



Speech by

## Fiona Simpson

MEMBER FOR MAROOCHYDORE

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### INDUSTRIAL RELATIONS ACT AND OTHER LEGISLATION AMENDMENT BILL

**Miss SIMPSON** (Maroochydore—NPA) (Deputy Leader of the Opposition) (3.50 pm): Workers have a right to a fair go, as do their employers, with a focus on achieving a balanced industrial relations system which respects individual rights as well as the need to create an economy which continues to expand and create new jobs. That should be the test for any industrial relations bill this House is asked to consider. However, there is no balance in this legislation as it currently stands and there is no fairness for workers or the businesses which employ them.

We should never forget that in Queensland most businesses are small businesses, family operations run by mums and dads who are the backbone of the Queensland economy and who put their own capital into creating the jobs which spread the created wealth throughout our local communities. Job security requires a clarity of business conditions as much as it requires a fair, legislated industrial relations system. By failing to provide clarity and, in fact, deliberately legislating to create confusion with unconstitutional provisions, the Beattie Labor government is threatening jobs and adding dead costs to businesses—money which will not find its way into people's pay packets.

I believe that this legislation is tricky and deceitful and that it will, in fact, be a cost impost on more small businesses and in turn that will cost the people they employ. I will explain. This legislation is designed to try to make Queensland businesses and their workers who are covered by federal laws subject to a state based ombudsman. It will eventually be challenged and the contradictory aspects overturned in a higher court. However, what a dog's breakfast it is to expect small businesses to have to wear that cost. Many do not have the financial or legal fire power to fight unconstitutional aspects of this legislation. Once again they are the pawns in the union-sponsored campaign backed by this Labor government.

Why should workers and their employers have to be punished for the philosophical war between the state and federal government through the implementation of this legislation. There is a federal body already which is able to investigate claims of unfair work practices of people whose jobs are covered by federal laws. In fact, in recent weeks the federal government has announced that it will strengthen these provisions and create a federal ombudsman and introduce an additional safety net for workers earning less than \$75,000.

There are some aspects of this legislation that we are not raising objection to, such as workplace health and safety and workers' compensation and rehabilitation changes. My main criticism is in relation to the main intention of the legislation. This bill as a whole could be redeemed if it actually applied to the new state ombudsman the task of addressing a very real area of failure in state industrial relations and that is the culture of bullying and intimidation within the public sector in Queensland. Never have we seen such a level of bullying and thuggery sanctioned and presided over by this Labor government within the public sector. It has risen to new heights in recent times and has led to high levels of staff stress and poor retention rates.

The Queensland National-Liberal coalition has affirmed our support for maintaining a state based industrial relations system for the state Public Service. That is our official published policy. We went to the last state election with it and it is still our position. However, we believe that there does need to be real and additional protection for the Queensland Public Service because, as I mentioned before, an industrial relations system must be fair for both the workers and the employers. Currently that balance does not exist in Queensland in the state Public Service. That balance, a fair balance of rights and responsibilities between employees and the employer—in this case being the state public sector—does not exist. There has to be a way of addressing this.

We believe that to address some of that imbalance it is important if there is to be a state based ombudsman dealing with these industrial relations issues that they should be able to also address the issues of bullying and intimidation in the public sector and its units. The state coalition intends to move an amendment to this legislation to address this anomaly, this failure in the current state system. We believe that there should be an ombudsman who can, in fact, address the issues of bullying and intimidation in our public sector. This is important not only for our public servants but also for those who rely upon the services that they deliver.

Despite numerous inquiries, workplace bullying and intimidation, staffing issues, poor morale and inadequate resourcing are still rife in the public sector in Queensland. Cultural surveys of government departments continue to highlight the very real problems that exist and the growing distance between the politicised upper echelon of the Public Service and front-line staff and officers. Despite numerous promises by the Beattie Labor government little has been done to address the issues identified by the Davies and Forster reports into Queensland Health. The negative culture identified in these reports has now become system-wide and endemic and threatens to cripple the Public Service unless immediate remedial action is undertaken.

The lack of an independent and impartial body to hear and progress workplace grievances by public sector employees has been identified as the chief cause of the discontent amongst staff and contributing to the malaise that affects many departments. It also substantially hampers efforts into the identification and elimination of unfair and intimidatory practices and behaviours within the workplace. Employees remain fearful of reprisals if they do report such aberrant behaviour through normal channels. It was this very real fear of retaliation and punishment that contributed to the breakdown of the health system and led to the 'Dr Death' scandal.

It is therefore considered imperative that Public Service employees and other employees of the public sector be guaranteed the same access to the protection and assistance offered by the ombudsman that this bill offers other Queensland employees. The fact is that there is little to no evidence that remedial measures currently in place are having any effect. Media reports such as those I will outline reveal that despite repeated warnings and mounting evidence, Public Service employees are continuing to work in hostile and aggravating workplaces with the inevitable detrimental effects on staff health, morale, performance and turnover.

I will now turn to the supporting evidence. The Forster report, the final report into the Queensland health system, stated—

In the case of Queensland Health it has been frequently reported during district visits that at least a part of this culture can be described as one of bullying, threat, intimidation, coercion and retribution on the one hand and of secrecy, covering up of faults, blaming, accusing and avoiding responsibility on the other.

Bullying, intimidation and retribution have been described repeatedly throughout the state as typifying part of the Queensland Health culture. Descriptions such as tribalism, bullying culture, tokenistic consultation, no culture of teamwork and a culture of power and control were repeated themes throughout the consultation. Where bullying existed there were examples of inaction or lack of appropriate and timely action by management. Some managers cited cases where they were not prepared to manage poor performance for fear of being labelled a bully.

It is quite a confusing and disastrous situation when people are in such fear of reprisals in the Queensland health system, and that is continuing.

I will quote from the Davies report, the Queensland Public Hospitals Commission of Inquiry Report, 2.20, subsection (k)—

Doctors leave the public system because they see major compromises in the quality of care and do not wish to be part of that or because they are aware of intrusions into clinical autonomy and a culture of bullying.

At 5.310 Dr Aroney also said—

He could not work with the bullying, intimidation and threats of reprisals and he felt personally unsafe in his employment with Queensland Health after being previously threatened by Dr Scott.

Let me turn to a *Sunday Mail* article of 26 June 2005 which states—

Hospital staff were horrified when told to put any complaints to the Foster inquiry reviewing Queensland Health through their own manager's office. A member of the regional hospital executive told a staff meeting that a copy of their submission would be retained by the hospital for future reference. Lawyer Susan Moriarty, representing several Queensland Health staff, has written to director-general of Health, Dr Steve Buckland, expressing her concerns on the matter. 'One of my clients was extremely worried about reprisals,' she told the *Sunday Mail*.

There are other examples in the *Courier-Mail* on 18 May 2005. In one of the articles Susan Moriarty is quoted as saying—

In almost six years of practice as a lawyer specialising in public sector employment law, I find Queensland Health still tops the list of bullying agencies in the Queensland Public Service. It punishes its employees for the most innocent of infractions with the harshest of sanctions and it fights calls for fair treatment by its employees to the end of their financial tether. It's not a new minister that we need but a new culture.

In the *Cairns Post* on 20 December 2006 under the headline 'Welfare workers strike' we read—

Child Safety workers fear abused Cape York youngsters will continue to be neglected unless the department fixes its staffing crisis. More than 30 Department of Child Safety workers walked off the job in Cairns yesterday afternoon in protest at the lack of resources, high workloads and the treatment of three of their far northern colleagues. The union also said that the current Child Safety officers were being smothered by up to 60 cases each, four times the workload recommended by the Crime and Misconduct Commission during its 2004 inquiry.

Then we turn to the ambulance service. In the *Sunday Mail* on 6 May 2007 there was a headline 'Ambo service in meltdown: levy funds fail to halt problems'. Officers cannot be named because they have been threatened with fines and sacking if they speak out. Staff have been threatened with \$3,000 fines for speaking out about the controversial roster reform or are told they will be sacked if they talk to the media. There has been a 10 per cent increase in sick leave figures in the past two years with more than 70 per cent of staff saying they are taking more sick and stress leave than ever.

These are just the tip of the iceberg. There are many other government departments and tragically many other examples where people who believe in the future of the public service have found themselves bullied, intimidated and demoralised. Eventually people of good intention and good heart burn out and get out. We cannot afford to see this culture of bullying and intimidation continue in the public sector. We cannot see these good people at the front-line and in other supportive roles leave the public sector.

The amendment that we have circulated will address this issue. It is time that attention was given to addressing this appalling bullying culture in the public sector. We welcome the support of the government for the amendment that we will move. This would genuinely show that there is some intention to address this culture that we know is still rife within the public sector. It must be addressed. There must be a legislative approach to provide those powers to an ombudsman to start to address this issue. Until that happens the future of the public sector, the future of the delivery of ambulance services and health services or services within the department of primary industries and so on are in doubt. There must be a fair system to address rights and responsibilities. I urge the House to support the amendment that we have circulated which will provide an avenue for the ombudsman to address this issue.