



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 at 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.

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- 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*