

Steps to a positive

# workplace culture



MKA: Risk Mitigation

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MKA Risk Mitigation has had another busy quarter. On our website, we present the results from the Elf Mushroom Project where we achieved a 98% reduction in claims. This project has been listed as a finalist in the National Safety Council Awards for Excellence in Safety. The awards will be announced on the 6th October, and if MKA Risk Mitigation is lucky enough to win, then rest assured it will be announced. If we don't get to the top, the subject won't be mentioned again!



The ELF Mushrooms Project was based on the creation of employee led briefing programs on workers compensation. This educational program was an important initiative in combating the difficulties that many injured workers face as they attempt to return to work. It challenged the myths about being on workers compensation. One particular myth which was confronted was unfortunately the all too common view that being on workers compensation means that you can take a "paid holiday". Being injured at work and on compensation is anything but a pleasurable experience, and prevention is definitely much better than cure.

## \*MKA: Making Knowledge Accessible\*

**The project** also established a network of peer communicators and educators. This is a particularly important initiative for a workforce that is largely from a non-English speaking background. Ensuring that all employees, irrespective of their language background, understand occupational health and safety is a critical issue. Providing written materials in other languages is not enough. Information has to come from a source to which employees are prepared to listen. Properly educated, trained and briefed peer communicators are an excellent way to raise workforce awareness. See the website for more details.

**On the other news front**, MKA Risk was a key sponsor for Macquarie University and UNSW at the NSW College of Organisational Psychologist's Careers Fair which occurred on 24th August 2005. MKA Risk will also have a stand at the Safety Show on 26-28 October 2005 in Sydney Showground. So please come and chat with us. Our stand is number **H32**.

Martha Knox Haly also spoke at a National Safety Council Australia Safety Connect seminar on the topic of preventing workplace bullying on 21st September 2005 (see Kate.allen@nsca.com.au for more details of the power point presentation). She will be addressing the issues of workplace bullying and how to prevent it. Ms Knox Haly will be addressing the National Training Summit on 25th October 2005 on the role of effective performance management systems. Further details can be obtained on this conference at [www.iir.com.au](http://www.iir.com.au).

## The latest on Occupational Bullying

It can only be described as being a tumultuous quarter in dealing with the issue of bullying and occupational stress. There were the disastrous tales of National Australia Bank's Forex Traders, where several impressionable young traders told the court of allegations that their team leader, Luke Duffy bullied anyone who exercised a conservative view in trading. Duffy allegedly referred to those who did not follow his lead as "London Stench boys." There was a staggering number of breaches of procedures all of which seemed to have been attributed to differences in data collection methods.

At the time of writing the Queensland Government has just lost two by-elections, and this performance has been attributed to the widespread evidence of dysfunction in Queensland Health. This was revealed by the Bundaberg Hospital Commission of Inquiry. At 24th June 2005, the Commissioner was referring to allegations of a culture of bullying of whistle blowing nurses and doctors.

A Federal Senate inquiry into the Military Justice System revealed a dreadful picture of suicide, racism and violence, drug use and abuse of power. The inquiry recommended that the ADF should be stripped of much of its power to investigate complaints of abuse and crime in the military. In July 2005, Air Chief Marshal Angus Houston came to the top job in

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# Bullying & Legislative Changes

defence vowing to eliminate bullying, harassment and abuse from the Australian Defence Force.

The main point from these examples is that organisations which tolerate bullying can often find themselves in hot water on a range of fronts. This is because bullying shuts down communication and vital information exchange which is necessary for effective organisational functioning.



## NSW Legislative Changes

On 10th June 2005, the Occupational Health and Safety Act was amended in relation to Workplace Deaths. The act refers to those whose who owe a duty of care, or who are reckless as to the danger of death or serious injury to whom that duty is owed, or whose conduct directly causes death or serious injury. The maximum penalty can include \$1.65 million for a corporation and \$165 000 for an individual and /or five years imprisonment. This bill grew from a perception that the courts had previously been lenient. Indeed advice given to Workcover NSW indicated that the overwhelming majority of prosecutions had penalties imposed in the 10% or 20% range (see McCallum et al 2004). It remains to be seen as to whether prosecutions will be pursued under this legislation; and more importantly whether the leg-

islation will in fact be an effective deterrent.

An interesting linkage point is whether an employer would be liable in the case of suicide or associated damage from a mental health condition? It was clear from the ADF inquiry that there were young defence force personnel who had committed suicide as an apparent consequence of occupational bullying. There is also the reality that road transport accidents/ car accidents can sometimes be disguised and under-reported suicides. These questions still need to be answered and perhaps only time and subsequent court actions will tell.

## Queensland Legislative Changes

On 18th August 2005, the Governor of Queensland assented to an amendment (Industrial Relations Amendment Bill No. 36) to the Industrial Relations Act, Queensland (1999). This amendment was the Queensland Government's response to the Federal Government's proposed Industrial Relations Reforms. The Queensland amendment specified a number of minimum conditions that needed to be included in any industrial agreement as from the 1st September 2005. The Federal Government's proposed National Workplace Relations Amendment Bill will not be tabled in Parliament until at least September, and is unlikely to come into force before 2006. It may be that other states will follow Queensland's lead. If this happens, it could mean that many employers will be in the awkward position of having

rapidly to renegotiate agreements under new state models, and then renegotiate different agreements again under the Federal Reforms. It is difficult in the roar of media commentary, and vivid debate, to determine the real effect of these proposed national reforms. Like the Industrial deaths and manslaughter legislation, the National IR reforms will actually impact on most employers and workers. So in this issue, we raise more questions than there are answers! It is simply a case of stay tuned.

## Future Topics

- **Creating positive, performing, professional workplace cultures**
- **Inspired Performance Management**
- **A Drug Free Workplace**
- **Adventurous workplaces without risk**
- **Positive Mental Health at Work**
- **Goodbye Chronic Pain**
- **Mediation that Works**
- **Safety Culture Plus**
- **Real Team Building**



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