

Approval memo

To: Phil Parkes, Chief Operating Officer

Presented by: Catherine Epps, Head of Health and Technical Services

Date: 11 December 2019

Subject: Assessment of the systems and processes a PCBU has in place to prevent and respond to bullying in their work environment.

1. RECOMMENDATIONS

It is recommended that the Chief Operating Officer:

- a. **agree** to the assessment of the systems and processes a PCBU has in place to prevent and respond to bullying in their work environment.

AGREE / DO NOT AGREE

2. Background

WorkSafe receives a growing number of notifications about bullying and other psychosocial harm incidents. In 2014-2017, WorkSafe received 100 notifications of bullying or stress-related harm. Then from October 2017 to October 2018, 89 notifications, almost as many as the previous four years combined. Call volumes, complexity of issues, and expectations to respond are growing as well.

Our current modus operandi presents a risk to the health and well-being of WorkSafe's operational staff who are not adequately trained in responding to psychosocial harm notifications. WorkSafe's current operational triaging and intervention approaches are not suitable for responding to psychosocial harm. The support infrastructure for staff and victims is not in place, and the scope of the approach to investigating incidents is too narrow for identifying issues, and does not enable us to step towards prosecution.

WorkSafe has an opportunity to support our Operations response, general inspectorate, and specialist interventions team to implement an approach to psychosocial harm that is safe, robust and meets our obligations as regulator of the workplace health and safety system.

In the medium term we are progressing this opportunity through the Sc45 initiative, however our Specialist Interventions team require a short-term approach to investigate ten open cases of bullying that have met the current threshold for WorkSafe to intervene, in a manner that enables WorkSafe to use an approach that is more fit for purpose.

3. Response

In November, a cross-WorkSafe group met to design an interim intervention to progress ten open cases of bullying that have met the current threshold for WorkSafe to intervene. The intervention that was designed is an assessment tool that WorkSafe can use to assess the systems and processes a PCBU has in place to prevent and respond to bullying in their work environment.

The assessment tool will be trialled, reviewed, iterated and re-trialled in each PCBU with an open complaint of bullying.

The first trial will take place at s.6(c) in Auckland by an Investigations Inspector, Specialist Interventions and Senior Advisor, Audit and Investigations.

The PCBU has been informed of the assessment of their workplace bullying processes and procedures, and the expectations for the assessment, including speaking with Health and Safety and Union representatives. They have also been sent a letter confirming the date and time of the assessment which included a request for copy of documents that they have in place at the moment in relation to managing the risk of workplace bullying in their organisation.

The assessors will draft a report on their findings and proceed through the standard approval process for a WorkSafe assessment of a PCBU.

4. Subsequent assessments

Following the initial assessment, the working group will reconvene to review the assessment tool and process and modify as required. This exercise will continue for the remaining nine of the PCBUs with open cases.

It is intended that subsequent assessment modules will be developed to encompass other causes of psychosocial harm, such as sexual harassment.

It is also intended that the assessment be re-designed as a self-assessment for PCBUs that wish to assess their own systems and processes to prevent and respond to bullying, etc. in their work environment, in the future.

 21/1/20

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