

# TRANSCRIPT OF PODCAST

WORK WITH PURPOSE  
EPISODE 30

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Office of the Fair Work Ombudsman

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DAVID PEMBROKE: Hello, ladies and gentlemen, and welcome to Work with Purpose, a podcast about the Australian Public Service. My name's David Pembroke. Thanks for joining me. I begin today's podcast by acknowledging the traditional custodians of the land on which we meet today, the Ngunnawal people, and pay my respects to their elders past, present, and emerging, and acknowledge the ongoing contribution they make to the life of our city and this region. Today my guests on Work with Purpose are Sandra Parker PSM, the Fair Work Ombudsman, and Sue Weston PSM, the CEO of Comcare, which is Australia's national work, health, and safety, and workers' compensation authority. And, interestingly, we come together today as Safe Work Month comes to a close in October, and also we bring a focus onto mental health, a topic of great interest and relevance as people continue to deal with the impacts of the COVID-19 pandemic.

Sandra Parker began her career as a high school teacher before joining the public service. She has had an impressive career across a range of portfolios but has developed particular expertise in employment and workplaces, and prior to taking on her current role, as the Fair Work Ombudsman, she served as a Deputy Secretary at three federal government departments. The mission of the Fair Work Ombudsman is to create harmonious, productive, cooperative, and compliant workplace relations. Sandra, welcome to Work with Purpose.

SANDRA PARKER: Thank you.

DAVID PEMBROKE: Sue Weston is an experienced senior public servant with qualifications in chartered accounting, and a passion for innovation and science. She has worked in the APS across industry, small business, science and innovation policy, as well as spending time working with regulatory organisations. Prior to her current role as CEO of Comcare, Sue was a deputy secretary at the Department of Industry, Innovation, and Science. Sue, to you, welcome to Work with Purpose.

SUE WESTON: Thanks so much.

DAVID PEMBROKE: Well, Sue and Sandra, extraordinary times. And at the time of recording, we have the news that Victoria, for the first time in a long time, has no new cases of COVID-19. Government support for businesses and workers here in Australia is slowly being wound back, while the impact of record numbers of new cases in the USA, UK, and large parts of Europe on the global economy is a complete unknown. We also come to the end of this incredible year, having also had to manage the additional stress and burden, both personal and professional, of dealing with the catastrophic bushfires here in Australia at Christmas time. With that as our current context, how are each of you managing your organisations and, Sandra, I'll start with you, how are you managing your people at this time?

SANDRA PARKER: Yes, thanks, David. Just some context, we're a national organisation. So, we've got 22 offices across the Australian community, and I guess like most public service agencies, COVID had a really big impact on the agency and we came together to serve the community, and I was really inspired to see the great work being done and the great outcomes that were achieved in a time of significant pressure where we didn't know what was coming next.

And I guess I saw this across the APS with the COO Committee providing really regular advice on what we should all do, guidance material, and templates, Chris Moraitis, the Secretary of Attorney General's meeting with the agency heads in the portfolio via video, giving us regular updates on the government response and offering support. We had agencies that didn't have an immediate COVID role loaning us staff that were helping us run our call centres and assisting our communications.

And I'd say this gave my staff a lot of confidence and assurance that we all had their backs, that we were working really hard to put their health and safety first and keeping them really well informed about what was kind of going on across Australia. We had to take account of the really different impact of the pandemic across the various states and territories, as I said, so not only in relation to the clients or customers we service, and I say they're mostly employers, workers, but also peak bodies who represent them and, of course, our own staff. What we learned was the importance of communicating both ways, really help giving staff the confidence that we would be able to manage. For me, in Melbourne, it's been an absolute roller coaster, the first wave pandemic, then some hope and relief, followed by a really serious second wave, and we're only just emerging from that.

I'd say I've been really acutely aware of the mental stress that's caused the community we service in Melbourne and Victoria in particular and, of course, my staff who've been dealing with really distraught customers, rapidly changing policy, and we're regulating JobKeeper 1 and JobKeeper 2 while trying to manage our own health, working from home, home schooling for some, that loneliness of living alone for some people, not being able to see family and friends, not being able to get a haircut. The debate over hotel quarantine in Melbourne has been long, loud, and ugly, and it's created its own stress for everyone in Melbourne. So, I guess what I'd say is I've learned the importance of being really real with staff, showing vulnerability, not having all the answers, taking a lot more time to ask staff how they are, and what they need.

The senior executive team and I met every week via video. We talked about how we're going ourselves, but also, of course, how our staff are and how we can support them, and we continue to do that even now. And I just say also, I learned the importance of walking the talk, having a routine, regular breaks, regular exercise, healthy eating, some creative activities, mentors, checking in regularly with friends to have a laugh, and just talking to people. And I have to say, Sue has been fantastic, giving me a call pretty regularly just to give me some information on what's happening back in Canberra, and just asking how I am, just having a bit of a laugh. Those things have been incredibly important. And I'd summarise by saying I'm really proud of what we've achieved.

DAVID PEMBROKE: So, in that, Sue, how did you come to get on the phone to Sandra? Obviously, you're friends. You know each other. You've worked together over time. Was it just something where you thought, "I'll just give her a call," or did you have a list of people who you were calling?

SUE WESTON: Well, David, I've got a very big office in Melbourne, and I pay respect to all the people in our jurisdiction who are operating in Melbourne because I could see the challenges. I did a couple of drop-in sessions with staff where they would just come in, we talked about the football. I have to say, if you start a conversation about football, you don't have to say anything for about 15 minutes because they just go. But Sandra and I, obviously, have known each other a long time. And she did indicate to me the challenges of operating in Melbourne, and I saw that it was my business to actually keep in touch. And, of course, it's a pleasure as well.

Sandra shared with me a podcast by David Kessler on the loss of the world we know, and grief, and finding meaning, and I was able to use that in my all staff discussions too. We talked about what's been going down and tried to provide advice to each other. Sandra knows my topic area really well from being a Dep Sec in Employment. So, we talk about that sort of thing too. So, for me, as I said, we have big presence in Melbourne but we're national as well.

During the pandemic, we opened offices in Launceston and Darwin. I'd love to get to meet those people we've recruited into there too. But that's part of the decentralisation agenda, and we had to get on with that. They're providing a useful education role there. For me, also too, the importance of timely and accurate information during this time, the primacy of that health advice, and then the state orders, and then how does our jurisdiction then adjust to that?

So, at my end, the workplace health and safety jurisdiction for Comcare is the Commonwealth departments and agencies, and 31 large national companies, so really diverse. So, how do you help manage that? And, certainly, I think that guidance and information in this fast and uncertain time probably had the biggest impact on providing safe and healthy workplaces. So, that was key, and that's where we focused our attention and working with Safe Work Australia on that.

Also, just from my own perspective, probably March, April, I suddenly realised we're in for the long haul. And I just said to myself, "This cadence of communications has to just steady. We've got to try and make it regular, and give people information, and they know it's coming, and it gives them some comfort." So, I guess that was a bit of a really big lesson for me, was how to engage with staff knowing that we're in for a long haul. I think we still are. And I'm so happy for our Victorians that they have some relief. Truly, it is a good thing.

DAVID PEMBROKE: So, in terms of that though, did you find that you had to, particularly, shape your communication to the Victorian offices, given that their context was so much different to the rest of Australia, particularly for those of us here in Canberra who have been... We've got off pretty well scot-free largely.

SUE WESTON: So, when you risk assess what are the risks in your workplace, and you consult with your staff, which is what you've got to do under the Workplace Health and Safety Act, you get to realise pretty quickly that there's going to be West Australians who can get back to the office, and you need to just make sure they're meeting the health requirements about 1.5 metres, and four square metres rules, and hand sanitizers, and all that sort of stuff, and consulting with building owners.

But, in Victoria, you're looking at a different scenario. So, one of the things we needed to do is show that it's not one size fits all. And you need to continually, and you can't set and forget, you got to continually adjust your risk plans and talk to your staff. Victoria was changing all the time. And so that was a really important element of the workplace health and safety role that we were involved in.

DAVID PEMBROKE: And for you, Sandra, obviously, you are in Victoria, you were living it, but did you find that you were having to think very carefully and very clearly about the messages that you were sending to your teams across Australia?

SANDRA PARKER: Yes, I certainly was well aware of what was happening in Melbourne. I think that actually really helped to be here and be with the staff while that was happening. So, the impact here has been relentless. The debates and shouting about when and how to open up again have been quite loud, quite angry. You can't help but be affected by that. Staff with children at home have had to home school them while working. Some living on their own haven't been able to see family and friends. Being in lockdown meant one hour of exercise a day, travel only within 5K radius, a curfew, and a permit to work under very strict conditions. Masks have to be worn everywhere other than at home, and that's an ongoing requirement. A pandemic is, of course, stressful and the Fair Work Ombudsman's taken on a lot and reacted really quickly.

No, but the kind of things you might rely on, meeting with friends and family, travel, adventures, they're not available. So, I'm encouraging annual leave for staff. The staycation, of course, is now the new vacation. I've tried to model the kind of healthy behaviours I'd like to see in my own workforce, having a routine, getting exercise at the dog park with my two Mini Schnauzers, working on crafts. I have to say, I've become very good at making masks. Staying connected with others, and having a laugh. We've used internal communications to offer support to the workforce, including offering professional counsellors. Managers have really stepped up to support the staff, and feedback on this has been really positive. I had a hook-up, a phone hook-up, a video hook-up with just the Melbourne senior executives, and there's two things I asked them to do.

One, tell me something really awful that's happened during COVID for you, and secondly, tell me something really good that's happened to you during COVID. And then we all talked about it, shared a bit of the pain, talked about the good stuff, and it really, really helps, I think. So, the mental health of workers is really of concern, and we're dealing with outside workers and employers as well, so not only our own staff. I mentioned that some of the callers have been very distressed. Initially, when COVID hit, they were all ringing up in distress, workers not knowing what was happening, employers not knowing what to do. What are the rules? What are the requirements? This was like something we had never seen before. And the Workplace Relations Act wasn't equipped to deal with it. To stand down whole workforces was just inconceivable.

We trained our staff to manage that. They were doing it from home on their own, without their team around them to support them. That's pretty tough going. And I have to say, when JobKeeper came in, you could feel the relief. The calls changed. The staff were feeling better about it. Suddenly, everything felt hopeful. So, I can't thank the government enough for introducing JobKeeper. It really, really made a difference to the community and to my staff who were trying to deal with that.

DAVID PEMBROKE: And so thinking about that now, though, are you concerned as the support starts to be wound back, as we start to return to a life where there isn't as much support, either for businesses or for workers, are you wary and how are you preparing your organisations, this is really to both of you, how are you preparing for what's coming next?

SANDRA PARKER: Look, in terms of workers and employers and workers, we've been preparing for it for some time. Because the pandemic has hit different states and territories differently and, well, the response to it, we've already been doing it. So, in some states, we've provided transition advice a lot earlier than Melbourne and Sydney, for example. So, we've provided templates, we've provided guidance, we've provided questions and answers, scenarios, a whole range of things. So, we've done that in a measured way. So, when it happens in Melbourne, we'll be ready for that, and we're there to support them. Our call centres are still there to take calls. Our websites have updated information. Every time there's a change of policy, or guidance, or health information, we update the website. So, I think we're ready. In terms of getting staff back to work, again, we've practised it in other states that it's already happening.

We're getting our inspectors back out into the field. It's all occurring in other states. It's gone really smoothly. The staff know they're supported. We're consulting them. We're doing it properly, and openly, and carefully, and we'll do the same in Melbourne. And, of course, I'm setting the example. As I said, I got the bus into work this morning. I'm testing things here. It is wonderful being back in the office, I have to say. It is the best thing. There are people out on the streets. There are cafés opening up. It's a beautiful day here, and it feels really positive. So, I'm delighted. I can't wait to see the staff back in the office again. I've really missed them. And by the way, I've been round, emptied all the fridges on our three floors. I chucked out all the old off milk, threw out all the old foods. I put the dishwashers on. And I thought, "I don't want staff coming back to smelly milk." So, we're ready.

DAVID PEMBROKE: Good to hear. And Sue, for you, how are you preparing for the next period because you made the point just a moment ago is that there's a way to run in all of this?

SUE WESTON: So, from the point of view of the jurisdiction, we worked pretty early on with the Public Service Commission on mental health fact sheets, looking at responding to uncertainty, starting the conversation, supporting others in times of uncertainty, those sort of things. And one of the things we did was bring forward our expanded pilot of a coaching program called NewAccess. We operate in partnership with Beyond Blue to make that available to 15 departments and agencies, 120,000 staff, for those that are feeling anxious or have depression. And it's a low-intensity cognitive behaviour therapy programme. And, look, the demand looks like it's there at the moment. It's early days, but-

DAVID PEMBROKE: But you had this coming even before COVID. So, this was obviously something that you'd already identified was going to be a challenge.

- SUE WESTON: That's right. And we were conscious that there were some frontline staff in our jurisdiction for whom that had a lot of impact, as Sandra said, groups like the Fair Work Ombudsman, but others as well, who may be in need of this. And so we brought that forward and we ran the big attender alongside that. But it has meant that that program has been available earlier than we had planned. We have been undertaking webinars, big response to webinars talking about mental health, coming back to the office. We've got some guidance on coming back to the office, being doing a literature review of what it all means, and looking at the World Congress on Occupational Health and Safety, hearing what people overseas are finding in this flexible arrangement coming forward, and people are saying it isn't one size fits all. One of the sessions I listened to in the Congress was saying that the younger people, as a generalisation, aren't coping as well as the baby boomers in being at home.
- There's a lot to come in this area, and so we're trying to have a look at what the research is saying as it's coming along. As I said, brought forward this pilot, been giving advice on how you get people back to the office, a risk assessment, the consultation with staff, all that sort of thing that people need to do. We've just had Safe Work Month, which has had a focus on returning to work and also how you help manage mental health in the workplace. And so we've got material coming out. Safe Work Australia too has good material across the jurisdiction.
- DAVID PEMBROKE: Do you fear, though, that what's coming is going to be something that we're not ready for and that it could be bigger than is anticipated at this point in time?
- SUE WESTON: I think that people are preparing. Yes, I think there is a big awareness of mental health issues and the government too is putting resources into this area, supporting a number of the mental health agencies, and not-for-profit groups, and so on to help. There were initiatives in the budget to help small business in a programme similar to the NewAccess programme that we have.
- DAVID PEMBROKE: Yeah. Sandra, you mentioned there before that you could almost feel the temperature lower when JobKeeper was introduced, but again, we're starting to move into different phases. You talk about that anxiety. As you spoke about it, you could feel the anxiety, and the pressure, and the tension. Are you concerned that there is going to be a wave of mental health, an impact as such, that is really going to be very difficult for the Australian society to manage?
- SANDRA PARKER: Yes, I do. I think, as Sue said, there's a lot of support in place, and governments and public servants and other organisations are well aware of this issue. But there's no question there's anxiety. Just walking around Melbourne over the last when I've been in at work a couple of times. It's great to see shops reopening, cafes, restaurants, and so on reopening, but there's a lot of shops with signs on them saying for lease. That's going to have a big impact. When JobKeeper finishes in March, businesses will be back without that government support and we're going to have to help them. So, part of that, as the Fair Work Ombudsman, our role is to assist them, as I said, to transition people back to work, to get all those conditions right.
- But we will be acutely aware that they'll be going through really difficult periods. So, examples of that are we need to adjust our regulatory approach. So, we will need to take account of their financial circumstances in requiring them to back pay workers in a particular timeframe. We will need to talk through with them. Our goal is to help them stay open. It's not to force them to close.

So, we'll be doing everything we can to try and provide that support. We work really closely with organisations like COSBOA, ACCI, Ai Group, and others who support businesses, and we'll continue to do that. And I know they've been doing a fantastic job during the pandemic. They have absolutely gone out of their way to provide support, information, and education, and we'll continue to work with them.

DAVID PEMBROKE: So, that's an interesting point, and this is really a question to both of you is around the responsibilities you have about regulation and regulation through a crisis like the COVID-19 pandemic. How has it changed the way that you work and how has it changed the way that you both make decisions? Sue, I'll put that to you first.

SUE WESTON: Well, very early on, Comcare adopted the Safe Work Australia Statement of Regulatory Intent. So, that was a statement that was put out that recognised that there are exceptional circumstances and that we need to take a common-sense approach, proportional approach, just look for where the genuine effort had been made, obviously, minimise face-to-face because there's risks both ways associated with that, and focus on those high-risk safety issues, and provide guidance. So, this was a statement that we endorsed the way we were going to operate and, certainly, that has helped us in working out what's reasonable.

So, for instance, very early on in the pandemic, there was no, remember this, no hand sanitizer to be had, and it wasn't reasonably practicable to ask an employer to have it. But they had to have soap and water in their bathrooms and make sure that they could provide some sort of mechanism to deal with that element of the safety regime.

DAVID PEMBROKE: And for you, Sandra, your role as a regulator through this period, how's it affected the way you make your decisions?

SANDRA PARKER: Yes, we've taken a proportionate approach as well. And we announced that we had adjusted our compliance and enforcement policy to take account of employers' circumstances. So, for example, if they're on JobKeeper, we assume they're under financial difficulty. And if they've underpaid workers, and we've had requests for assistance or anonymous reports and done an investigation, we negotiate longer timeframes for them to pay the money back. So, we don't let them off the hook. They still have to pay the money back. It's owed to the worker, but we take account of the fact that they may need longer to pay.

It's in our interest to keep businesses operating. We want them to keep running. We don't want to drive them out of business through heavy regulation. I will say, in terms of JobKeeper, we're a regulator in JobKeeper. We've only needed to use a compliance tool for eight of the disputes we've resolved relating to JobKeeper, and we've resolved more than a thousand as of mid-October. The vast majority of employers have accepted our advice and address the issues as soon as they've arisen. So, that's very pleasing. And it says to us that the community, employers and workers, are really trying to do the right thing and they really understand the need to do so during this really difficult time.



DAVID PEMBROKE: Okay. So, a feature of our podcast, as many of our regular listeners would know, is the question from IPAA Future Leaders. And today our question is from Kat Terris, from Services Australia, and the question is, "COVID-19 has impacted the health and wellbeing of every Australian, as well as the occupational health and safety policies within the APS and other organisations. What do you think will be the lasting impacts of COVID-19 on our wellbeing and on our occupational health and safety policies?" Sue, I'll throw to you first on that.

SUE WESTON: Well, thanks so much, and hello to all the Future Leaders. Look, I'm hopeful that the stigma associated with mental health conditions is lessened as people see colleagues struggling and seeking help, and that will be a good thing. Another thing too, people have been risk assessing their workplaces and consulting with staff, and they've been doing it for months. So, I'm hoping that this is embedded, knowledge of and appropriate strategies for workplace health, managing under the Workplace Health and Safety Act. So, I'm hoping that it's embedded as a result of this pandemic.

DAVID PEMBROKE: Yeah. Sandra, for you?

SANDRA PARKER: I think health and safety is now absolutely front and centre, and when I worked in health and safety policy for many years, it was almost a secondary issue. It's now absolutely front and centre, and I'm delighted to hear that. I think that's absolutely where it does fit. It's really important to be able to talk about mental health and to shed any sense of shame or stigma. And if something good comes out of the pandemic, it will be that, that it's become a priority for all agencies across the APS, and most employers in the private sector as well. We have seen staff take on increased workloads. We've seen that potential for burnout. We've seen that going on for months and months with no end in sight. And I think the staff, the managers, the executives have really taken account of that and been very conscious of it.

Sue's organisation, Comcare, Safe Work Australia, states and territory work health and safety organisations have been really helpful during this period. They've advised us all the way. It's been fantastic how everyone has worked together. I think we need to keep talking about it. And I think we will. People now feel very comfortable asking, "How are you? What have you been doing? Do you need help or not?" I think that's a huge step forward for us as managers and for workers feeling confident to be able to speak up.

DAVID PEMBROKE: But then how do you do that? How do you normalise it as a part of conversation? How does it become part of the day-to-day?

SANDRA PARKER: Well, one of the things I heard and that I've now copied was that as a manager, start your meetings with, so, let's go around the room and say how we are. And as I said, I had a meeting with my Melbourne SES, and I said to them, "Tell me something shocking, something awful that happened during COVID." Let's talk about the bad stuff, as well as the good stuff so that people feel comfortable to say, "I've had a really tough time with my kids" or some of them lost parents during the pandemic and they couldn't actually go to funerals, really hard stuff for our staff. And I think we need to keep talking about it. My staff have now all seen the inside of my house. They've met my Schnauzers. They've seen some of the craft I've done. They've seen my poor cooking attempts. We feel much closer. And I think I'll keep doing that. I think it's really important.

DAVID PEMBROKE: And is that the same for you, Sue? Have you found that?

- SUE WESTON: I think exactly what Sandra says and I would like to call out the managers, the director level who have been... They've had their staff move home. They've had to do this engagement on a daily basis, and then talking the teams. I think they're some of the unsung heroes and they are looking out for the mental health of their teams, and able to see the ones who aren't engaging, and make sure that they're connected up with the information that's available. And, look, I think it is useful to provide accessible information, and I think some of the work done with the Public Service Commission on dealing with uncertainty, importance of physical health, maintaining a balanced lifestyle, and the guidance for parents and carers, a tough gig, those poor people who had little kiddies underfoot during this time. So, yes, I think information, and that we should just keep talking about it.
- DAVID PEMBROKE: Okay. Now, just in closing, I do want to ask a direct question and a personal question to both of you, really, and it's about yourself. What have you learned about yourself through this period, through this challenging time? What have you found out about yourself that you probably weren't quite aware of before it started? And, Sue, I'll put that to you first?
- SUE WESTON: Well, I did, I think, mention the cadence of communication bit, that really struck home to me about the importance of that. It made me stop and think about how I was going to engage going forward. But, look, I think, like a lot of people, just that anxiety early on of watching what was happening in Italy, and how I felt about that, and my family, and things like talking about when we get to July, we might have a family dinner. I've got people outside where I live, they're away, but just when you look at how long that period now is, and the fact that we are looking at going into next year and perhaps beyond, which we don't know about is that uncertainty thing and how it actually just makes you feel is... And then, of course, you have a greater sense of what other people are feeling and perhaps have been feeling in various elements of their life, pandemic aside.
- DAVID PEMBROKE: Okay. And, Sandra, for you?
- SANDRA PARKER: Yeah. So, I'm an extrovert and I love having direct contact with colleagues. The idea that you can run an organisation completely remotely, it would have been unthinkable to me pre-COVID. So, with the support of a really great executive team, we've managed really well. Those staff have been an inspiration in the way they've adapted and got on with the work of supporting the community and each other, and it's been a really tough period. But APS colleagues have been fantastic, supportive, loaning us staff when the call centres were smashed. I mentioned Sue phoning me every couple of weeks, telling me what was happening, and asking me how I was. I actually feel really lucky. I've gained a new admiration for the public service and the community. I think we've proven we can do it if we work together. We've done it well, and I'm really proud to be a public servant.
- DAVID PEMBROKE: All right. Well, Sandra, to you, thank you very much, and to you, Sue, thank you very much and thank you for your service and for your leadership, and best of luck in the weeks and months ahead. It is uncertain. We don't know what is going to take place, but I think we're in pretty good hands with people like you, leading organisations such as Comcare and the Fair Work Ombudsman.
- SANDRA PARKER: Thanks David.

DAVID PEMBROKE: So, there you go. Another great episode of Work with Purpose with two super impressive leaders of the Australian Public Service, just fantastic, and a great conversation, an important conversation, really. And the focus on mental health is something, this normalised conversation around mental health is something we all need to reach for. So, thanks again to Sue and to Sandra. Thanks again to IPAA for their fantastic support for Work with Purpose, and also to the Australian Public Service Commission for their ongoing support. Without it, Work with Purpose would not happen. Thanks to you, the audience, for again coming back in such big numbers. I'll be back at the same time in a fortnight, but for the moment, it's bye for now.

SPEAKER 4: Work with Purpose is a production of contentgroup in partnership with the Institute for Public Administration Australia and with the support of the Australian Public Service Commission.