

## INQUIRY INTO EMERGENCY SERVICES AGENCIES

**Name:** Name suppressed

**Date received:** 20 July 2017

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Partially  
Confidential

Submission No 50

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Private

To the Committee,

I would like to keep my name confidential as I am worried about the repercussions it will have against me, as I am still involved in litigation against my former employer. I am happy to supply any evidence that is needed to support my claim, and participate in any interviews needed

Yours Respectfully

Parliament NSW, Legislative Council

Portfolio Committee No. 4 – Legal Affairs

**Inquiry into emergency services agencies**

- a) the prevalence of bullying, harassment and discrimination, as well as the effectiveness of the protocols and procedures in place to manage and resolve such complaints within emergency services agencies, including:
  - ii. Fire and Rescue New South Wales

I am a medically retired firefighter for FRNSW, who as a retained firefighter was bullied, harassed and sexually discriminated against.

There was also a workplace violence incident, which stemmed from a serious matter that also impacted on me, which was covered up.

I have evidence that demonstrates a number of occasions when misleading information was given to outside agencies that had a role to carry out in such matters and this included a number of NSW Government Ministers.

The policies and procedures in place to manage these problems are never followed by senior staff. FRNSW do not investigate, or if they do it is very minimal and has no benefit in establishing the facts of a complaint.

This allows FRNSW to deal with these matters in a manner outside the identified process and is often pushed down to the local level which is normally where the bullying begins, and where the misconduct occurs and Acts and Regulations are broken at every opportunity.

FRNSW senior management make statements, both written and verbal, and no matter what their word is taken as the truth while lower ranking staff are ignored and continued to be bullied for putting in and pursuing a complaint.

FRNSW do not use the proper procedures for record keeping, so a lot of the time all information that is required to be collected at the time is not and maybe wont be collected until years down the track usually after someone has is involved in a workers compensation matter or in litigation.

This is often where senior management only submit some of, or false and misleading information, or the relevant information is missing. At times the person from whom they need information may have already left the job. At other times senior management receive information which is hearsay and no investigation is done to check if the information is actually correct.

FRNSW have given false and misleading information to outside agencies and Parliamentary Ministers on numerous occasions, to have these Ministers and outside agencies simply just believe the word of senior management over the factual evidence. In my experience this has been done from the highest of positions within FRNSW, and this corrupt behaviour of these staff members has allowed the bullying, harassment and cover ups to continue.

Through WorkCover investigations, WorkCover gave senior management 8 recommendations and found that the FRNSW Code of Conduct does not appear to be satisfactory. However, to date it has not changed. WorkCover also recommended that FRNSW rewrite 2 policies on how complaints are handled. This rewrite does not help at all when FRNSW does not follow the Policies and actively encourages everything to be handled at the local level where proper investigations are not done, there is no accountability of senior management, and they are free to continue the same behaviour.

b) the support structures in place to assist victims of workplace bullying, harassment and/ or discrimination within emergency services agencies,

Before I submitted my complaint to the Zone Commander, I contacted the EAP about my concerns and any repercussions of handing it in. I had 3 sessions over the phone with them and was then informed I no longer had access to this support as I had used my quota and had to find my own counsellor. I also received an email from my Zone Commander informing me that I can ring the Chaplin if needed. At this stage I felt I couldn't talk to anyone within FRNSW because of the ongoing Bullying I was being subjected to.

Due to the cover up of my complaint and with no help from FRNSW, I then went to outside agencies in the hope that I could get support and actually fix the issues. These agencies were: -

- WorkCover;
- Ombudsman;
- ICAC;
- The Antidiscrimination Board;
- Workers Compensation Commission arbitration, from which I also have statements;
- Numerous ministers including Emergency Services Ministers;
- Parliamentary Inquiry.

WorkCover sent a number of recommendations to FRNSW to change some policies and procedures as they were inadequate, but stated they could not help me as an individual as it was a systemic problem within FRNSW. This also happened with the Ombudsman and ICAC. Throughout all the enquiry's made by outside agencies, FRNSW provided information to them stating false and misleading details that they were trying to fix my complaints. I have evidence that the information provided was false and misleading.

In my experience there are no support structures in place to assist victims of workplace bullying, harassment and/or discrimination within FRNSW as I was continually bullied and harassed from the within senior management and departments of whom they are employed to help with these cases which had consequences with my workers compensation payments,

c) the support services available to emergency services workers and volunteers to assist with mental health issues resulting from workplace trauma and the effectiveness of those programs

EAP – the current standard three sessions are just not enough to help anyone genuinely experiencing work related issues.

The Chaplin – I don't understand what he can do for anyone as in my experience any interaction with him was only a mimic of the rest of the responses I was receiving from FRNSW senior staff.

#### f) any other related matter.

Throughout the process of litigation of workers compensation and reporting to outside agencies in hopes to get my workplace to change and become a safe place to return to work, free of bullying, harassment and sexual discrimination.

Chief Superintendents, the Inspectors, the Zone Commander, Captains, Deputy Captains and firefighters have continued to provide false and misleading information to any enquires from WorkCover, the Ombudsman's Office, insurance company investigators, statements to Workers Compensation Arbitrator and Ministers of NSW government

The statements made by these people has proved that the record keeping of FRNSW is non-existent. No copies of these statements were provided to Workplace Standards Branch (WSB) to be put on file or investigated, and policies were not correctly followed which allowed FRNSW to manipulate information and processes and cover up the misconduct of these staff.

These misleading false statements have provided a cover story to allow the perpetrators to avoid being held accountable for their actions, which may have included disciplinary action, or any other appropriate actions being taken against them.

This further encouraged persons to continue these inappropriate actions, conduct that justified disciplinary action or other possible charges of misconduct, maladministration, corrupt conduct, substantial waste in the public sector and breaches of various Policies and Procedures to be undertaken.

By carrying out the above actions, FRNSW was able to not to report accurately the facts of reported issues to the appropriate external agencies.

#### Policies, Regulations and Acts

Fire Brigade's Regulation 2014 reg 16

Duty to obey orders act fairly and responsibly: a fire fighter must not (a) disobey or disregard any lawful order made or given by a person having authority to make or give an order

Throughout the whole process of my complaint direct orders have been given from superintendents and from the highest positions and ranking, to the people looking after my complaint, it that was disregarded and those senior management were insubordinate, but these actions and orders where never followed up on, no information collected no discipline taken, no implementation of policies.

Throughout this my rights for procedural fairness and natural justice time and time again have been over looked

This contravenes regulation 16(c) abuse of the fire fighter's authority by acting oppressively towards a subordinate.

This is also against regulation 15 honesty and truthfulness:

- 1 a fire fighter must act honestly and truthfully in the performance of the fire fighter's functions.
- 2 in particular a fire fighter must not in the capacity of a firefighter: -
  - (a) Wilfully or negligently make false or misleading statements to a person; or
  - (b) Knowingly make a false and misleading statement to any official record; or
  - (c) Without good sufficient cause, destroy or mutilate any official record or alter or erase any entry in it; or
  - (d) Fail to account promptly for any money or property that comes into the firefighter's possession during the course of the firefighter functions; or
  - (e) Otherwise be concerned, whether directly or indirectly, in corrupt conduct.

The actions of the Inspector, Superintendent and Chief Superintendent that I have evidence to show occurred, would appear to be an intention to defraud by false and misleading statements to the insurance company investigator, FRNSW and the Anti-Discrimination Board, parliamentary reviews and other government agencies to stop any repercussions for themselves which is against the Crimes Act 192G

A Letter from Chief Superintendent (Area Commander) has been sent to my solicitor and information in this letter has been used to mislead numerous outside agencies including WorkCover, Ombudsman, Ministers, Emergency Services Ministers and Premiers .

I will provide information if required to substantiate my claims and that show a number of FRNSW senior staff, at all levels, provided false and misleading information to alter an investigation.