



Australian Government
Fair Work Building
& Construction

Executive Board Minute

Agenda item:	1.11			
Date of meeting:	14 April 2014			
Title of paper:	Consideration of proposals for bullying investigation / policy advice providers			
Purpose:	Seek EB endorsement of one of the four shortlisted providers			
Financial implications:	As set out in individual proposals			
Recommendation/s:	<p>That the Executive:</p> <ul style="list-style-type: none"> Note the relative merits of the proposals following, and Select an appropriate provider and authorise Glyn to proceed to contract 			
Key issues:	<ul style="list-style-type: none"> The 2013 Staff survey results indicated high incidence of observed or experienced bullying and harassment The de-identified nature of the survey meant that it was difficult to encourage individual staff to report specific issues, validate the survey results or isolate clusters of bullying activity that may warrant special management attention. The Director invited proposals from consultants who could perform these functions. Proposals from four possible providers follow. 			
Consultation/s:	Business Group impacted by the recommendation/s	Confirm consultation has occurred with this Business Group	Who was consulted and when?	Are there any outstanding issues arising out of the consultation process?
	all	yes	Ongoing through the EB process	n/a
Background:				
Executive sponsor (and ext):	Glyn Cryer x			

Option One: Communicorp

FWBC Post Staff Survey: Bullying & Harassment Review Options

Option 1: Communicorp

Option 2: Right Management

Option 3: CPM Reviews

Option 4: DBM Independent Consultants



AMENDMENT for Increase in Scope
Executive Brief for
Fair Work Building and Construction
ORGANISATIONAL HEALTH CHECK FOR
BULLYING, HARASSMENT AND INAPPROPRIATE
WORKPLACE BEHAVIOUR

PRESENTED BY

on behalf of CommuniCorp Group

20 March 2014

E: [1\(@\)communicorpgroup.com](mailto:1(@)communicorpgroup.com)

Ph: 1.

Information contained in this executive brief and proposal has been prepared for Fair Work Building and Construction, and should not be communicated to a third party at any time without the written permission of CommuniCorp Group Pty Ltd



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WASHER INFORMATION FOR 1990 (cont)

CONFIDENTIALITY STATEMENT: THIS DOCUMENT CONTAINS CONFIDENTIAL INFORMATION

We are delighted for the opportunity to present this Executive Brief to the Executive Team of Fair Work Building and Construction (FWBC). We understand that FWBC would like to implement an initiative targeting key findings from the employee engagement survey: especially bullying, harassment and inappropriate workplace behaviours. You have conducted some internal training around bullying and harassment awareness for all staff after the release of EBS results last year.

Our proposed Organisational Health-Check to explore Bullying, Harassment and Inappropriate Workplace Behaviour will identify critical building blocks for successful and sustainable performance, and important organisational risk and protective factors. Additional issues may arise during the process, such as performance management and leadership - these will be discussed with you before inclusion in the organisational health check.

INCREASE IN SCOPE

FWBC would like to have two additional parts to the project.

- One, to review internal governance procedures, including a review of policies, reporting procedures and any other relevant material related to bullying and harassment
- Two, to conduct one-on-one interviews with staff. Where staff will be given the opportunity for interview on a self-nominated basis



OUR METHODOLOGY

With the extended scope, the Organisational Health Check will have the additional two parts integrated into our approach.

We suggest that we work with the executive and key internal stakeholders for briefing and consultation, to ensure relevance and return on investment. A critical success factor is to engage CommuniCorp as an objective third party who will proceed in a way that considers the sensitive nature of the issues, engage relevant parties in a constructive way, and develop a sense of ownership.

The proposed approach is derived from the CommuniCorp top-down, bottom-up, systemic model for psychological safe and healthy workplaces – as indicated by the figure below. This methodology will focus on risk identification and intervention strategy, as well as drive the review of internal governance, policies and procedures around Bullying and Harassment.

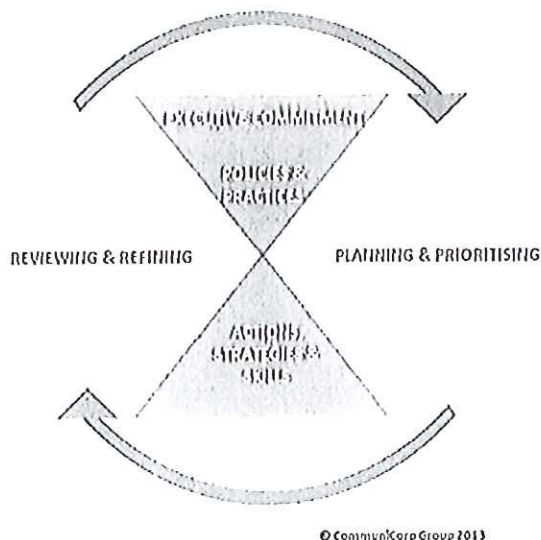


Figure 2: CommuniCorp's systemic approach to psychologically healthy workplaces.

We propose a phased approach to the Organisational Health Check. This approach will achieve an in-depth exploration and analysis of key findings, presented in a comprehensive report with risks and protective factors, and recommendations for action.



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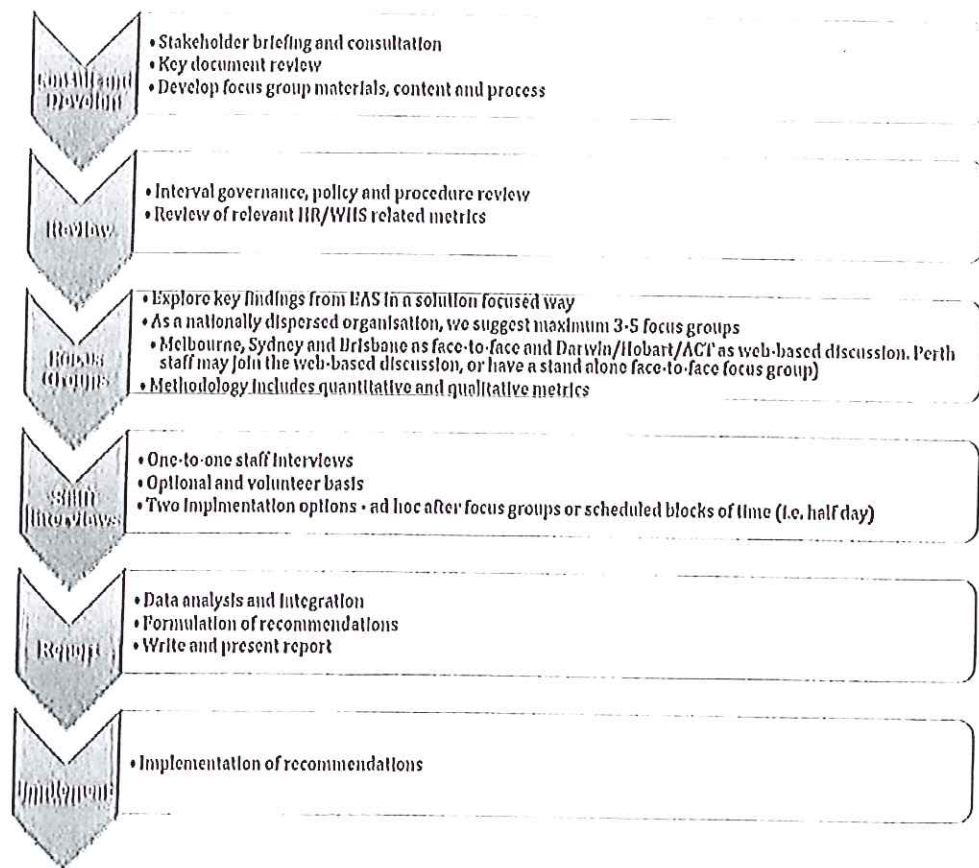


Figure 1: Our proposed approach to FWBC's Organisational Health Check

INCREASE IN SCOPE

One: The Review

We propose to conduct a summary review of internal governance procedures, including a review of policies, reporting procedures and any other relevant material related to bullying and harassment. Documents to be reviewed include:

- FWBC Staff Engagement Survey 2013 Results and Bullying and Harassment (Work Environment) Results
- FWBC Bullying and Harassment Policy
- FWBC Performance and Development Framework
- Proposed Managing and Reporting Bullying and Other Unacceptable Behaviour Policy (intended to supersede the Bullying and Harassment Policy)



Financial Markets Foundation for Children

www.fwbc.com.au/financial-markets-foundation-for-children

The review will also focus on relevant HR/WHS related metrics, such as:

- Absenteeism data
- Grievance/Complaint Data
- BAP Data
- Psychological Risk Register or equivalent information

This information can be used to identify broad risk priority areas and inform data collection activities in the focus groups and interviews. The review will result in a comprehensive report with recommendations on internal governance procedures, including policies and reporting procedures around Bullying and Harassment. Recommendations will include targeting of preliminary initiatives and resources to maximise workplace impact.

Two: One-to-one Staff Interviews

FWBC would like to provide all staff with the opportunity to participate in one-to-one interviews with a consultant. This will enable an open and transparent conversation with an objective party in an anonymous setting that will provide additional and more in-depth insights to the Organisational Health Check and focus groups. We propose two options for the one-to-one interviews, to maximise opportunities for staff to attend interviews.

Option 1: Interviews after focus groups

We propose that a block of time be scheduled after focus groups, so that staff from the office have the opportunity to interview face-to-face for Melbourne, Sydney, Brisbane, and potentially Perth offices. Staff would be invited to attend interviews and be scheduled after the completion of focus groups. Interview time would be 15 minutes to ensure critical areas are covered, keeping in mind that staff members had attended the focus groups.

In this option, we propose that blocks of half days be scheduled and set aside for interviews. This enables flexibility and a degree of anonymity where staff members can simply 'turn up' for the interview. For larger offices, multiple blocks of "half days" would be scheduled, depending on uptake. For the Web based focus group for Canberra, Darwin, Hobart and ACT the interview block would be conducted over the web.

State/Territory	Count of personnel	Max Interview half-days
Brisbane	17	1
Canberra, Darwin, Hobart, ACT	13	1
Melbourne	63	3
Perth	22	2
Sydney	28	2
Grand Total	133	7

Option 2: Ad hoc Phone Interviews

As an alternative to option 1, we suggest phone interviews. Staff will be invited to call the consultant for an interview after focus groups. Interviews will be charged at 30-minute blocks of time per interview, maximum 30 minutes, to account for the ad hoc nature of these calls. This option is of benefit for staff working more remotely. There will be a cut-off date of one week after the focus groups for consultant's availability.

OUR EXPERIENCE

Communicorp has provided and continues to provide workplace psychology services to a range of both public and private sector organisations. A list of clients whose organisations and/or service requirements are similar to Fair Work Building and Construction, and whom we have previously or currently work with includes: Fair Work Commissioner, WorkSafe Victoria, Department of Finance, Catholic Education Office, ASIC, CSIRO and IP Australia.

A reference for similar work we have completed most recently is Jenet Connell, Chief Operating Officer, Chief Operating Officer Group, Department of Finance. Contact details can be provided on request.



Communicorp

www.communicorp.com.au

INDICATIVE PRICING

We note that we have provided two options for indicative pricing.

Option 1: Involves focus group facilitation by a Principal Psychologist, and data recording by a CommuniCorp Consultant. Evidence based qualitative data is gathered in the focus group by an experienced Focus Group support through scribing conversation in a de-identified way. Due to the sensitive nature of the topic, we recommend that the Focus Group support be an experienced and objective CommuniCorp consultant.

Option 2: Involves focus group facilitation by a Principal Psychologist, and data recording by administrative support from FWBC. Evidence based qualitative data will need to be scribed in an objective and efficient way. Although this provides some cost efficiencies, due to the sensitive nature of the topic, this may compromise open and transparent discussion by focus group participants, thus we recommend Option 1.

Service Description	Standard Pricing (Excl GST)	Discounted for FWBC (Excl GST)	Approx Total (Excl GST)
Phase 1. Consult and Develop	1.0 day Principal Psychologist @ per day	1.0 day Principal Psychologist @ per day	
Phase 2. Focus Groups	2 days Principal Psychologist @ per day 2 days Consultant, Focus Group Support @ per day This is based on 4 focus groups, that is 4 x 0.5 days each.	Option 1: 2 days Principal Psychologist @ per day** 2 days Consultant Focus Group Support @ per day** Option 2: 2 days Principal Psychologist @ \$3,350 per day 2 days FWBC provide focus group support	Option 1: Option 2:
Phase 3. Analysis and Report	2 days Principal Psychologist @ \$ per day Note: Includes (1) data collation and analysis from Focus Groups, Interviews and Survey, other HR and organisational metrics, and formulation of recommendations, and (2) Presentation of Final Report.	2 days Principal/Master Practitioner Psychologist @ per day*	
Phase 4. Implementation of Recommendations		To be determined pending Phase 1, 2 and 3	TBD
Approximate Program Costs -- Phases 1, 2, 3 and 4 - Optional focus group for Perth office is provided separately below			Option 1: \$ Option 2: \$



COMMUNICORP

www.comunicorp.com.au

Optional: Perth office staff may choose face-to-face option for the focus group	Optional 1: 1 day Principal Psychologist @ : per day* 1 day Consultant, Focus Group Support @ \$ per day* Optional 2: 1 day Principal Psychologist@\$ per day* FWBC provide focus group support *We note a full day is required for travel to Perth.	Optional 1: \$ Optional 2: \$
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INCREASE IN SCOPE

Indicative pricing for increase in scope: Review and Interviews.

Service Description	Standard Pricing (Excl. GST)	*Discounted for FWBC (Excl. GST)	Approx. Total (Excl. GST)
Review	2 days Senior Psychologist @ \$ per day	2 days Senior Psychologist @ \$ per day	\$
Interviews	Option 1: 0.5 days Principal Psychologist @ \$ per half day Option 2: 1.0 hour minimum Principal Psychologist @ \$ per hour	Option 1: 0.5 days Principal Psychologist@\$ per half day *Based on maximum 12 interviews per half day to allow for notes and short break, and either conducted on the same day as the focus group, or 2 interview blocks per day Option 2: 30 minutes minimum Principal Psychologist@\$ per 30 minutes minimum per interview	Option 1: per half day Option 2: \$ per 30 minutes

*We note that pricing has been discounted as an introductory offer to FWBC.

**Focus groups have been calculated as requiring 0.5 days consulting time per focus group. We note that travel to focus groups in Sydney and Brisbane would involve one day of time, however we have only charged 0.5 day. Focus groups would require 2.0 to 2.5 hours – this includes 1.5 to 2 hours face-to-face time, and 30 minutes required for data summary and collation.

***Incidental and travel expenses will be passed on to FWBC



Commonwealth of Australia

www.comwealthofaustralia.gov.au

(c)(6) (b)(7)(C) CONFIDENTIAL

CommuniCorp welcomes the opportunity to discuss this document with you. If you have any questions regarding this executive brief, or for more information about the information contained in this statement please contact:

Dr Melissa Marot
Regional Manager and Principal Psychologist

Ph: 1300 855 140
Mob: 0455 995 553
E: melissa@communcorpgroup.com
W: www.communcorpgroup.com



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www.communcorpgroup.com

Option Two: Right Management

Level 6, 312 St Kilda Road, Melbourne VIC 3004 Australia
T +61 3 8554 2200 F +61 3 8554 2211
www.rightmanagement.com.au www.right.com



Business & Talent. Aligned.

30 January 2014

Nigel Hadgkiss
Director
Fair Work Building & Construction
L2, 533 St Kilda Road
Melbourne VIC 3004

Dear Nigel

Thank you for the opportunity to assist Fair Work Building & Construction (FWBC) with summarising post survey actions.

The following letter summarises our discussions, and Right Management's suggestions to address the outcomes of the 2013 Staff Engagement Survey. Should you decided to progress with any of the suggestions, Right Management would be happy to provide a detailed quote for these separate engagements.

Background and Business Context:

- Right Management has partnered with FWBC to conduct their annual Staff Engagement Survey every December since 2010.
- The 2013 results revealed a pronounced drop in engagement since 2011, with an ideal plateauing trend of strong scores not evident with engagement and many other key items falling to 2010 levels.
- The 2013 survey revealed the following positive indicators:
 - A comparable response rate to the 2012 survey - 82.7%
 - Commitment to FWBC with many proud of the role the organisation plays for Australian Industry
 - Flexible working arrangements and great people
 - Good immediate leaders (APS5-EL2)
- The 2013 survey highlighted the following negative indicators:
 - Staff feel underutilised, unsure of the future strategy and their role
 - Low confidence in Senior Leader's ability to implement change, communicate and manage people (ie bullying evident, retention poor, recognition of staff lacking)
- Results will be shared with the Executive Team. The session agenda will allow:
 1. 20min presentation of key results
 2. 20min discussion of results
 3. 20min consideration of actions required

Objectives and Scope:

The composition and priority of post survey actions will be driven by the Executive Team with planning commencing as the third agenda item at the presentation session (above). The final plan will be endorsed at the following Executive Team meeting with sponsorship of actions declared and regular reporting to progress agreed.

The agreed scorecard will be tabled regularly to allow each sponsor to update progress to members of the Executive Team.

Key success factors for any post survey initiative would be to achieve success in the:

SHORT TERM (0-3 MONTHS)	<ul style="list-style-type: none"> • Immediately communicable action plan to staff
MEDIUM TERM (3-12 MONTHS)	<ul style="list-style-type: none"> • Aligned to new financial year planning/strategy • Reflected as an improvement in the 2014 survey
LONG TERM (1-3 YEARS)	<ul style="list-style-type: none"> • Sustained culture transformation • Increased engagement levels comparable to high performing benchmarks

Recommended Approach:

To achieve the significant improvement in survey results desired by 2014 we recommend the following actions. These are not listed in priority order:

FOCUS	ACTION	DESCRIPTION
SES	Executive Alignment	Facilitated session to agree the role of Executive Team to drive changes resulting from survey/other events: <ul style="list-style-type: none"> • Working together to progress strategy • Engaging staff to the strategy • Presenting publically as a united team • Connecting staff to the existing people systems and processes to shape culture
	Leader Coaching	Combining the results of the [In progress] Executive Capability Analysis and staff survey work with individuals to: <ul style="list-style-type: none"> • Address personal soft skill capability gaps • Lever personal soft skill strengths • Guide the positioning of post survey action planning and the sponsorship of actions • Influence workplace culture

Category	Area	Details
APS6-EL2	People Management	Structured leader development program to underpin required soft skill capabilities that can be cascaded/tailored to various levels of leadership: <ul style="list-style-type: none"> • Leadership vs Management • Role Balance and Levels of Work • Effective Communication • Leading Change and Shaping Culture • Etc.
Business Unit	Local Action Planning	Executive sponsored roll out of survey recommendations to identify Priority Areas that are: <ul style="list-style-type: none"> • Shared by the organisation and will be addressed by a central initiative • Unique to the business unit and seek the input of local leaders to develop and execute solutions
Staff	Bullying and Harassment	One in five (~20%) staff were subjected to harassment or bullying with one in four staff (~25%) witness to this behaviour in the workplace. Provide a transparent and independent review/investigation of the survey results in relation to harassment and bullying. The outcome is to provide clear recommendations to address bullying and influence positive behaviour change through: <ul style="list-style-type: none"> • Discovery (targeted confidential interviews by level and location) • Analysis and Reporting (de-identified) • Presentation to Executive Team • Recommendations for positive culture change

Conclusion:

We appreciate the opportunity to assist FWBC with summarising post survey action options, and look forward to the opportunity to provide a detailed quotation(s) for any of the priority actions agreed by Executive Team at their session to share and discuss the 2013 survey results. We will be in contact following the results session to understand your agreed action plan.

Sincerely,

Rosemarie Dentesano
Principal Consultant

Colin Couzin-Wood
Senior Consultant

Option Three: CPM Reviews

CPM REVIEWS

3 April 2014

Mr Glyn Cryer
Executive Director - Capability, Performance & Innovation
Fair Work Building & Construction Agency
Tel (02) 9297 9002
Mobile 0403 802 529
Glyn.cryer@fwbc.gov.au

Dear Mr Cryer

QUOTE FROM CPM REVIEWS PTY LTD -- FOLLOW-UP TO STAFF SURVEY

CPM Reviews Pty Ltd is pleased to submit this quote to conduct work to explore in more detail the background to responses received in your 2013 FWCA staff survey, and to review some associated policies and processes. It is important that our quote accurately reflects your requirements, and I am very happy to discuss any aspect, particularly if you have further clarifying information to inform the scope.

Our Approach

FWCA is clearly aware of the implications and risks of not responding to real and perceived concerns about staff behaviour, also noting the changed related accountability and legislative environments. Your terms of reference can inform the organisation's risks, hot spots, processes and affect what people are saying about the effectiveness of management action on a number of fronts.

We envisage you will be able to use the information gained from this exercise with managers, and later perhaps in discussions with staff, towards developing culture change, knowledge and confidence-building for supervisors and overall awareness-raising.

At this stage we envisage the work would involve three related parts and then culminate in a single quality assured report, submitted to you as a draft for comment before finalisation. We wish to propose a small team to complete the assignment. This will not attract any additional charges, and will involve a "lead" Reviewer () assisted by Ms ; with further specialist advice provided on the review of the policies and processes, by and Ms . Quality assurance will be done by Mr . Profiles of all personnel are attached. I have also included information covered in a workshop run by Ms and Mr , who specialise in these matters. All have skills particularly well suited to this assignment. will be overseas during May, but this will not affect this project.

The approach below is written against the terms of reference you emailed to me. As an example of a possible variation on your original request, building on information gained in this process, your Executive could consider having us convene focus groups to collect information in addition to the one-to-one interviews. You could also consider using such groups later in your process, perhaps at the time you launch refined policy documents, as part of a communication plan to increase

Providing Reviews of Decisions and Actions, Workplace Investigations
and Related Strategic Advice to the Public Sector and Other Organisations

CPM Reviews Pty Ltd • ABN 93 151 808 374 • Address: 7 Lawry Place, Macquarie ACT 2614 • PO Box 42, Jamlson ACT 2614
Phone: 02 6175 4500 • Fax: 02 6175 4555 • Email: enquiries@cpmreviews.com.au • Website: www.cpmreviews.com.au

awareness and understanding of some related communication issues, including what bullying is, and what it is not.

Part A

Review by our four personnel of the detailed 2013 staff survey results, particularly in respect of bullying and harassment issues reported. This could give information about any geographic or other clustering of types of responses, key issues and concerns, and will inform the approach to interview questions.

After this review of the survey results, parts B and C would commence either in parallel or in sequence, to be determined in conjunction with you. Part C would be completed first and inform Part B. Our personnel would keep in close touch to ensure information from each part of work informs the other.

Part B

Review of several related internal policies with a view to providing advice on good practice including review of the organisation's

- a. Existing policies relating to workplace behaviour, plus an as yet unreleased draft of *Bullying and Harassment Policy, Managing and reporting bullying and unacceptable behaviour* which is intended to replace any previous documents
- b. and the *Performance Development Framework* as it pertains to issues under consideration, perhaps relating to giving and receiving feedback and guidance on the difference between respectful and other behaviour

Review of and provision of advice in relation to current and possibly new reporting procedures, HR processes and communications with staff around bullying and harassment, and ensuring the application of all principles of procedural fairness in all documents and processes. This step could involve, for example, recommending focus groups or the like be conducted to help educate staff on what bullying is and what bullying is not.

Part C

Conduct of a series of one-on-one staff interviews (perhaps in a combination of face-to-face/video or phone interviews – to be discussed with you); with interview questions informed by the staff survey results and agreed by you or your representative. The interviews would aim to explore the issues raised in the staff survey relating to bullying and perceived organisational culture to make an overall assessment of the situation at that point. We note the organisation has 133 staff in 8 cities.

I note the number of interviews could be highly variable and will depend on the number of staff who wish to participate. We seek your guidance on whether the organisation would wish to arrange interviews, to save costs, or whether you prefer us to do this, to enable staff to speak with us more privately.

We note we are not collecting formal evidence, so assurance of anonymity could potentially be given. We would discuss this with you before commencing, and would brief staff that if any issue arose which warranted further formal action, appropriate steps would be taken to bring this to the attention of the organisation.

The final part of C would be to compile a report on the interviews; discern what issues may warrant further discrete action of what type; provide advice on the agency's known handling to date of those reported issues and use the information from the interviews to cross-check against any relevant parts of the document review.

The Overall Report

The report would cover and link all aspects in the *terms of reference*, plus would make any appropriate suggestions about additional strategies the organisation could use to address issues raised in the survey and during the interviews.

Estimated costs

Information gained from part A will inform the scope of parts B and C. Based on information available to date, Parts A and B could be addressed as one parcel of work, for an agreed level of effort, with Part C dealt with using a different approach, perhaps at the hourly rate, with a cap at which we would further discuss the next steps with the contract authority.

Part A would take around 8-16 hours, depending on the amount of information in the survey report.

Part B is estimated to take around 3-5 days or 24-40 hours

The cost of parts A and B is therefore estimated to be in the range of 4-7 days, or 32-56 hours at \$ per hour being \$ inc GST.

Part C would take around 1.2 hours per interviewee, covering interview and write-up, if the organisation arranges interviews. (although as stated we are also happy to arrange interviews if you prefer). The time estimated is based on the fact that if any staff member nominates to be interviewed, they will have issues to raise or at least an opinion to express.

Professional transcription of interviews, if required, would be charged back to you at cost, being \$ per minute, including GST. A 60 minute interview costs \$ inclusive of GST. We find transcriptions to be a cost-effective approach to recording interviews, however if you prefer, the Reviewers can take manual notes during interviews and produce records in that way, or can take abbreviated notes of issues only if anonymity is preferred. We will establish your preferences for this aspect of the work before commencing.

The cost of Part C would include another 8-16 hours to write an overall report and link the information as required with Part's A and B.

- o For 20 people this would be 20-40 hours or \$ inclusive of GST plus transcription costs (if used).
- o For 50 people this would be 50-100 hours or \$ inclusive of GST plus transcription costs (if used).

It is important to note that interview times are likely to vary greatly, as are interviewee numbers.

The draft report will be quality assured by a Principal Reviewer prior to submission to you for comment, before finalisation, and I have allowed an additional 3-6 hours quality assurance at \$ per hour inc GST for this step, so this estimate is in the range of \$ inc GST.

You will, of course, be billed only for work performed so if the task is straightforward and completed in less time this will be reflected in the invoice. If the matter evolves to be more complex than anticipated the reviewers will discuss this with you and would secure prior endorsement of any additional work or effort before proceeding. We are happy to provide timesheets of work done.

Travel expenses at non-SES rates would, with prior agreement, be charged back to you at cost only.

I have attached a flyer showing a workshop we offer on this subject, for your later consideration.

Also attached are a copy of our standard terms and conditions and a standard short form contract template. We are on a series of APS panels, which I can discuss with you, or you may prefer to use a purchase order only or your own form of contract or letter of engagement if you proceed.

Please contact Ms [redacted] on [redacted] if you need any further information, or if you wish to discuss this quote.

Yours sincerely

Business Manager and Senior Reviewer

GENERAL INFORMATION ABOUT CPM REVIEWS

CPM Reviews Pty Ltd is a business which specialises in conducting workplace investigations. We provide ethical, professional and independent reviews of workplace behaviour, administrative actions and employment decisions for the public sector at all levels of government and for other organisations.

Our 30 plus reviewers have a range of skills including legal qualifications and experience at senior levels of government, in federal policing, human resource management and industrial relations. Support and assistance to client organisations can extend to specialist contexts such as private companies, the prison system, and the health sector. CPM Reviews can help with all assignments, large or small, whether simple or highly complex and sensitive, involving any staff at any level, including at the most senior levels of government.

CPM Reviews has reviewers located in all states.

We can also facilitate part day, full day or multi-day forums and workshops/training programs on topics related to respectful workplaces and workplace behaviour, including bullying and harassment and all other code of conduct issues. We can provide advice on ethics, probity and the like; mediation services, and can chair panels where an individual has appealed against a personnel management decision relating to discipline or similar because of unacceptable behaviour.

As a business entity CPM Reviews has conducted over 400 independent investigations and reviews for government agencies and other entities over the past 6 years, including many of the highest levels of complexity. Some have been of high political sensitivity, and some have involved the most senior levels of public servant and some politicians.

Review personnel have all occupied demanding management and human resources positions within the public sector and/or private sectors, and most hold at least (or are in the process of finalising) the Certificate 4 in Investigations (Government). CPM Reviews has a strong sensitivity to security, confidentiality and privacy requirements and these are built into its organisational culture. Several of its Reviewers, including Mr J. [redacted] Ms [redacted], Mr [redacted] and Mr [redacted], hold Top Secret Positively Vetted (TSPV) security clearances.

CPM Reviews is on a number of panels and/or under deeds of standing offer, including with the Australian Public Service Commission, the ACT Government, the Attorney General's Department (covering all of its portfolio agencies), the Australian Taxation Office, the Department of Agriculture, Air Services Australia, the Civil Aviation Safety Authority, the Department of Foreign Affairs and Trade, the Department of Parliamentary Services, the Office of the Fair Work Ombudsman, and the Victorian Department of Health.

All Reviews are managed in accordance with procedural fairness and relevant policy and legislative requirements. Reports are completed to be conclusive of matters at that point, to a standard able to be used as evidence if a matter went to the Fair Work Tribunal or to a civil court.

Our work can relate to:

- ☐ Suspected breaches of any formal codes of conduct and/or guidelines as applicable to any client organisation, noting the variations of requirements between clients;
- ☐ Investigations into complaints, grievances and allegations of suspected misconduct, including Public Interest Disclosure matters and allegations of bullying and harassment;
- ☐ Investigations into the inappropriate receipt of gifts, benefits, payments and other forms of corruption, including giving preference to friends and family

- ☐ matters raised under any organisation's Enterprise Agreement, including reviews of any actions that affect individual employees in their employment, including reviews of decisions and dispute handling, advice and advocacy, all in accordance with relevant legislation
- ☐ Public Interest Disclosure reports or similar matters under any legislation
- ☐ undertaking audits of the way organisations handle matter like bullying and harassment or assessments of wording of codes of conduct
- ☐ convening workshops on 'Respectful Workplaces' to improve awareness and understanding and mitigate related risks; or
- ☐ other engagement or employment matters the organisation considers warrants investigation.

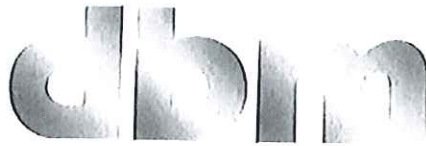
We undertake independent investigations and reviews varying in size and complexity and abide by all relevant legislation and policies. All work in relation to collection, assessment and analysis of evidence; formulation of preliminary and final findings; and recommendations and determinations as required, is done in strict adherence to all components of procedural fairness requirements.

To ensure a high standard and quality of all work, all reports are reviewed for quality by a Principal Reviewer, or by a Senior Reviewer with specialist expertise in the subject matter, before submission to the client.

CPM Reviews enjoys the distinction of having been named in a recent ruling by Fair Work Australia (FWA) where a party was instructed to have an independent review conducted by CPM Reviews, in what had been brought before FWA as an unresolved and problematic matter.

March 2014

Option Four: DBM Independent Consultants



Independent Consultants

Specialists in corporate analysis, investigation, management & leadership

Mr Nigel Hadgkiss,
Director
Fair Work Building & Construction
PO Box 9927, Melbourne, VIC 3001

Dear Nigel,

Further to our recent discussion regarding your desire to come to a greater understanding of harassment and bullying issues within your organisation, please find attached a proposal to carry out the requested work.

I have provided two options in relation to how the work could be conducted with related costing.

I am also keen to ensure that no part of the organisation believes that it has been neglected or has not been given the same opportunity as other locations, simply because of the number of staff, distance or remote location.

It is also my firm view that people are reluctant to discuss bullying and harassment issues over the telephone with persons whom they have not previously met.

Bullying and harassment can be an immensely personal and deflating issue to an individual who has experienced it within the workplace and to then ask them to clearly articulate their experience with someone to whom they are unfamiliar can be equally confronting, unless done properly. It is also important to assess the validity of any claims face-to-face. Much can be gleaned from observing the witness.

For this reason, the proposal outlined is based on face-to-face contact. If this does not suit your requirements and your preferred option is to speak to each person by telephone, I will revise the proposal accordingly.

As it is best practice to adopt the same methodology for everyone within the organisation, this proposal ensures all persons are granted the opportunity to partake in a guided group discussion as well as a one on one discussion, which is clearly more personal and allows the individual being interviewed to speak more freely without group pressure.

I have also taken the liberty of speaking with a colleague investigator [REDACTED] who has undertaken a significant amount of work in this area and who has worked with me in conducting both investigations and also cultural reviews in other organisations. I have included her in Option One because of the advantages in having her involved.

Having a male and female co-reviewer will allow participants the opportunity to speak to a person of the same gender should they so choose and will contribute to a more balanced and objective assessment of what can often be a highly subjective and emotive topic based on individualised perceptions.

In group discussions, the presence of another skilled investigator allows for greater capture of relevant information without the need to break the flow of the discussion in order to more accurately and properly record comments made.

I have attached curriculum vitae's for both myself and [REDACTED] for your consideration.

The proposal is based on attending each site and speaking with staff and managers in group and one on one discussions.

Travelling will be undertaken outside of business hours wherever possible in order to maximise on the ground time and the capturing of as much information as possible.

Without some form of general agreement to the proposal and therefore an agreement as to the way in which the work and travel will be carried out, I am unable to specifically provide a costing.

That said, I have provided an estimation of the number of days (referred to as consultancy days) required to undertake the task and have based the proposal and costing on this, noting that travel and incidentals would be in addition to the rate quoted.

I would like to advise that should a final determination come down to budgetary constraints, consideration will be given to negotiating a reduced fee structure as both myself and [REDACTED] are keen to further develop our capacity in regard to conducting workplace reviews in the field of bullying and harassment and establishing our credentials as national forerunners in this area as well as to provide assistance to your organisation.

Please feel free to raise any further issues with me and if you consider the proposal has merit, I would be more than happy to develop a clearer itinerary and travel costing based on a clear timetable of operations.

I look forward to hearing from you.

David Madden.
Director/Investigator
Dbm Independent Consultants.

PROPOSAL FOR FAIR WORK BUILDING & CONSTRUCTION.

PREPARED BY DAVID MADDEN OF DBM INDEPENDENT CONSULTANTS.

1. *Problem analysis*

It is generally argued that bullying and harassment within the workplace has become more common and increasingly identifiable in recent years.

It can have a significant impact upon the psychological and physiological health of staff and effect the achievement of organisational goals through lost productivity and the presence of workplace conflict.

If left unchecked, the impact can be far reaching not only in terms of lost productivity, but employee health, workplace conflict and if necessary, costly internal and external investigations which themselves can have a profound impact upon the workplace.

It is also known that bullying and harassment within an organisation are often reflective of management intervention and human resource practices.

Legislation and guidelines have made employers more responsible for preventing bullying and harassment and having workplace policies and procedures in place in order to be proactive towards its abolition, prevention and response.

In January 2014, new workplace bullying laws were introduced, these placing even greater emphasis on employers to have in place proper systems and practises in relation to bullying and harassment and complaints handling procedure.

It is understood Fair Work Building & Construction have conducted the workshops and training focusing on the topic of bullying and harassment.

A recent Fair Work Building & Construction employee engagement survey established that 17.3% of staff reported that they have been subjected to harassment or bullying in the office environment.

Of the sample, 26.4% reported they had witnessed harassment or bullying in the office environment.

The assessment of the information gleaned from the survey found a disparity between the survey results and Human Resource records which identified only a few reported incidents of bullying and harassment in the previous 12 months.

Accordingly, it was identified that there was a need within the organisation to more fully understand the extent of any bullying and harassment and to assess how accurate the survey results are in representing what is actually occurring.

The purpose of the review is to more clearly assess and understand the extent of bullying and harassment within the agency and to determine the participants (both victim and harasser), causation, impact and particular trouble spots.

The review also allows those persons who reported within the survey their observations with regard to bullying and harassment, an opportunity to more clearly articulate their observations or experiences.

The review will simultaneously determine the level of knowledge held by staff in relation to the concept of bullying and harassment, the relevant policies and procedures and importantly, their understanding of their responsibilities regarding same.

The results of the review will allow the organisation to more clearly focus its bullying and harassment strategies including policy, education and managerial intervention.

In effect, the review allows the organisation to draw a line in the sand by developing a clear understanding of past practice and strategy and based on the review outcomes, a clear understanding of future direction and the need for focused intervention.

An additional aspect of the enquiry is to review the current internal governance procedures, including a review of organisational policies, reporting procedures and any other relevant material.

The review will also identify whether sufficient/targeted training has occurred; whether policies and procedures are in place, widely known and operating satisfactorily; whether complaints procedures are generally known, being followed and complaint outcomes are being implemented and actioned. Comparison of review results and survey results will also be documented.

2. Methodology

The proposal is to attend each office of Fair Work Building & Construction and determine through group discussion with staff, one on one discussion with staff and separate discussion with management, staff understanding of harassment and bullying (both policy/legislation and practise), their perception of whether it is occurring in the workplace and evidence of same (either personal experience or having witnessed bullying and harassment involving a colleague), staff knowledge of policy and procedures concerning same.

This will be achieved through the conduct in each location of:

- a group discussion with staff (where large numbers of staff are present, several sessions will be held),
- a separate discussion with managers and supervisors,

- one on one interviews with staff who volunteer to provide without obligation, information to the reviewers about their experiences or observations associated with bullying and harassment in the workplace.

Staff who recount personal experience associated with bullying and harassment will not have their matters investigated by those involved in this review.

They will instead be encouraged to report such matters through the application of existing policy (unless this is an unsuitable option in which case an alternate recommendation will be made).

In each situation, notes will be taken by the reviewer(s) without identifying the individual involved¹.

The notes will later form the basis of report content and will be used to inform the recommendations and findings.

In addition, during this first stage with it is planned to meet with Human Resource Managers to determine their experience with bullying and harassment complaints and compliance with procedure, as well as noting any recommendations for change they consider necessary based on their experience of process and complaints.

The second stage of the proposal involves a review the current internal governance procedures including a review of organisational policies, reporting and complaint handling procedures and any other relevant material.

The review of the governance should also involve an examination of how previous complaints were handled.

This would not involve an in-depth review but rather a tabletop analysis of the original complaint, the process adopted, documentation and outcome review. All documents considered will be kept strictly confidential and names of persons involved will not be recorded.

All of this information will be then analysed and provided as part of a comprehensive report.

The report will summarise the results of the on-site discussions, identify staff perception and understanding of bullying and harassment, their experiences or observations, the policy and its application, management capacity to set the tone, regulate and respond to complaint².

¹ Where an individual chooses to avail themselves of the one on one opportunity but desires the presence of a support person nominated by them, that will be allowed.

² A by-product of this inquiry is to provide a snapshot of organisational culture based on staff experience and anecdote, as against simply a tick in the relevant box achieved through survey. This is relevant considering culture is something identified in the survey as an area of opportunity. Indeed, the areas of opportunity are :

- Senior leaders implement change effectively at FWBC
- FWBC recognises and rewards employees who deserve it

The report will include findings, recommendations and strategies. All of these will be underpinned by evidence gathered during the review.

Importantly, the findings will clarify the extent of bullying and harassment, distinguishing between matters perceived by staff to be bullying and harassment but potentially more appropriately related to other actions, staff understanding of the policy and their willingness to report such matters. This is an important aspect because the survey results raise issues in relation to workplace culture³.

If the proposal is accepted, then contact details of the person within each State and Territory office with whom the reviewer will liaise will be required.

3. Proposal 1

The main difference between this and the later proposal, is that this proposal seeks to use two reviewers (one male and one female) in conducting the research/review at the larger sites/offices. At the smaller offices (staff < 10), only I would attend.

This proposal captures the experience and knowledge of [REDACTED], an accredited Investigator and experienced mediator with whom I have previously worked. [REDACTED] also has conducted workplace reviews in agencies which have high levels of grievances, workers compensation claims (based on psychological injury) and has reported on Workplace Safety issues relating to stress claims.

As has already been outlined, there is benefit in having both a male and female reviewer present during the discussions, particularly when dealing with a highly emotive and subjective matter.

[REDACTED] would be available for larger sites (> 10 staff)⁴ as outlined below.

The table overleaf provides indicative *on the ground hours* with staff, managers and Human Resource practitioners.

It must be read as a guide only, for planning is predicated on the involvement of staff. In reality and given the survey results, there might not be as much engagement by staff as planned, however the proposal must allow for maximum opportunity. Where planned staff contact time is not being accessed, the reviewers will wherever possible amend the schedule and ensure the invoice reflects such change.

The proposal based on location and staff numbers and reflecting two reviewers being present in some sites is shown overleaf.

-
- Senior leaders effectively communicate the reasons behind decisions
 - In FWBC, communication between senior leaders and other employees is effective

³ The final report will include reference to the survey results compared to the review results.

⁴ Should it be considered that a uniform approach is required for each site, [REDACTED] can make herself available in all locations.

Office location	Staff number	Group discussion(s)	Manager discussion	Opportunity for one-on-one	No of Reviewers	Proposed Consultancy days based on reviewer numbers (Approximate)
Adelaide	6	3 hours	2 hours	4 hours	1	1
Brisbane	17	3 hours x two sessions = 6 hours total	2 -3 hours	8 hours	2	4
Canberra	3	3 hours	2 hours	3 hours	1	1
Darwin	2	3 hours	2 hours	2 hours	1	1
Hobart	2	3 hours	2 hours	2 hours	1	1
Melbourne	53	3 hours x three sessions = 9 hours total	2 -- 3 hours (2 sessions if necessary)	12 hours + Planned meeting with H/R Staff + examination of historical complaint material	2	6
Perth ⁵	22	3 hours x two sessions = 6 hours total	2 -- 3 hours (2 sessions if necessary)	8 hours	2	4
Sydney	28	3 hours x two sessions = 6 hours total	2 -- 3 hours (2 sessions if necessary)	8 hours	2	4
TOTAL						22 days

Using two reviewers at the larger sites means that a total of 22 days consultancy would be required for the on-site part of the proposal.

The office based analysis (summarising review results plus review of governance) involving both reviewers would amount to a total of approximately 7 consultancy days.

In order to fully meet the brief as outlined by the agency and utilising the second reviewer, approximately 30 consultancy days would be necessary to complete the brief.

The normal hourly rate model would not be applied and instead a standard fee of [REDACTED] per day plus GST would be applied. The total consultancy cost for this proposal is estimated at \$[REDACTED] (plus gst and travel costs as outlined previously).

Flights will be at invoice cost. Travel and accommodation would be invoiced as per standard government allowance rates.

⁵ All travel would be based on economy type fares except travel to Perth and the Northern Territory which due to distance would be undertaken on a business class fare.

It is important to note that this fee structure allows for travel to occur outside of business hours, where ever possible, so as to maximise the on ground opportunity with staff. This means that in effect, travel time where possible will be at the consultant's expense.

In addition and where it is possible and reasonable to do so, travel will be arranged so as to make optimum use of shorter distances and available flights between locations without the necessity of returning to Sydney.

For example, endeavours would be made to meet with staff from the Hobart, Melbourne, and Adelaide office in their prospective locations without the reviewer/s returning to Sydney, thereby reducing travel costs.

The client agency will be responsible for providing the reviewer a room within which the group discussions can be conducted (morning or afternoon tea provisions if necessary), an office for the discussion with the manager(s) and a nearby (but offsite) venue for one-on-one discussions.

4. Proposal 2

This proposal is based on one consultant attending each office of the Fair Work Building & Construction offices and conducting sessions with staff, separate sessions with the manager and the consultant then being available for one-on-one discussions with staff who choose to utilise that option in discussing the harassment and bullying issue.

The reviewer's planning needs to be sufficiently flexible to accommodate the changing and unknown numbers who would participate beyond the group discussion, but also be in a position to encourage people to come forward in the event they are reluctant to do so.

The aim is to gather information and this can only be done if staff feel sufficiently comfortable to discuss their workplace issues.

The proposal (again being predictive in nature in terms of staff engagement) is shown below.

Office location	Staff number	Group discussion(s)	Manager discussion	Opportunity for one-on-one	Proposed Consultancy days (Approximate)
Adelaide	6	3 hours	2 hours	4 hours	1
Brisbane	17	3 hours x two sessions = 6 hours total	2 -3 hours	8 hours	2
Canberra	3	3 hours	2 hours	3 hours	1
Darwin	2	3 hours	2 hours	2 hours	1
Hobart	2	3 hours	2 hours	2 hours	1
Melbourne	53	3 hours x three sessions = 9 hours total	2 - 3 hours (2 sessions if necessary)	12 hours + Planned meeting with H/R Staff + examination of	3

				historical complaint material	
Perth	22	3 hours x two sessions = 6 hours total	2 – 3 hours (2 sessions if necessary)	8 hours	2
Sydney	28	3 hours x two sessions = 6 hours total	2 – 3 hours (2 sessions if necessary)	8 hours	2
TOTAL					13 days

At the end of each of the review sessions, participants will be provided contact details for the reviewer(s) and be given a timeline within which it is possible for them to submit additional information and/or documentation to be considered as part of the review.

Further telephone interviews will also be possible once the participants have been introduced to the reviewer(s).

Following on from the on-site discussions, the information gathered will be documented and analysed and stage II involving the analysis of related policy and governance will be conducted simultaneously. This will include information analysis from discussion with the Human resource Managers and review of previous complaint material. It is likely that this stage will take a five consultancy days.

In order to fully meet the brief as outlined by the agency, approximately 20 consultancy days would be necessary to complete the brief.

The normal hourly rate model would not be applied and instead a standard daily rate of \$[REDACTED] per day plus GST would be applied. The estimate for this proposal including workshops, interviews, analysis and review, and report production would be provided at an estimated total consultancy cost of \$[REDACTED] (plus gst and travel costs as outlined below).

For each proposal, flights will be at invoice cost. Travel and accommodation would be invoiced as per standard government allowance rates.

As already indicated, this fee structure allows for travel to occur outside of business hours, where ever possible, so as to maximise the on ground opportunity with staff. This means that in effect, travel time where possible will be at the consultant's expense.

In addition and where it is possible and reasonable to do so, travel will be arranged so as to make optimum use of shorter distances and available fights between locations without the necessity of returning to Sydney.

For example, endeavours would be made to meet with staff from the Hobart, Melbourne, and Adelaide office in their prospective locations without the reviewer/s returning to Sydney, thereby reducing travel costs.

The client agency will be responsible for providing the reviewer a room within which the group discussions can be conducted (morning or afternoon tea provisions if necessary), an

office for the discussion with the manager(s) and a nearby (but offsite) venue for one-on-one discussions.

5. *Resources accessed as part of proposal development*

- *FWBC STAFF ENGAGEMENT SURVEY 2013*
- *BULLYING AND HARASSMENT POLICY*
- *PERFORMANCE AND DEVELOPMENT FRAMEWORK*
- *MANAGING AND REPORTING BULLYING AND OTHER UNACCEPTABLE BEHAVIOUR POLICY*
- *APSC CODE OF CONDUCT CODE OF CONDUCT*



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OUTCOMES

FWBC Executive Board Meeting Monday, 14 April 2014, 09:30 am – 2 pm

Attendees: Nigel Hadgkiss (Chair), Brian Corney, Glyn Cryer, Jeff Radisich, Murray Gregor, Cliff Pettit,

Apologies: Heather Hausler, Tim Honey

Secretariat:



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1.11	<p data-bbox="284 1509 1281 1545"><u>Consideration of proposals for bullying investigation / policy advice providers (Glyn)</u></p> <p data-bbox="284 1581 1201 1617">The Board reviewed the proposals contained in the paper and agreed on a provider.</p> <p data-bbox="284 1653 1331 1711">ACTION: Glyn to prepare contract for DBM Independent Consultants and draft message to staff informing them of the progress.</p>
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Part 3	UPCOMING BUSINESS
3.1	The next Executive Board will be held on Tuesday 20 May, 12 – 5 pm in Sydney .

