

13 September 2018

The Honourable Bruce Lander QC  
Independent Commissioner Against Corruption

via email to: [evaluation@icac.sa.gov.au](mailto:evaluation@icac.sa.gov.au)

Dear Commissioner

**Evaluation of SafeWork SA – submission relating to the recommendations proposed by Counsel Assisting**

I believe it appropriate that I preface this submission by briefly outlining my interest in the evaluation.

Before my retirement I was a Chartered Professional Engineer (MIEAust, CPEng). I have a Bachelor and a Masters degree in Civil Engineering and a Masters degree in Education Studies. My doctoral degree, completed in 2013, had a significant focus on my experiences while employed as 'Principal Inspector – Engineering' at what was then Workplace Services.

I was recruited in 2003 in a major drive to employ some 30+ new inspectors. The information sheet provided to potential applicants stated that the agency wanted to recruit: *a new breed of "inspectors"*.

My doctoral thesis focuses on workplace bullying. However, my research into my lived experience while at Workplace Services delves deeply into the general 'culture' of the organisation.

Having briefly set-out my background I will now turn to the comprehensive submission and proposed recommendations made by Counsel Assisting on 31 August.

I strongly support all of Counsel Assisting's proposed recommendations, I congratulate her. Ms Stanley has quickly and accurately 'honed-in' on the core issues. I find her general approach insightful and practical. The governance issue is fundamental and the ideas around utilising modern technology (GPS and body cameras for example) is astute. Quality assurance, auditing and the 'control' of policies and procedures' is, well, simply, just good sense.

My key counsel in respect of the recommendations made by Ms Stanley is that it should be made absolutely clear that the actions are focused on continuous improvement of the organisation, its practices, policies and procedures – NOT about the 'continuous improvement' of individuals. I do NOT mean by this that I am advocating that there should not be normal good performance management practice, of course there should. What is important is that performance management, as well as the recommendations made by Ms Stanley, should be *positive*. (From my time in the agency I have documentation that shows that it is individuals who are seen as a problem or threat that are "problem managed"

rather than there having been any performance management in the positive sense being implemented.)

The proposed monthly audit of a randomly selected inspector (which I consider to be an inspired proposal) would be a good example of where a positive approach is essential. Lessons learned should not be about the individual's scope for improvement but about the ORGANISATION'S. A possible way to achieve the right sort of positive outcome for the organisation (rather than it being seen as an opportunity to "performance manage" the individual) is for the audit to be conducted by an *independent* 'outsider', but I digress, such strategy is detail, what I am keen to recommend to you is the principle that Ms Stanley's recommendations are enacted in a positive light.

I note that this will not be easy and, importantly, will take time (a topic that I will return to shortly when I make my key recommendations additional to those of Counsel Assisting).

One reason why reform will not be easy and will take time is that the staff, as well as management, need to be sincerely 'won over'. For example, I strongly support the idea of the use of GPS in cars. This will go some way to addressing abuse such as the practice of so called 'drive bys' being conducted at the beginning and end of the day. This will probably not be popular. When I was employed in the agency suggestions as to (what was then) 'best practice' in terms of safe driving was derided by both management and staff. Ideas offered at the time included, driving with lights on, not using the phone while driving (even on hands-free), having cars corporately sign-written with 'high-viz' markings and having a zero blood alcohol policy while driving.

However, I note that 'it can be done'! Strategies to *implement* recommendations might be outside of the scope of the making of recommendations to improve the culture and practice of SafeWork SA however I would comment that just one strategy might be to collaboratively benchmark with other organisations – but, I warn, not necessarily interstate OHS regulatory bodies! Airservices Australia might be one organisation that might be suitable.

Lateral thinking will need to be applied to implement all recommendations (possibly this idea could itself be incorporated at your 'recommendations' level). An example could be the organisation's KPIs. I saw it as strange that in my time, a key FPI was to increase the number of successful prosecutions. Surely the opposite should be the objective! Reducing the number of workers compensation claims *within the organisation* and/or reducing sick-days lost (again within the organisation) might be more appropriate as KPIs.

I turn now to some recommendations that are additional to those made by Ms Stanley.

### ***SafeWork SA's part in serious incidents***

SafeWork SA currently investigates and, generally, seeks to prosecute in the case of serious OHS incidents especially fatalities and serious injuries.

Often serious incidents occur on major projects/events.

Such projects have been, what has been described as, 'crawling with inspectors'.

Therefore, by definition, SafeWork SA may itself have failed, to some extent at least, to have *ensured* that the site was safe. I suggest that, as the investigator, the agency tends to be more concerned to 'protect' itself and its staff than to recognise or acknowledge its own 'failings'.

I recommend that SafeWork SA's part, or culpability, in major incidents is *independently* reviewed in order to identify improvements to *its* practices.

### ***Review in the future***

As noted above cultural change will take time.

In the past there have been various 'reviews' of SafeWork SA or specific aspects of its practices. For example, shortly before my employment, an enquiry into workplace bullying within the agency had been conducted. The enquiry made a range of sound recommendations each of which had been "ticked-off". However, as my research demonstrates, in essence, in reality, 'nothing changed'.

Thus, I suggest that you make some sort of recommendation that proposes some form of review in time, possibly a series of reviews or some on-going process or re-evaluation.

It is important that this is not something that just confirms 'ticked-boxes' but rather delves deeper into the actual culture just as Ms Stanley's evaluation has done currently.

### ***A higher level***

This may be part of the new governance framework envisaged in the recommendations from the evaluation team but I would like to express my recommendation in my own way (if I may).

I believe that there should be some form of overseeing 'board' or committee, external to the organisation (on a day-to-day basis) and with at least some members external to State government. The board/committee might include the ED and, perhaps, one other SafeWork SA executive, but should (in my view) be otherwise completely independent.

Amongst other things such a board/committee could provide overarching scrutiny of the organisation's 'evolution'. It may or may not have some role in audit or at least in reviewing other audits.

### ***Continuous development of new actions/strategies/initiatives***

This recommendation to you is premised on the notion that SafeWork SA will never be 'perfect' – no matter how well it implements the recommendations for improvement that you will make in your final report. This is perhaps a bold and presumptive statement but I stress it is not meant to be critical of your recommendations or of the current (or future) management of SafeWork SA.

In my research into workplace bullying I reviewed schoolyard bullying. My conclusion, very briefly encapsulated, is that the schools most successful in dealing with bullying were not those who proclaimed strong policy statements such as being a 'bully-free school with a no-tolerance policy to bullying' but those that accepted that students may be bullied (and be 'bullies') but, importantly, continuously addressed the issue by continuously introducing *new* ideas. Some things work, others do not, but all the time new ideas are tried!

I have previously alluded to the danger that your recommendations may be accepted and are 'ticked-off' – genuinely and sincerely – but that, in practice, little changes. Thus, I respectfully suggest, that you make an additional recommendation that 'builds-in' on-going change, little things, big things – and also allows for other initiatives to be dropped off as others develop.

***An agent for change***

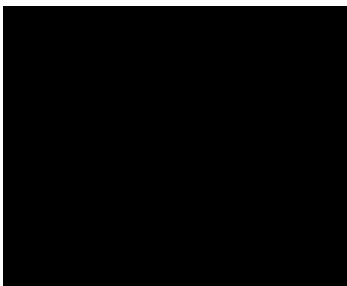
This may be a level of detail that goes beyond the overarching recommendations that you will make but, nevertheless, I feel it worth stating.

While the Executive Director must be totally committed to driving change (which, unquestionably, MUST ‘come from the top’) I believe that there is merit in “an agent for change” being appointed. Such a position must be senior, at least at Director level, and the incumbent must not have any other responsibilities (except, perhaps, that of the health and safety of SafeWork’s staff).

Before closing I reflect that my research focusing on my lived experiences at Workplace Services/SafeWork SA concluded that workplace bullying was NOT due to individuals or even the organisation itself, but rather to what I will call here the ‘cultural setting’. I left SafeWork for another agency *within the same Government portfolio*, that is under the same chief executive. The culture of that agency (Public Sector Workforce Relations) was the extreme opposite of that at SafeWork – *as different as chalk and cheese!*

Thus, as noted earlier, I strongly believe that the culture of SafeWork SA *can* be ‘turned round’ – but warn that it will take time, will require lots and lots of ‘talking’ as well as flexible, innovative and eclectic actions.

Thank you for providing this opportunity for me to make suggestions relevant the recommendations proposed by Counsel Assisting.



John Collins