

INQUIRY INTO EMERGENCY SERVICES AGENCIES

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Into The New South Wales Parliament
Inquiry into New South Wales Emergency Services

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**Attachment : Copy of New South Wales Police “Harassment,
Discrimination & Bullying Policy**

**Attachment : Copy of NSW Fire & Rescue “Preventing and Responding to
Bullying and Harassment Policy and Procedure”.**

**Attachment: New South Wales Supreme Court of Appeal case Oyston v St
Patricks College.**

The Director,
Portfolio Committee No. 4
Legal Affairs, Parliament House,
Macquarie Street, Sydney,
NSW, 2000.

Inquiry into Emergency Service Agencies

In my submission I will address items A), B) and C) in the terms of reference.

Summary

I was medically discharged from the New South Wales Police after 2 years' service to the people of New South Wales. I performed a number of different duties but mainly in the area of Policing.

My case study refers to a system that appears to be in utter disarray and protectionist in favour of the offender, rather than the victim.

I was a supervisor that shared the supervision of approximately 20 Police Officers. I was made aware of bullying, intimidation and harassment of some of these officers by my fellow supervisors. One of these officers reported off on sick leave claiming he was bullied, intimidated and harassed by the supervisor. I supported this officer in regard to his welfare. The officer never returned to duty at that location. I was also made aware of numerous other instances of bullying, intimidation and harassment of this group of police officers at the hands of this supervisor. The New South Wales Police never thoroughly investigated this officer's plea for help but the officer's insurance claim was sustained against the offender for bullying and intimidation. Even though the insurance investigation had sustained the bullying, intimidation and harassment of the police officer at the hands of the supervisor the Local Area Commander failed to start an internal investigation.

I raised these very issues with my superiors. As a result of my support of the officer that never returned, I was then bullied, intimidated, and harassed by my fellow supervisors until I could take no more. I reported to my supervisor that I was now being bullied, intimidated and harassed by the same supervisor but my supervisor an Inspector failed to start an investigation. He said, "I was warned about him before he came here". This to me suggested that the New South Wales Police knew about this offender but failed to act.

I made a formal complaint and submitted a report of injury. I happened to be contacted by another supervisor that was given the task of investigating the report of injury. This supervisor wanted me to come back to work and talk it out. The supervisor appeared to me that he was not interested and was only interested in mediation of some kind for the ulterior motive of furthering his career. This particular supervisor was later removed from his position for condoning bullying, harassment and intimidation of his own staff members. I fully expected this supervisor to further engage with me but he never did and never wanted anything on paper as then he would have to do something about it. Little did I know that he was in fact a bully along with my co supervisor.

I was so broken by what I had been subjected to that I was off on sick leave for some time and ultimately it destroyed me.

My initial official complaint to the New South Wales Police was loosely investigated by an Inspector. I tried in vain to get the New South Wales Ombudsman to help me but the Ombudsman was and still is a toothless tiger with the Ombudsman relying on the Police Investigation and the New South Wales Police Force Investigation.

An issue that is very concerning is that the Ombudsman and the unit that deals with Police complaints are not competent and take the word of the police investigating the complaint, so it does not bode well for a member of the public if they were ever to make a complaint to the New South Wales Ombudsman against the Police.

I did attempt to return to work at the New South Wales Police. Whilst I was on restricted duties I attended organised training conducted by the New South Wales Police Equity Unit on bullying, intimidation and harassment. I felt like this was directed at me personally because if everyone in the region had to do the training that meant that bullying, intimidation and harassment was widespread within the organisation and more worrying is that the New South Wales Police hierarchy from Inspector level up were complicit in their failure.

I am aware that a Police Injury management person sent an email to the Inspector investigating my initial complaint about bullying, intimidation and harassment but he failed to investigate it and it is my opinion that it was because it would damage his own career and also that he used to work with the bullying perpetrator at .

I was further bullied and intimidated by a Superintendent on a number of occasions in relation to my earlier complaints. This Superintendent actually

inferred that I was a 'trouble maker'. It was this Superintendent that caused me to again go on sick report and this time I never returned.

I am aware that at least two of the officers that were in the team that also went off sick as a result of the bullying, intimidation and harassment by New South Wales Police have had their insurance claims sustained against the perpetrator. However the New South Wales Police failed to investigate these matters. A supervisor that condoned the bullying, intimidation and harassment by the perpetrator is still supervising and has never been held to account for his breaches of the New South Wales Police Harassment, Discrimination and Bullying Policy.

I am aware that during the investigation of one of these officers claims numerous Police officers were interviewed and as a result of providing evidence in the form of sworn statements to private investigators, that they were threatened by the offender/perpetrator (the same offender that bullied me and the other two officers) that he would get square with them.

The complaint that I made as I mentioned earlier was loosely investigated as was another complaint I made regarding perverting the course of justice. I was contacted by the Inspector Investigating my complaint and he advised me that the New South Wales Police Equity Unit had advised that it was a work place grievance. I do not know what was in the report that this Inspector sent the Equity unit, however I suspect that it wasn't truthful. I declined to take part in any mediation due to Doctors advice. Consequently the New South Wales Police and more to the point the investigator failed to investigate the complaint properly and has in a report to the Police hurt on duty unit stated that "I refused to take part in mediation".

I transferred to another station after I had attempted to return to work but I was further bullied and intimidated by a Superintendent and also Human Resources at this command, it was the same command just a different location. The incident that Human Resources was involved in was when I applied to have annual leave recredited due to a mistake made by injury management personnel. My application was refused and I believe this was because I was a 'whistle blower'.

In my situation it was the bullying and intimidation that I suffered at the hands of New South Wales Police that triggered the Chronic PTSD that I have been diagnosed with. The perpetrating bullier would have known I was vulnerable.

In relation to the two other senior police officers that also made complaints of entrenched bullying, intimidation and harassment the first officers complaint

through the submission of a hurt on duty claim was not adequately investigated by the New South Wales Police Force if it was investigated at all. However it was investigated by independent private investigators and the report of bullying, intimidation and harassment was sustained against my fellow supervisor. The Local Area Commander knew about this but failed to take action against the offender a police supervisor under his command. I actually spoke to the Local Area Commander as part of my duty as a supervisor, informing him that the bullying had been sustained against the perpetrator and asked what he was going to do about it. His reply was words to the effect of "when I get something in writing, then I will look at it". But he already would have been informed about it and did nothing as the perpetrator continued bullying, intimidating and harassing police officers under his supervision.

I submitted a claim for hurt on duty injuries caused by the same supervisor, it was loosely investigated as was reports of perverting the course of justice by the offender and the Inspector investigating the bullying, intimidation and harassment complaint that I made concerning the unit that I was working in. If the committee view the New South Wales Police Harassment, Discrimination and Bullying Policy it can be clearly seen the obligations that officers have to report breaches of the policy.

I was further intimidated, bullied and harassed by the offender even after I had been discharged from the NSW Police by him texting my private phone and this was at the blessing of the New South Wales Police.

Another senior officer at the same unit also submitted a hurt on duty claim and subsequently a large complaint against the Supervisor and also Inspector in the region. However the New South Wales Police failed to investigate any part of the complaint with their reasons being "you were off on sick report and we didn't want to make you worse", so they decided not to investigate the bullying, intimidation and harassment at all. They threw the complaint which was so serious in the bin as it involved at a minimum breaches of section 3.06 of the New South Wales Police Harassment, Intimidation and Bullying Policy. They still haven't.

They (the police) breached the very policy and at all levels. For these police to refuse to investigate issues so serious is so wrong and does not paint a very good picture of the New South Wales Police at all especially when it was approved by Senior Commissioned officers on the region complaints management team not to investigate the allegations which included allegations of threats by the offender to police officers that provided statements to insurance investigators. The insurance investigation sustained

the complaint against the offender being the supervisor. He then threatened the Police that provided statements to the insurance investigator with reprisals in the form of internal complaints about work performance.

In my own story, the perpetrators submitted directive memorandums in reply to my complaint deliberately lying to muddy the waters. At no time did the Inspector or the Police Hurt on Duty Unit check the facts and it appears they did not want to.

Terms of Reference item A)

I submit that bullying, intimidation and harassment is widespread throughout the emergency services. They all have their own bullying, intimidation and harassment policies. As far as the New South Wales Police is concerned, it is my view and from my experience that the procedures they have in place to resolve bullying, intimidation and harassment complaints are to use alternative dispute resolution measures in the form of informal mediation. They treat the complaint as a work place grievance. There is no victim support whatsoever as they do not see the complainant as a victim, but more a troublemaker. The New South Police Force do not provide a safe place or environment to work in as far as bullying, intimidation and harassment is concerned.

In a very important New South Wales Court of Appeal Case of Oyston v St Patricks College¹ it was held that organisations including the New South Wales Police 'must not only have a policy to deal with harassment, intimidation and bullying' but must fully enforce that policy on each and every occasion that an incident is reported. Where bullying occurs, there is a victim and a perpetrator. However the New South Wales Police do not deal with bullying perpetrators in this manner.

The New South Wales Police Force makes the mistake of treating bullying reports as a dispute between employees that has to be mediated or dealt with under alternative dispute resolution. They attempt to bully police officers into this process and do not inform the victim that it is not compulsory, but to the contrary, commissioned officers on being provided advice from the New South Wales Police Equity Unit make a point of not informing the victim that they do not have to partake in alternative resolution. If a victim does not partake in alternative dispute resolution then the New South Wales Police must investigate the complaint but they seem to investigate complaints of

¹ [2013]NSWCA 135

bullying, intimidation and harassment with such disdain that the investigation that is undertaken is well below par. My experience is that they just go through the motions and are not serious in enforcement of their own Harassment, Intimidation and bullying policy.

I submit that the New South Wales Police Harassment, Discrimination and Bullying Policy does not concern itself with victims at all, which demonstrates that the New South Wales Police do not take the issues of Harassment, Discrimination and bullying seriously.

I submit that the New South Wales Police Equity Unit would have been well aware of the Oyston v St Patricks College case but have failed to address the wide spread bullying, intimidation and harassment of police officers.

The New South Wales Police continually raise the issue of bullying, intimidation and harassment in Schools throughout New South Wales but when it comes to their own organisation they are silent.

What the New South Wales Police and also Fire and Rescue NSW² do is hide behind the curtain of commissioned officers and supervisors having a broad range of responsibilities which includes directing and controlling how work is performed. They treat complaints of bullying, intimidation as differences of opinions and interpersonal conflicts within the work place. That way they do not have to investigate or deal with and take action against the perpetrators.

Terms of Reference (B)

The New South Wales Police do not have any support structures in place to assist victims of bullying, intimidation and harassment. Yes they may say that they do in the form of, peer support officers, Police Assistance Programs or Police chaplains and the Internal Witness Support Unit. Police Commissioned officers even refer employees to organisations such as beyond blue but the Police pay lip service to assist victims of work place bullying. The New South Wales Police appear to have some form of victim support which is titled "Work Performance plans" that they place the victim on. The New South Wales Police do not treat Harassment, intimidation and bullying seriously. Experience suggests that the perpetrator's hide behind the veil of the victim

² Fire & Rescue NSW, Preventing and Responding to Bullying and Harassment, Policy and Procedure, 2015 at page 10.

has had work performance issues or 'we need to manage the person", to further intimidate, humiliate and bully the victim.

I suggest that the New South Wales Police Equity Unit know only too well that many Police officers that are placed on 'work performance plans' are actually being bullied, intimidated and harassed, with the 'work performance plan' being a tool used to bully the victims. The New South Wales Police leave victims of workplace harassment, intimidation and bullying to the victims own devices and to get help themselves. I have never been informed or do I know of any support structures that have been or are in place by the New South Wales Police Force. The support structures appear to be that when a victim makes a complaint of bullying, intimidation and harassment that the commissioned officers do everything they can to make sure the victims are placed on a 'work performance plan', the Police then instead of supporting the victim, and investigating the bullying, intimidation, harassment try their hardest to discredit the victim.

As the New South Wales Police have failed to address and tackle the bullying, intimidation and harassment of Police officers within the organisation over a period of time it has become entrenched due to the lack or unwillingness to act. In the New South Wales Police Harassment, Discrimination and Bullying Policy document that I have viewed, know where in the document does it mention victims and perpetrators, but instead only mentions 'employees'.

Terms of Reference C)

The New South Wales Police and I suggest the rest of the emergency services provide very little services to emergency service workers and volunteers to assist with mental health issues resulting from workplace trauma. The New South Wales Police have known about Post Traumatic Stress Disorder for well over 20 years but have failed to do anything about it. They appear to put it down to the workers own psychiatric make up and that it's because the worker is weak that has caused the injury. From experience I can submit that part of the problem is that Police and I dare say all emergency workers love the job they do and if they speak up then they will be removed from the job they do. The New South Wales Police have not addressed the major problem of PTSD. Recently in the media the New South Wales Police stated that they will be assessing new recruits to make sure that they do not succumb to PTSD. This is simply, the wrong attitude and demonstrates that they are incompetent in that area. The New South Wales Police seem to forget that recruits have always been put through rigorous psychological tests before being accepted into the New South Wales Police.

I have seen the New South Wales Police brag about the services that they provide to assist with mental health issues resulting from workplace trauma and the effectiveness of those programs. I totally disagree with what the New South Wales Police have been doing for the last 30 years. The New South Wales Police haven't progressed at all and do not appear to listen to experts in the field of PTSD and mental health in the work place.

Let's look at what the New South Wales Police offer. Firstly they implemented the Peer Support Officer program, which is nothing short of insane, as many of the Peer Support Officers are the same officers that bully, intimidate and harass other officers. Secondly, they offer the services of Police chaplains; this doesn't work because many officers are not religious and have no real connection with the chaplains. The Police Assistance Line is another avenue where however well intended, police in mental anguish just won't call or talk to them. The Internal Witness protection unit is but a lip service provision because they have no authority to actually help the victim and whistleblower.

At this time I have never seen any programs put forward by the New South Wales Police and hence I would opine the whole of the emergency services to deal with mental illness and in particular PTSD. The New South Wales Police pay lip service to mental health in regarding its own employee's with the more popular "adjustment disorder" the current flavour of the month. This 'adjustment disorder' seems to be what Psychiatrists acting for the New South Wales Police and New South Wales Government diagnose despite them being given the symptoms of PTSD. These Doctor's disregard the textbooks definitions to suit the circumstance despite the very serious mental health issues in play.

As I have said above, the New South Wales Police and New South Wales Government employ so called experts to defend its position, but they totally disregard what the patient or victims tells them and on occasions are not truthful. One would think that instead of trying to muddy the waters that with all their so called expertise that they could have in the last 30 years come up with an effective program, but they haven't, they just say it doesn't exist or it's the victim, they can't adjust, hence the adjustment disorder. The way the New South Wales Police, New South Wales Government and State Super address claims by sending the victim to countless psychiatrists, psychologists and getting the victim to repeat what has already been repeated in relation to the injuries the victim has suffered at the hands of the New South Wales Police and hence the New South Wales government and I do also mention

government appointed law firms that are also complicit, just sends the victim back into the abyss.

What the College of Law has recently done to address mental health issues within the legal profession is that when a student is completing the graduate diploma of legal practice, they are required to attend a lecture on mental health and what signs to look for. They provide a reference book along with the informative lecture.

There are a number of other programs that I have participated in, one being the Westmead Hospital Traumatic Stress Clinic's program especially for Police with PTSD. It was very beneficial. However the New South Wales Police seem to pass it off and disregard it.

That is my submission.

I am more than happy to provide the submission to you under oath.