

To: Juliette Rex,
Employee Relations Manager,
Sydney Local Health District.
Email: [REDACTED]

From: Winston Cheung,
Chair, Medical Staff Council,
Concord Repatriation General Hospital.
Senior Staff Specialist,
Intensive Care Unit,
Concord Repatriation General Hospital.
Email: [REDACTED]

9th February 2024

Re. Response to Letter dated 3 January 2024 – Request to attend meeting

Dear Juliette,

I refer to your letters dated 10 November 2023 and 3 January 2024.

In your first letter you failed to identify NSW Policy Directive *Resolving Workplace Grievances* as the policy you were acting under. In fact, you did not identify the policy you were purporting to be acting under at all. Your failure to identify the policy in your first letter is a clear failure to act with fairness and denied me natural justice.

It is clear that your conduct does not conform to the policy.

The policy defines a grievance as follows:

A **workplace grievance** means a problem, concern, issue, or incident raised by a staff member who believes he/she is the subject of unreasonable treatment from the organisation or another person(s) in the workplace. Examples may include, but are not limited to, interpersonal conflict between colleagues, the way work is allocated or managed, the physical workplace environment, application of management policies or perceived unfairness in the workplace.

Your letters do not identify grievances as defined by the policy, but makes a series of allegations about two meetings, and the minutes of the meetings do not support any of your allegations. I note I invited you to identify in the minutes the basis of each allegation and you have refused to do so. This refusal denies me fairness and natural justice.

The NSW Policy Directive *Resolving Workplace Grievances* sets out a procedure which you have not followed. I cannot understand exactly what is being alleged as you have failed to identify what part of the minutes you are relying on for each allegation, but based on your very vague letters the points are clearly matters which can be resolved under Clause 2.2 - Self Resolution.

I am available to resolve the issues raised in your letters in person with the individuals who have grievances. It is clear that this is the first step that you should have taken under the policy, and I ask that you explain why you failed to follow Clause 2.2.

Please provide dates where I can attend a meeting in person with the staff members who have grievances, and I am sure any issue can be resolved amicably.

The alternative approach under the policy is an Assisted Resolution. This only applies where:

- The issue is complex
- There are disputed views
- There is a pattern of ongoing behaviour or concern
- Self-resolution options have already been attempted without success or would not be appropriate in the circumstances.

There are minutes of both meetings so there can be no complexity or disputed views, as the minutes speak for themselves. As the alleged grievances concern meetings, I fail to see how there is any pattern of behaviour. There has been no attempt by you to comply with Clause 2.2, therefore self-resolution options have not been attempted, so have not been exhausted.

I do not understand why HR is controlling this process. Clause 4.3 states that my immediate manager should take the lead in dealing with workplace issues. HR's role is to provide support for the manager and provide advice.

The policy makes it clear that the adversarial investigatory process you have commenced is not available under the policy. We refer you to Clause 2.3.4.

2.3.4 Issue resolution

The focus of resolution should be to repair any negative impact caused by the issue or behaviour through communication, openness to others' views, cooperation, and reasonableness. The aim is to repair the professional working relationship. The manager should attempt to resolve the issue within 20 working days.

Techniques used may include:

- Facilitated discussion
- Mediation
- Observation and feedback
- Team communication and development
- Coaching

My preference is to deal with this matter under Clause 2.2, but despite your failures to follow the policy I am also prepared to participate in a facilitated discussion or a mediation.

I remain concerned that your aggressive correspondence, which fails to comply with the policy, is another example of the bullying behaviour of management.

One of the major issues at Concord Hospital has been the misuse of investigations to silence staff who raise concerns about the management of the hospital, and this is another clear example of this conduct.

NSW Health has encouraged staff to complain directly to the NSW Ombudsman.

I reserve the right to refer your letters and any responses to my letters to the NSW Ombudsman, the Special Commission of Inquiry, and any other investigations or inquiries.

Yours Sincerely,

Winston Cheung.