August – 12 September 2016. (Of the 1270 respondents 822 were based in Correctional Centres, 212 within Probation and Parole District Offices and 235 within corporate locations, including QCS Academy). As a private market research company, Colmar Brunton would advise that such a response rate, enables significant integrity to be assigned to the research findings.

Findings

The attached report provides an executive summary, detailed research findings and a profile of respondents by work location, age and length of employment.

Those findings clearly emphasize the need for actions to occur within QCS to address bullying and harassment:

- *"74 % of employees witnessed or personally experienced bullying or harassment in their workplace "*
- *"Of those who had personally experienced bullying, 45 % experienced at least one incident in the 6 months prior to survey."*
- *"The perpetrator is more likely to be someone of higher rank and the same sex as the victim."*
- *"Victims are most likely to have experienced criticism or belittling in front of other staff members (61%); negative comments within earshot of other (53 %) and verbal abuse (30%), as well as unreasonable demands on their time or skills (30%) and exclusion from work related information, meetings or functions (30%)."*
- *"Only half of the victims chose to report the bullying or take action, ,which included speaking to the bully (46%); reporting it to senior management within their work location (41 %) or reporting it with their supervisor (33 %) or the bully's supervisor (27 %)"*
- *"However, only 12 % of victims said that after taking action there was a favourable outcome."*
- *"Of those who did not take action, the key reasons were lack of faith in the complaint investigation process (51%); a belief that complaining is pointless (49%) and fear of reprisal from management (49%)".*
- *"Over 50 % of respondents agreed that there is a culture of bullying with QCS"*

- *"Only 3 in 10 agree that there are severe consequences for bullies"*
- *"Only one in four agreed that victims are supported by QCS management "*
- *"Generally the most negative and impacted groups are employees aged 40 - 49 years, who have been employed for 6 years or more and custodial employees."*
- *"Bullying has a significant impact on the workplace culture, as well as on the individual level, especially for those who have been a victim."*
- *"Victims of bullying developed resentment towards the perpetrator and lost respect for them (67 %); considered leaving their job (58%) or seeking transfer (45%) , worked at less than full capacity or with less enthusiasm (52%) , felt unsupported by management (48%) and were less likely to put forward new ideas at work (48%)."*
- *"Individually,, victims stated that being bullied impacted their temper /emotional levels (61%), self confidence (61%), sleep patterns (51%) , general health (43%) and family relationships (29%)."*
- *"Employees believe that more training is needed to improve the knowledge and skills of both staff and management , with only one in three expressing confidence in management's ability to deal with bullying , and more than 2 in 5 stating they have not received any training about workplace bullying."*
- *"Only around half of employees believe it is easy to find information about workplace bullying and process to report."*

5.2 Staff Written Submissions

- Seven written submissions were received.
- Of the seven submitted five were staff based within correctional centres, and comprised custodial corrections officers, supervisor, trade instructor and staff training coordinator.
- The submissions identified the following as strategies to address bullying and harassment:
 - *Development of training materials/programs (Consideration of training /information sessions on such topics as what behaviours may /may not constitute bullying and harassment; training of supervisors and managers re skills required to undertake actions in response to allegations of bullying and harassment; training of staff responsible to undertake performance management of staff.)*
 - *Need for "victim" support , whilst allegations being investigated and post outcome advised....(Consideration of workplace mentors/contacts who can provide independent advice to persons considering raising allegations; what the process will be; what support is available... reference : QPS Peer Support Officer Program.)*
 - *Need for actions to occur to overcome perception QCS does not take bullying seriously.....(Consideration re dedicated unit/ESU additional staff to solely investigate such allegations to ensure a more transparent /informed awareness of the process to occur/ stages at which process is at/ explanations re course of action decided upon following assessment of the allegation/ advice re outcome.)*
 - *Need for improved access to succinct information for staff re approaches to dealing with bullying and harassment*

5.3 Margaret Allison Presentation: 25 October

Margaret Allison had extensive experience as a CEO of four government agencies in NSW and Queensland before retiring from the public service at the end of 2013, and currently serves as an external member on the QPS Board of Management.

On the 3 October 2014, Margaret was appointed by the then Premier Campbell Newman to undertake a full review of the Public Safety Business Agency (PSBA) and Queensland Fire and Emergency Services (QFES) handling of sexual harassment and workplace bullying with respect to the adequacy of action taken by PSBA and QFES in response to the incident involving the employees posting of sexual information on Facebook about female colleagues in March 2014. (The subsequent report *Independent Review of an incident involving Queensland Fire and Emergency Services employees* was presented to the then Premier on 19 December 2014).

In referring to the following aspects of the QFES response to the complaint raised by the female officers, given the information presented through the survey responses, written submissions and hotline calls taken, the Committee would assess that similar issues are strongly evident within QCS responses:

- Ethical Standards Unit response was not strong, and did not stay involved after providing initial advice.
- Advice provided to complainant re process to report was incorrect.
- Actual investigation did not commence for almost 6 months, whilst complainants remained working with persons who had allegedly instigated inappropriate behaviours/actions. During the period preceding investigation commencing, it was not clear where responsibility within management sat for complaint response.
- Failure to keep complainants "in the loop" re what was happening.
- No recognition of impact of delays in the process on the complainants.
- Lack of employee assistance re wellbeing of complainants.
- Confidentiality of the process emphasized but open awareness evidenced re knowledge of who was interviewed.

Ms Allison referred to the following suggested areas of action:

- Where necessary refresh organisational processes and structures to deal with complaints.
- Ensure clear and simple reporting mechanisms exist that can easily be located on departmental intranet. Ensure such mechanisms provide advice re how a complaint can be lodged, when the complaint concerns the officers direct line manager.
- Where operationally convenient, separate complainant from officer whom complaint is about.
- Commence and finish complaint process as expeditiously as possible, with advice provided to complainant during the process and at conclusion of process, that action has occurred.

5.4 Anti Bullying and Harassment Hotline

Six calls have been received to the hotline.

Overall callers are:

- Wishing to discuss whether behaviours they are experiencing may constitute bullying , and if so courses of action available.
- Wishing to advise of actions they have taken to address bullying, and their frustration with apparent lack of follow up that has occurred.
- Wishing to discuss how they believe bullying has impacted upon their work environment/personal enjoyment of their work and personal wellbeing.

6. RECOMMENDATIONS TO ADDRESS BULLYING AND HARASSMENT

In making the following recommendations, the Committee does so with the sincere intent of ensuring QCS is a safe workplace for all staff, in which staff have confidence that bullying and harassing behaviours, will not be condoned; that a transparent process to deal with allegations operates and perpetrators of such behaviours will be appropriately dealt with in a timely manner, whilst ensuring the process respects the wellbeing of all parties concerned.

Without actions occurring in a timely manner, the current lack of confidence that staff express in QCS commitment to addressing bullying and harassment, will remain with ongoing:

- Impacts upon the health, wellbeing and job satisfaction of affected staff.
- Negative impacts upon workplace culture.
- Cynicism re QCS expressed rhetoric not being matched by action.
- Resignation amongst a high percentage of staff that QCS is a workplace where bullying and harassment is an accepted aspect of the workplace culture with little redress for staff who demonstrate such behaviours.

The following recommendations are intended to form an overall integrated strategy to address bullying and harassment. The recommendations address the elements identified by the Guide for Preventing and Responding to Workplace Bullying for controlling the risk of workplace bullying. They are:

1. Management Commitment
2. Set the Standard of Workplace Behaviour
3. Develop productive and respectful workplace relationships
4. Design safe systems of work
5. Implement reporting and response procedures
6. Provide training and information

6.1 Management Commitment

Recommendation 1: Ensure senior management are held accountable for identifying, preventing and responding to workplace bullying.

The *Code of Conduct for the Queensland public service* provides:

“Managerial behaviour sets the tone for the conduct of all employees. Managers and supervisors have a responsibility to model and promote this Code.

Managers have the ability to influence others by fostering an ethical environment and demonstrate this awareness in performing their duties and in making decisions. “

QCS should introduce policies to ensure that management at all levels are accountable for dealing with unreasonable behaviour as soon as they become aware of it and ensuring that reports of bullying are taken seriously and properly investigated.

6.2 Set the standard of workplace behaviour

Recommendation Two:

Develop a standalone policy designed to prevent workplace bullying

The policy should be set out in writing, be developed in consultation with workers and should include:

- a statement that the organisation is committed to preventing workplace bullying as part of providing a safe and healthy work environment
- the definition of workplace bullying (as described in this guide)
- the standard of behaviour expected from workers and others in the workplace
- a statement, where relevant, that the policy extends to communication through email, text messaging and social media
- the process for reporting and responding to incidents of unreasonable behaviour
- the process for managing reports of workplace bullying, including vexatious reports, and
- the consequences of not complying with the policy. (Bullying and Harassment policy The Guide for Preventing and Responding to Workplace Bullying contains an example policy.)

6.3 Develop productive and respectful workplace relationships

Recommendation Three:

Increase Awareness of QCS actions re Inappropriate Behaviours

To demonstrate QCS commitment to safe workplaces and addressing instances of inappropriate behaviour, consideration of regularly publishing, without naming persons/locations, disciplinary actions that have been concluded.

Recommendation Four:

Access to mediation services

It is recommended that QCS promote access to external mediation services, that affected parties could readily access at the outset of a workplace situation, that may potentially be

resolved before escalating to such an extent that the health and well-being of persons involved is negatively impacted upon, and/or formal processes are initiated.

Naturally, the use of the mediation service, would require the agreed participation of both parties.

Recommendation Five:

Support Program for victims of bullying /Workplace Based Peer Support Staff

It is imperative for the health and well- being of staff involved in formal investigation processes as a result of raising allegations of bullying and harassment that they be supported during and following the conclusion of a workplace investigation.

Such support could encompass:

- A mandatory follow up review , following the conclusion of the formal process, to check the health and safety of the parties involved , and to find out if the actions taken to stop the workplace bullying have been effective, or conversely to monitor all parties involved should the allegation not have been substantiated .
- The review could be undertaken by an appointed senior manager from within the workplace/ an appointed staff member from the Human Resources branch or a team member from the established unit (Recommendation 1).
- The review could involve:
 - Offering professional counselling
 - Offering mentoring and support
 - Organising work in another area of the Agency
- The establishment of peer support persons within workplaces who:
 - be provided training/advice re options available to assisting persons choose courses of action to respond to bullying and harassment
 - would not replace the professional service provided by EAS; nor the advocacy role that a Together Union delegate may provide, but to be an independent person who could offer informal support.

6.4 Design Safe Systems of Work

Recommendation Six:

Implement processes to assist identify potential Bullying and Harassment impacts upon staff and workplaces

It is recommended that through the Human Resources branch and HR managers, information be reported on a quarterly basis to the agency Workplace Health and Safety Committee, based upon:

- information provided through the conduct of exit interviews with staff leaving QCS;

- monitoring workers compensation claims; absenteeism patterns, staff turnover; records of grievances;
- discussions with health and safety representatives;

that may assist identify possible instances/patterns of workplace bullying that require addressing.

6.5 Implementing reporting and response procedures

Recommendation Seven :

Establishment of a Dedicated Unit to coordinate QCS responses to Bullying and Harassment

The Department of Justice and Attorney General (DJAG) and subsequently QCS policy and procedure documents in relation to Employee Complaints policy and procedures documents in relation to Employee Complaints communicate different processes. The procedure directs employees to make a written complaint to the Director – General (or delegate) while the policy directs staff to the DJAG ESU.

Staff openly report a lack of faith in the investigation process as the most significant reason for not reporting bullying and harassment, with a belief that complaining is pointless based on previous experience.

The Committee would propose that issues that contribute to the above would include:

- ESU assessing that complaints of bullying and harassment that are referred to them, do not meet their criteria for conducting the investigation, and therefore referring it back to the originating workplace for management action. This may then result in colleagues or management of the subject officer and complainant being required to investigate the matter with little or no expertise. As well, referral back to the workplace for management action, may result in a perceived or actual conflict of interest due to the existence of personal relationships between investigators/managers and the affected parties/peers or friends). Whilst the survey evidenced anecdotal reports of such a course of action resulting in positive outcomes, overall staff expressed concerns with such a process that resulted in them not reporting in the first instance: ie fear of reprisal from management; a doubt as to managements enthusiasm to stop bullying, managers accepted the behaviour.
- Lengthy investigations with little feedback to persons involved whilst process is occurring.

It is recommended that a dedicated unit comprising two staff, be established, with responsibility for the assessment and complaint management of bullying and harassment allegations. Rather than investigate complaints, this unit would have responsibility for;

- Being a publicised central point for bullying and harassment allegations, should staff not wish to submit through immediate supervisors.
 - Coordinating the initial assessment the allegation through a triage process involving ESU, Statewide Operations and Human Resources Branch to determine response actions to occur and where lead responsibility for such actions sits.
 - Establishing guidelines re timelines for allegations of bullying and harassment to be responded to including the conduct of formal investigations (where such a course of action is determined), and advice provided to parties involved re outcome. The committee acknowledges that some formal investigations may be more complex than others and hence a longer period of time may be required than proposed, but are very cognisant of the negative impact on all parties involved of a long investigative process.
 - Monitoring complaint processes
- Co ordinating reporting on a quarterly basis to Commissioner and QCS Board of Management
 - The number of allegations received , and resulting courses of action determined
 - Where course of action determined was a formal investigation, the status of such investigation, including timeliness of such investigations.
 - Whether investigations were conducted by internal or external persons.
 - The general nature of the outcomes

Recommendation Eight :

Conduct of follow up Survey to evaluate outcomes of recommendations

It is recommended that Colmar Brunton be again engaged in December 2017, to administer the on line survey, to provide an indication of whether improvements have occurred, or not.

6.6 Provide Training and Information

Recommendation Nine:

Improved, Concise Information for Staff on Intranet

A desktop audit of QCS intranet information conducted during the course of the Committees operations , concerning complaints management, bullying and harassment evidenced outdated procedures; conflicting advice concerning process and a lack of clarity regarding the current existing procedure.

It is recommended that a standalone Bullying and Harassment Information Portal be established on the QCS Intranet Home Page that provides staff concise current information re:

- What constitutes workplace bullying and harassment, including examples of behaviours, whether intentional or unintentional, that may be workplace behaviour if they are repeated, unreasonable and create a risk to health and safety.
- What is not workplace bullying, such as reasonable management action taken in a reasonable way.
- Options available to persons wishing to seek assistance/advice re dealing with bullying and/or harassing behaviours.
- Formal reporting mechanisms re making allegations; process that will occur; area responsible for management of the allegation.
- Reporting options for staff who do not wish to report to immediate supervisor.
- Access to external mediation services to assist early resolution of a situation, where such an approach is agreeable to affected parties.

Recommendation Ten:

QCS should implement a comprehensive training program to address bullying and harassment issues

The Committee endorses the further development of training that ensures:

- all staff have a clear understanding of the standards of behaviour expected in QCS workplaces
- all staff to have an understanding of what may and may not constitute workplace bullying and harassment
- all staff have an awareness of the role each person has in relation to preventing and responding to workplace bullying, with a specific focus on the responsibilities of supervisors and managers.
- All staff to have an awareness of the potential impacts of bullying and harassment upon the impacted person's health and wellbeing, both in the workplace and their private life.

Such training to be delivered through:

- induction materials provided to new staff
- specific presentations in entry level custodial recruit programs and Probation and parole Practitioner Development programs
- supervisor and manager development programs
- Managing Difficult Conversations workshops

With respect to specific training of supervisors and managers, training in how to prevent and respond to workplace bullying, and in skills that will help develop productive and respectful workplace relationships, including:

- communicating effectively and engaging workers in decision making
- managing difficult conversations training

- undertaking workplace investigations
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