



Australian Government
Fair Work Building
& Construction

FWBC Minute

| | |
|---|----------------------------|
| To: Heather Hausler | Contact Officer: |
| From: Murray Gregor | Telephone: [REDACTED] |
| Date: 13/02/2014 | Fax: |
| File: | Location: Melbourne |
| Copy: | |
| Subject: Complaint Submitted by Inspector [REDACTED] | |

Background

1. Inspector [REDACTED] is located in the FWBC Sydney office and is at the [REDACTED]. [REDACTED] is a nominated [REDACTED]
2. On 23 January 2014 [REDACTED] submitted an email complaint to Executive Director Operations North/West Jeff Radisich outlining concerns of apparent non action taken by [REDACTED] to alleged reports of Bullying and Harassment [REDACTED] had verbally made to [REDACTED]. The submission of this complaint had immediately occurred following [REDACTED] being interviewed by Jeff Radisich regarding an alleged Code of Conduct breach. The alleged Code of Conduct breach had originally been reported by [REDACTED] which was known by [REDACTED]
3. The complaint made by [REDACTED] was subsequently referred to Group Manager Operations Heather Hausler who then directed the matter to me for investigation.

Complaint Details

4. The specific issues raised by [REDACTED] are as follows:-
 - (1) On 8 October 2013, [REDACTED] raised (in his role as [REDACTED]) with [REDACTED] details of complaints he had received from other staff members. [REDACTED] alleged that 4 staff members had informed him that they had raised issues (bullying and harassment) directly with [REDACTED] regarding their individual experiences and who felt [REDACTED] had sided with the person responsible;
 - (2) That [REDACTED] at a Team Leaders meeting (20/01/14) identified [REDACTED] to other colleagues present at the meeting as an individual subject to a Code of Conduct investigation and found this to be unacceptable;
 - (3) That during this meeting on 8 October 2013, [REDACTED] alleges [REDACTED] stated words to the effect of, "If your uncomfortable doing the role of [REDACTED] I can get someone else to do it". [REDACTED] stated that he regarded this as a threat; and
 - (4) That during an all staff meeting conducted on 16 January 2014, [REDACTED] alleges that [REDACTED] stated words to the effect of, "Bullying cannot be from Team Leader to Team member. That is called management. Every example that's been brought to me has been the other way round, the Team member bullying the Team Leader. You show them the respect they deserve".

Actions Taken

5. Prior to travelling to Sydney I spoke with [REDACTED] concerning his complaint and invited him to nominate other staff members who I should consider meeting with to assist me in investigating his complaint. [REDACTED] nominated [REDACTED]. These nominated individuals were contacted to meet with me. [REDACTED] was not interviewed due to unavailability.
6. I also contacted [REDACTED] to inform him of the complaint made against him by [REDACTED] and invited him to nominate staff members who I should consider meeting with to assist me with the complaint. In addition to the above named, [REDACTED] nominated [REDACTED]. This individual was subsequently contacted to meet with me.
7. In relation to Complaint Details Parts 2 and 4 I conducted telephone interviews with [REDACTED].

Interviews

8. The following interviews were conducted by me in Sydney on 5 & 6 February 2014.

[REDACTED]

- (i) [REDACTED] is currently on [REDACTED] team.
- (ii) [REDACTED] confirmed the content of his 23 January email he sent to Jeff Radisich.
- (iii) [REDACTED] stated as [REDACTED] he felt that it was his duty to bring matters to [REDACTED] for attention and action.
- (iv) That the issues he relayed to [REDACTED] related to [REDACTED] primarily involving his management style, communication issues and lack of consultation.
- (v) [REDACTED] stated he did not identify to [REDACTED] specific individuals who had brought issues to him.
- (vi) [REDACTED] stated the issues he relayed to [REDACTED] was not specific in identifying who was making the complaint and not formalised in writing, but were of a general nature relating to management issues involving [REDACTED].
- (vii) [REDACTED] stated he had no information if [REDACTED] acted on the issues raised, but did not believe any action was taken.
- (viii) [REDACTED] requested that the Inspector's he had nominated be interviewed to identify specific information to support lack of action taken by [REDACTED].
- (ix) [REDACTED] stated that he was not a victim of bullying and harassment although he raised an issue concerning allegedly being subjected to bullying and harassment by a former team leader in June 2012 when he was subjected to a Performance Management Plan. (Due to the age and the matter being unrelated to his current complaint this issue has not been examined in any detail).

[REDACTED]

- (i) [REDACTED] is an [REDACTED] and was on [REDACTED] team from January to November 2013.
- (ii) [REDACTED] related various interactions which he felt supported his belief that he was subject to bullying and harassment by [REDACTED] also produced a number of email communications and notes he had made which I have reviewed.
- (iii) [REDACTED] stated he had not previously made a formal complaint regarding bully and harassment, but had discussed his concerns with [REDACTED] on previous occasions as well as relaying general concerns verbally to [REDACTED]
- (iv) The actions referred to by [REDACTED] related to [REDACTED] email and verbal communication with him.
- (v) [REDACTED] stated he raised issues directly with [REDACTED] as they occurred but felt that this did not result in any change in his management approach with him.
- (vi) [REDACTED] described [REDACTED] management style as very directive with limited opportunity for open communication and consultation.
- (vii) [REDACTED] suggested that [REDACTED] needs to be performance managed due to his lack of management skills.

[REDACTED]

- (i) [REDACTED] is an [REDACTED] and was on [REDACTED] team from January to December 2013.
- (ii) [REDACTED] stated main issue relates to [REDACTED] poor management skills and provided specific examples from his perspective that supported this. Primarily related to the same issues outlined by [REDACTED] including lack of engagement, lack of communication and inflexibility in his management approach.
- (iii) [REDACTED] stated he had spoken to [REDACTED] about some of his concerns relating to [REDACTED] but had not raised it with [REDACTED]
- (iv) [REDACTED] had no specific complaint of bullying and harassment.

[REDACTED]

- (i) [REDACTED] is an [REDACTED] and has been on [REDACTED] team since January 2013.
- (ii) [REDACTED] described similar issues relating to [REDACTED] management style as [REDACTED] and [REDACTED], although any issues she stated she raised with [REDACTED] were addressed to her satisfaction.
- (iii) [REDACTED] had no specific complaint of bullying and harassment

- [REDACTED]
- (i) [REDACTED] is an [REDACTED] and was on [REDACTED] team from January to December 2013. [REDACTED] is currently [REDACTED].
 - (ii) [REDACTED] was supportive of [REDACTED] management style and capabilities and described [REDACTED] as intelligent and an asset to FWBC.
 - (iii) [REDACTED] stated that [REDACTED] had been targeted by some staff within Operations who saw him as an 'outsider' and was being given a hard time.
 - (iv) [REDACTED] stated he did not want to see any change and to keep things as they are.
 - (v) [REDACTED] had no specific complaint of bullying and harassment.

- [REDACTED]
- (i) [REDACTED] is an [REDACTED].
 - (ii) [REDACTED] stated that on 27 November 2013 a staff member raised an issue with her regarding [REDACTED]. On the information presented [REDACTED] was not sure if it was a management style issue or relating to bullying and harassment. [REDACTED] was subsequently approached by a further 3 staff members regarding issues concerning [REDACTED]. No formal complaint was made by the staff members concerned although she brought the matter to the attention of [REDACTED].
 - (iii) [REDACTED] stated that on 4 December 2013 she was present at a meeting between [REDACTED] and [REDACTED]. Issues relating to matters raised by the staff members were canvassed with [REDACTED] with constructive suggestions and advice provided for [REDACTED] to consider in adjusting his management style particularly focusing on communication and consultation with team members.
 - (iv) [REDACTED] stated that [REDACTED] was very open and receptive in receiving the feedback and advice provided.

- [REDACTED]
- (v) [REDACTED] is currently an [REDACTED].
 - (vi) [REDACTED] stated that on 20 January 2014 he was present at the team leaders meeting and recalled [REDACTED] stating that Jeff Radisich was attending the Sydney office that week to conduct a Code of Conduct investigation. [REDACTED] stated that he was already aware of the Code of Conduct matter and the individuals involved. [REDACTED] stated he had no recollection of [REDACTED] at this meeting personally identifying or making any indication of [REDACTED] being one of the persons suspected of the Code of Conduct breach.
 - (vii) [REDACTED] stated that he was present on 16 January 2014 all staff meeting and recalled the comments made by [REDACTED] relating to bullying and harassment. [REDACTED] stated that the main message from [REDACTED] was that this type of conduct was not acceptable and that it could be committed by not only managers but by anyone in the office. [REDACTED] stated he believed the comments made by [REDACTED] were appropriate and in accordance with the policy. [REDACTED] stated he was not aware of any concerns expressed by any staff concerning [REDACTED] comments on this issue.

- [REDACTED]
- (i) [REDACTED] is currently an [REDACTED].
 - (ii) [REDACTED] stated he was present on 20 January 2014 at the team leaders meeting and recalled towards the end of the meeting [REDACTED] stating that [REDACTED] was attending the office during the week to conduct the Code of Conduct investigation. [REDACTED] stated he was previously aware of this matter due to one of his team members being involved. [REDACTED] stated he did not recall any comments or indications made by [REDACTED] identifying [REDACTED] as one of the individuals involved.
 - (iii) [REDACTED] stated he was not present at the all staff meeting on 16 January 2014 and had not become aware of any concerns raised by any person regarding the bullying and harassment topic discussed at the meeting.

- [REDACTED]
- (i) [REDACTED] is an [REDACTED]
 - (ii) [REDACTED] stated that [REDACTED] had previously raised issues relating to bullying and harassment in a general and non-specific detail, but understood they related primarily to [REDACTED]. [REDACTED] stated that these issues had usually been raised when he had cause to speak to [REDACTED] in relation to performance or behavioural concerns. [REDACTED] had on all occasions requested [REDACTED] to provide specific details to him in order to evaluate and deal with any complaints. No particulars had ever been provided verbally or in writing. [REDACTED] stated that he informed [REDACTED] if he believed his own actions [REDACTED] were involved then he should direct the matter to Murray Gregor.
 - (iii) [REDACTED] stated that he had a number of conversations with [REDACTED] regarding [REDACTED] overly directive style of management. As this pattern emerged, [REDACTED] stated he requested [REDACTED] to formalise any concerns to him directly. [REDACTED] indicated to [REDACTED] that he did not wish to do this and would deal with it himself. [REDACTED] stated he provided advice to [REDACTED] how he might best raise his concerns directly with [REDACTED]. No formal complaint was every received from [REDACTED].
 - (iv) [REDACTED] stated he never received any complaints from other staff members concerning [REDACTED]
 - (v) In relation to the concerns which had been raised relating to [REDACTED] stated that from mid to the later part of 2013 he had conducted 6 or 7 meetings with [REDACTED] regarding the issues raised specifically focusing on [REDACTED] management style specifically perceptions concerning his autocratic and directive style and being more consultative. [REDACTED] stated that [REDACTED] was always very receptive to the feedback and readily accepted advice. [REDACTED] stated that [REDACTED] accepted that he needed to adjust his approach and overcome the identified management issues and [REDACTED] stated that he had seen a noticeable and positive change. [REDACTED] believes that [REDACTED] directive style comes from [REDACTED].
 - (vi) [REDACTED] stated he has been active in mentoring and guiding [REDACTED] in the identified areas and particular focused training has been put into place to further assist [REDACTED]. [REDACTED] has regular one on one meeting's to provide ongoing support and guidance.
 - (vii) [REDACTED] stated he did not believe on the known information that [REDACTED] had breached the bullying and harassment policy and that rather the issues identified related to his management style. He regarded [REDACTED] as an excellent contributor and asset to the FWBC and stated that [REDACTED] ensured accountability from his staff across their work and that [REDACTED] believed that the focus and

accountability [REDACTED] brings to managing his team is something his staff had not previously experienced.

- (viii) On 20 January 2013 [REDACTED] stated that [REDACTED] was present at the team leaders meeting in company with other team leaders including [REDACTED] and [REDACTED]. [REDACTED] stated at this meeting that Jeff Radisich was attending the office during the week to conduct a Code of Conduct investigation. [REDACTED] stated he did not recall indicating at this meeting that [REDACTED] was implicated in the Code of Conduct investigation as reported by [REDACTED] although all persons present at the meeting had previously been informed by [REDACTED] of the Code of Conduct investigation and the Inspector's involvement. [REDACTED] stated he had previously informed the team leaders as they had Inspector's on their respective teams who were going to be subject of the investigation and it was appropriate for them to be informed of the matter.
- (ix) [REDACTED] stated that once the Inspector's subject of the Code of Conduct had been informed of the investigation into the matter, it had become common knowledge within the office. [REDACTED] stated that it was his belief that the individuals subject to the Code of Conduct complaint themselves, openly informed their colleagues of the matter.
- (x) [REDACTED] stated he did not recall specifically offering [REDACTED] the opportunity of discontinuing his role as [REDACTED] although he does not deny he could have said this. [REDACTED] stated he was concerned that [REDACTED] was uncomfortable in continuing the [REDACTED] because of the conflict he felt making a complaint and keeping the complainants identities confidential. [REDACTED] stated that at no time did he make any comment to [REDACTED] which should have been interpreted as a threat.
- (xi) At an all staff meeting conducted on 13 January 2014, [REDACTED] talked to an agenda item concerning bullying and harassment and stated that it was not acceptable conduct. He stated that bullying and harassment was not restricted to the activities of manager against team member and could quite be the reverse and that it was not acceptable in any form and should be reported to a manager, HCO, HR or to him. The provision of guidance or instruction by a manager/supervisor is generally not to be regarded a bullying and/or harassment. [REDACTED] stated that the message was clear in that bullying and harassment at any level within the office was unacceptable.

Findings

9. Complaint Part 1 (Not substantiated)

On 8 October 2013, [REDACTED] raised ([REDACTED] with [REDACTED] details of complaints he had received from other staff members. [REDACTED] alleged that 4 staff members had informed him that they had raised issues directly with [REDACTED] regarding their individual experiences and who felt [REDACTED] had sided with the person responsible.

As a result of interviewing relevant staff and reviewing various documentation including emails and file notes provided to me I am of the view that there is no evidence to support the allegation that [REDACTED] failed to take appropriate action concerning matters brought to his attention by any staff member as it is clear that he in fact did. Matters brought to [REDACTED] have been of a general nature and non-specific. No formal complaint has been made to [REDACTED] concerning allegations of bullying and harassment which appears more related to management style and processes of [REDACTED]. As a result of the concerns raised by some staff directly with [REDACTED] he has actively taken action in providing guidance and advice to [REDACTED] relating to his management style specifically focussing on communication, consultation and his general management style. [REDACTED] has also identified particular training courses for [REDACTED] to undertake to assist him in developing his management skills including conflict resolution and Influencing and negotiating focused training. [REDACTED] has stated that as a result of his ongoing mentoring he has been conducting with [REDACTED] he has seen positive changes and improvement in the areas identified.

It is further interesting to note that [REDACTED] believes that [REDACTED] had been targeted by some staff in Operations and did not see any particular issues with [REDACTED] management capabilities.

10. Complaint Part 2 (Not substantiated)

That [REDACTED] at a Team Leaders meeting identified [REDACTED] to other colleagues present at the meeting as an individual subject to a Code of Conduct investigation and found this to be unacceptable.

[REDACTED] stated that he had informed each of the team leaders of the initiation of a Code of Conduct investigation as each had individual Inspectors on their respective teams subject to the investigation and all those present at the team meeting were aware of the matter and the individuals involved. [REDACTED] stated that it was also common knowledge throughout the office very shortly after initiation of the investigation. [REDACTED] stated it was also appropriate to inform the team leaders of the impending arrival of Jeff Radisich who was the appointed investigation officer.

During my attendance to the FWBC Sydney office on 20 December 2013 I personally overheard one of the Inspectors subject to the Code of Conduct complaint openly stating on the floor of the office to another Inspector, whilst other staff were present, that he was subject to a Code of Conduct investigation which directly supports [REDACTED] statement that it was common knowledge within the office.

[REDACTED] and [REDACTED] both stated that they recalled [REDACTED] stating at this meeting that Jeff Radisich was attending the office that week to conduct a Code of Conduct investigation, but did not recall [REDACTED] indicating or stating that [REDACTED] was one of the individuals subject to the investigation.

[REDACTED] stated he did not specifically recall making a comment at the team leaders meeting identifying [REDACTED] as a person subject to the Code of Conduct investigation.

On the current information I am unable to corroborate [REDACTED] on this matter.

11. Complaint Part 3 (Not substantiated)

That during this meeting on 8 October 2013, [REDACTED] alleges [REDACTED] stated words to the effect of, "If your uncomfortable doing the role [REDACTED] I can get someone else to do it". [REDACTED] stated that he regarded this as a threat.

[REDACTED] stated that he did not recall making any such comment, but did not deny making it. [REDACTED] denied stating anything that could be construed as a threat to [REDACTED] at any time. It appears [REDACTED] has taken umbrage to the suggestion [REDACTED] has made concerning his continuing role [REDACTED] and took it as a threat.

On the known circumstances I do not see any issue relating to the comment allegedly made by [REDACTED] to [REDACTED] and believe it was appropriate in [REDACTED] role as [REDACTED] to discuss such matters.

12. Complaint Part 4 (Not substantiated)

That during an all staff meeting conducted on 16 January 2014, [REDACTED] alleges that [REDACTED] stated words to the effect of, "Bullying cannot be from Team Leader to Team member. That is called management. Every example that's been brought to me has been the other way round, the Team member bullying the Team Leader. You show them the respect they deserve".

On the information supplied by [REDACTED] which includes a copy of the agenda used for the meeting and information provided by [REDACTED], it appears the complaint from [REDACTED] is selective in content and distorts the true meaning of information given concerning this topic.

In my examination of this matter I have found nothing to indicate inappropriate comments made by [REDACTED] in his instructions concerning the topic on bullying and harassment and was appropriate on the known information and concerns [REDACTED] had at the time.

Recommendations

13. In respect to this complaint I make the following recommendations:-

- (i) That the complaint by [REDACTED] be found unsubstantiated;
- (ii) That [REDACTED] continues his ongoing management and mentoring role with [REDACTED]; and
- (iii) That I meet with [REDACTED] and [REDACTED] to advise them on the outcome of the complaint.

Signed:

Date:



Australian Government

Fair Work Building & Construction

ATTACHMENT B

14 March 2014

Fair Work Building and Construction
255 Elizabeth Street
Sydney NSW 2000

Dear

On 23 January 2014 you submitted an email complaint to Executive Director Operations North/West Jeff Radisich outlining concerns of apparent non action taken by [redacted] to alleged reports of Bullying and Harassment you had verbally made. The complaint made by you was subsequently referred to Group Manager Operations Heather Hausler who then directed the matter to me for investigation.

Complaint Details

1. The specific issues raised by you were as follows:-

- (1) On 8 October 2013, [redacted] raised (in his role as HCO) with [redacted] details of complaints he had received from other staff member [redacted] alleged that 4 staff members had informed him that they had raised issues (bullying and harassment) directly with [redacted] regarding their individual experiences and who felt [redacted] had sided with the person responsible;
- (2) That [redacted] at a Team Leaders meeting (20/01/14) identified [redacted] to other colleagues present at the meeting as an individual subject to a Code of Conduct investigation and found this to be unacceptable;
- (3) That during this meeting on 8 October 2013 [redacted] alleges [redacted] stated words to the effect of, "If your uncomfortable doing the role of HCO I can get someone else to do it". [redacted] stated that he regarded this as a threat;
- (4) That during an all staff meeting conducted on 16 January 2014, [redacted] alleges that [redacted] stated words to the effect of, "Bullying cannot be from Team Leader to Team member. That is called management. Every example that's been brought to me has been the other way round, the Team member bullying the Team Leader. You show them the respect they deserve"; and

Actions Taken

As a result of this complaint I interviewed and a number of other FWBC staff.

Findings

1. Complaint Part 1 (Not substantiated)

On 8 October 2013, raised (in his role as HCO) with details of complaints he had received from other staff members. alleged that 4 staff members had informed him that they had raised issues directly with regarding their individual experiences and who felt had sided with the person responsible.

As a result of interviewing relevant staff and reviewing various documentation including emails and file notes provided to me I am of the view that there is no evidence to support the allegation that failed to take appropriate action concerning matters brought to his attention by any staff member as it is clear that he in fact did. Matters brought to have been of a general nature and non-specific. No formal complaint has been made to concerning allegations of bullying and harassment which appears more related to management style and processes of. As a result of the concerns raised by some staff directly with he has actively taken action in providing guidance and advice to relating to his management style specifically focussing on communication, consultation and his general management style. has also identified particular training courses for to undertake to assist him in developing his management skills including conflict resolution and Influencing and negotiating focused training. has stated that as a result of his ongoing mentoring he has been conducting with he has seen positive changes and improvement in the areas identified.

2. Complaint Part 2 (Not substantiated)

That at a Team Leaders meeting (20/01/14) identified to other colleagues present at the meeting as an individual subject to a Code of Conduct investigation and found this to be unacceptable.

stated that he had informed each of the team leaders of the initiation of a Code of Conduct investigation as each had individual Inspectors on their respective teams subject to the investigation and all those present at the team meeting were aware of the matter and the individuals involved. stated that it was also common knowledge throughout the office very shortly after initiation of the investigation. stated it was also appropriate to inform the team leaders of the impending arrival of Jeff Radisich who was the appointed investigation officer.

During my attendance to the FWBC Sydney office on 20 December 2013 I personally overheard one of the Inspectors subject to the Code of Conduct complaint openly stating on the floor of the office to another Inspector, whilst other staff were present, that he was subject to a Code of Conduct investigation which directly supports [redacted] statement that it was common knowledge within the office.

Two [redacted] interviewed stated that they recalled stating at this meeting that Jeff Radisich was attending the office that week to conduct a Code of Conduct investigation, but did not recall [redacted] indicating or stating that [redacted] was one of the individuals subject to the investigation.

[redacted] stated he did not specifically recall making a comment at the team leaders meeting identifying [redacted] as a person subject to the Code of Conduct investigation.

On the current information I am unable to corroborate [redacted] on this matter.

3. Complaint Part 3 (Not substantiated)

That during this meeting on 8 October 2013, [redacted] alleges [redacted] stated words to the effect of, "If your uncomfortable doing the role of HCO I can get someone else to do it". [redacted] stated that he regarded this as a threat.

[redacted] stated that he did not recall making any such comment, but did not deny making it. [redacted] denied stating anything that could be construed as a threat to [redacted] at any time. It appears [redacted] has taken umbrage to the suggestion [redacted] has made concerning his continuing role as HCO and took it as a threat.

On the known circumstances I do not see any issue relating to the comment allegedly made by [redacted] to [redacted] and believe it was appropriate in [redacted] s role as [redacted] to discuss such matters.

4. Complaint Part 4 (Not substantiated)

That during an all staff meeting conducted on 16 January 2014, [redacted] alleges that [redacted] stated words to the effect of, "Bullying cannot be from Team Leader to Team member. That is called management. Every example that's been brought to me has been the other way round, the Team member bullying the Team Leader. You show them the respect they deserve".

On the information supplied by [redacted] which includes a copy of the agenda used for the meeting and information provided by other interviewed staff, it appears the complaint from [redacted] is selective in content and distorts the true meaning of information given concerning this topic. It is acknowledged however, that [redacted] may very well have interpreted the information very differently.

In my examination of this matter I have found nothing to indicate inappropriate comments made by [redacted] in his instructions concerning the topic on bullying and harassment and was appropriate on the known information and concerns [redacted] had at the time.

As a result of my investigation I have determined that the complaint made by you is not substantiated and no further action will be taken.

I acknowledge your full co-operation and professional attitude you have displayed in my investigation of this matter and I thank you for bringing these issues to the attention of Executive.

If you have any queries regarding the matters outlined please contact me directly to discuss.

Yours sincerely

Murray Gregor
Executive Director Operations Eastern
Fair Work Building & Construction



14 March 2014

Fair Work Building and Construction
255 Elizabeth Street
Sydney NSW 2000

Dear

On 23 January 2014, [redacted] submitted an email complaint to Executive Director Operations North/West Jeff Radisich outlining concerns of apparent non action taken by you to alleged reports of Bullying and Harassment [redacted] had verbally made. The complaint made by [redacted] was subsequently referred to Group Manager Operations Heather Hausler who then directed the matter to me for investigation.

Complaint Details

1. The specific issues raised by [redacted] were as follows:-

- (1) On 8 October 2013, [redacted] raised (in his role as HCO) with [redacted] details of complaints he had received from other staff members. [redacted] alleged that 4 staff members had informed him that they had raised issues (bullying and harassment) directly with [redacted] regarding their individual experiences and who felt [redacted] had sided with the person responsible;
- (2) That [redacted] at a Team Leaders meeting (20/01/14) identified [redacted] to other colleagues present at the meeting as an individual subject to a Code of Conduct investigation and found this to be unacceptable;
- (3) That during this meeting on 8 October 2013, [redacted] alleges [redacted] stated words to the effect of, "If your uncomfortable doing the role of HCO I can get someone else to do it". [redacted] stated that he regarded this as a threat;
- (4) That during an all staff meeting conducted on 16 January 2014, [redacted] alleges that [redacted] stated words to the effect of, "Bullying cannot be from Team Leader to Team member. That is called management. Every example that's been brought to me has been the other way round, the Team member bullying the Team Leader. You show them the respect they deserve"; and

Actions Taken

As a result of this complaint I interviewed
and a number of other FWBC staff.

Findings

1. Complaint Part 1 (Not substantiated)

On 8 October 2013, raised (in his role as HCO) with details of complaints he had received from other staff members. alleged that 4 staff members had informed him that they had raised issues directly with regarding their individual experiences and who felt had sided with the person responsible.

As a result of interviewing relevant staff and reviewing various documentation including emails and file notes provided to me I am of the view that there is no evidence to support the allegation that failed to take appropriate action concerning matters brought to his attention by any staff member as it is clear that he in fact did. Matters brought to have been of a general nature and non-specific. No formal complaint has been made to concerning allegations of bullying and harassment which appears more related to management style and processes of As a result of the concerns raised by some staff directly with he has actively taken action in providing guidance and advice to relating to his management style specifically focussing on communication, consultation and his general management style. has also identified particular training courses for to undertake to assist him in developing his management skills including conflict resolution and Influencing and negotiating focused training. has stated that as a result of his ongoing mentoring he has been conducting with he has seen positive changes and improvement in the areas identified.

It is further interesting to note that believes that had been targeted by some staff in Operations and did not see any particular issues with management capabilities.

2. Complaint Part 2 (Not substantiated)

That at a Team Leaders meeting (20/01/14) identified to other colleagues present at the meeting as an individual subject to a Code of Conduct investigation and found this to be unacceptable.

stated that he had informed each of the team leaders of the initiation of a Code of Conduct investigation as each had individual Inspectors on

their respective teams subject to the investigation and all those present at the team meeting were aware of the matter and the individuals involved. stated that it was also common knowledge throughout the office very shortly after initiation of the investigation. stated it was also appropriate to inform the team leaders of the impending arrival of Jeff Radisich who was the appointed investigation officer.

During my attendance to the FWBC Sydney office on 20 December 2013 I personally overheard one of the Inspectors subject to the Code of Conduct complaint openly stating on the floor of the office to another Inspector, whilst other staff were present, that he was subject to a Code of Conduct investigation which directly supports statement that it was common knowledge within the office.

and both stated that they recalled stating at this meeting that Jeff Radisich was attending the office that week to conduct a Code of Conduct investigation, but did not recall indicating or stating that was one of the individuals subject to the investigation.

stated he did not specifically recall making a comment at the team leaders meeting identifying as a person subject to the Code of Conduct investigation.

On the current information I am unable to corroborate on this matter.

3. Complaint Part 3 (Not substantiated)

That during this meeting on 8 October 2013, alleges stated words to the effect of, "If your uncomfortable doing the role of HCO I can get someone else to do it". stated that he regarded this as a threat.

stated that he did not recall making any such comment, but did not deny making it. denied stating anything that could be construed as a threat to at any time. It appears has taken umbrage to the suggestion has made concerning his continuing role as HCO and took it as a threat.

On the known circumstances I do not see any issue relating to the comment allegedly made by to and believe it was appropriate in role as to discuss such matters.

4. Complaint Part 4 (Not substantiated)

That during an all staff meeting conducted on 16 January 2014, [redacted] alleges that [redacted] stated words to the effect of, "Bullying cannot be from Team Leader to Team member. That is called management. Every example that's been brought to me has been the other way round, the Team member bullying the Team Leader. You show them the respect they deserve".

On the information supplied by [redacted] which includes a copy of the agenda used for the meeting and information provided by [redacted], it appears the complaint from [redacted] is selective in content and distorts the true meaning of information given concerning this topic.

In my examination of this matter I have found nothing to indicate inappropriate comments made by [redacted] in his instructions concerning the topic on bullying and harassment and was appropriate on the known information and concerns [redacted] had at the time.

As a result of my investigation I have determined that the complaint made by [redacted] is not substantiated and no further action will be taken.

I acknowledge your full co-operation and professional attitude you have displayed in my investigation of this matter.

Yours sincerely

Murray Gregor
Executive Director Operations Eastern
Fair Work Building & Construction