



16 April 2018

The Hon Robert Borsak
Committee Chair
Portfolio Committee No. 4 – Legal Affairs
Parliament House
Macquarie Street
SYDNEY NSW 2000

Dear Chair,

Re: Inquiry into emergency services agencies

I write further to the evidence provided on 20 March 2018 to advise that I have no proposed amendments to the transcript taken on that day and to provide my response to the questions taken on notice.

1. **The Hon. CATHERINE CUSACK:** *We know that people have tried to get union help. We are looking for just one example of where union help was provided. Do you have a case study of assistance being given? (Page 3)*

The Union is currently providing assistance to a retained member who has experienced harassment by their supervisor. The harassment in question included exclusion from undertaking certain training and work activities, making it difficult to access entitlements and setting unrealistic and/or unlawful work demands.

Over the past 12 months the Union has engaged with various levels of management and has attended meetings on the member's behalf to resolve the issues at their workplace.

A Union representative has supported the member by assisting them with their application for workers compensation and by being a contact point for information.

2. **Mr DAVID SHOEBRIDGE:** *What do you say to the potential for having almost like an emergency services ombudsman who cuts across Fire and Rescue NSW, NSW Ambulance, the State Emergency Service and the NSW Rural Fire Service and is a kind of external reference point so there is a bit of space and distance on those complaints? (Page 6)*

Any service that provides support for FBEU members to raise their concerns in a secure, safe and efficient process should be explored. The benefit of an independent body would need to be weighed against the need for understanding of the individual organisations. Any independent service or ombudsman would need to be well versed across all the different organisations' procedures of discipline, complaint reporting and processes, which can be widely varied.

3. **The Hon. CATHERINE CUSACK:** *When did you last talk to the State Government about this issue?*

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The Union was a regular participant of the Workcover “Government, Administration and Education Industry Reference Group”, along with employer and union representatives from corrective services, police, ambulance, and education. The group met bi-monthly to review the state of work health and safety within the respective agencies and to collaborate on joint matters of priority.

Bullying and psychological injury was set as a priority area for this IRG in 2007/08 and the group was regularly briefed and provided input into Workcover and other NSW Government activities until 2012, when the current NSW Government repealed the Industry Reference Group provisions and disbanded the group.

4. ***The Hon. DAVID CLARKE: Has your union made any recommendations to Fire and Rescue as to how to deal with bullying? (Page 11)***

The Union has made numerous approaches to FRNSW management to:

- Improve the workforce’s understanding of the policies and procedures for dealing with workplace bullying;
- Enhance diversity within the workforce;
- Improve management culture;
- Ensure consistent and fair disciplinary outcomes so that standards are transparent and understood.

5. ***The Hon. CATHERINE CUSACK: Do you have any statistics on how many members you represented? I am just looking at professional standards. They say that in the 2016-17 year, they finalised 327 matters. Do you have any statistics on how many cases you had taken up with the department during that period and what the outcomes were? (Page 11)***

Many of the 327 matters referred to were finalised before progressing through all stages of the investigative process. In many instances the firefighters concerned would not have been aware that they were under review. In other instances the issue would have been referred back to local management and settled at a local level, often with informal Union advice and assistance.

The Union represented 6 members in the handful of matters during 2016/17 that proceeded to an investigation and disciplinary action, with the outcome of those cases being:

- a medical retirement;
- a transfer to another work location;
- three reprimands;
- a claim to the Industrial Relation Commission for unfair dismissal, the outcome which was a resignation in lieu of termination and a confidential settlement.

Yours sincerely,

Leighton Drury
State Secretary