

## INQUIRY INTO EMERGENCY SERVICES AGENCIES

**Name:** Name suppressed

**Date received:** 20 July 2017

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Partially  
Confidential

**The Legislative Council**  
**Portfolio Committee No. 4 – Legal Affairs**

**Inquiry into emergency services agencies**

# Submission 2

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## Introduction

Thank you for giving me the opportunity to tender my submission to this enquiry. I understand that this enquiry has not been established to resolve individual grievances or cases so I will not provide explicit details.

I will be making two submissions to the committee and request that these two submissions are read in conjunction.

This submission is known as “Submission 2”, I request that it be made public but withholding my name.

I was employed at Fire & Rescue NSW (FRNSW) and held the rank of Station Officer until my forced medical retirement.

I have a Workers Compensation Claim with a total and permanent impairment over 15%, awarded by the NSW Workers Compensation Commission for a psychological injury that I received in direct response to Workplace Bullying and Harassment by FRNSW.

If this enquiry requires further information, documentation or requests my attendance, with the assistance of others, I am willing to do so.

This document has been created with the assistance of others.

## Background

On FRNSW web page under the heading of 'Media Release it states: Published: 11th June 2010

### **“GOVERNMENT RESPONDS TO NSW FIRE BRIGADES INQUIRY RECOMMENDATIONS”**

*“Minister for Emergency Services, Steve Whan and Director General of the Department of Premier and Cabinet (DPC) Brendan O’Reilly today welcomed the response of the NSWFB to recommendations made by KPMG following their review of workplace conduct in the Brigades”.*

*“The review, initiated by NSWFB Commissioner Greg Mullins, and oversighted by an independent inquiry panel, made 14 recommendations on improvements that need to be made to the workplace culture of the Brigades”.*

*"Many of the recommendations from the Review that refer to bullying and harassment are already being dealt with by the NSWFB and will ensure the creation of a better workplace environment for all staff" Mr Whan said.*

*"I have said before that there is absolutely no place in the NSWFB for the kind of incidents that are alleged to have taken place in the 1970's and 80's, nor for more subtle forms of bullying and harassment that appear to still be happening in some areas today. KPMG has identified problems which are of concern, and the Inquiry Panel has reported that the NSWFB is taking strong, appropriate action to address them." said Mr Whan*

*Mr Whan said the NSW Government and NSWFB Commissioner Greg Mullins have taken a strong stance and a large number of initiatives are already underway or soon to be implemented.*

*"This Review forms a benchmark for the current position and provides fourteen specific recommendations to support on-going reform and improvement in the Fire Brigade's culture. The Inquiry Panel, Commissioner Mullins, Mr O’Reilly and I welcome and support the recommendations, as they provide a roadmap for improvement that will be pursued and regularly reported on.*

*"A key recommendation of the Review is to provide more resources to proactively deal with workplace grievances and misconduct. The Government has already announced the setup of a new workplace conduct and investigations unit at an additional cost of over \$1.3 million to be included in the 2010-11 budget, enabling the NSWFB to deal more quickly and effectively with workplace matters. The Commissioner is also restructuring the entire education and training area with a focus on culture change. This follows the recent rollout of new respectful workplace training which will be provided to all employees statewide.*

*Director General of DPC, Brendan O'Reilly, said that he and Commissioner Mullins had met regularly and agreed to a number of new measures in addition to the KPMG recommendations. "Commissioner Mullins was concerned about the level of resources available to quickly implement a range of reforms, so we agreed to the appointment of a new Deputy Commissioner to oversee support and governance, and she has been provided with a team of people to work exclusively on the projects."*

*Commissioner Mullins welcomed the KPMG report. "The types of behaviours that came to light have no place in the NSWFB or any other workplace. We have reaffirmed that there is no tolerance for any form of bullying, harassment or inappropriate workplace conduct, and we are committed to*

*making the necessary changes to ensure that we have a safe and healthy workplace for all employees."*

*The range of initiatives underway to address workplace conduct, governance, processes and culture include:*

- *A new independent 24-hour hotline, staffed by experts in workplace conduct matters, for employees to confidentially report any workplace issues that they may not feel comfortable raising via the normal chain of command.*
- *Assigning specific liaison officer positions to ensure that matters can be immediately referred to the NSW Police Force and Independent Commission Against Corruption when necessary.*
- *Appointing the Hon Justice Lance Wright QC, former President of the Industrial Relations Commission, to investigate an incident and to ensure robust systems are in place to deal with protected disclosures.*
- *Improving systems and processes to more rapidly progress and track all workplace conduct complaints.*
- *Organisation-wide training in effective workplace communication and complaint resolution commenced in May and is being delivered to all 7000 staff.*
- *Strengthening the NSWFB's Code of Conduct and other workplace conduct policies, together with appropriate education and training*
- *A restructure of the learning and development directorate and an increased focus on training for managers in appropriate communication styles, and dealing with workplace conflict*
- *Increased resources in the workplace conduct and human resource management areas.*

*It is now 2017, seven (7) years since Commissioner Mullins stated that "types of behaviours that came to light have no place in the NSWFB or any other workplace. We have reaffirmed that there is no tolerance for any form of bullying, harassment or inappropriate workplace conduct, and we are committed to making the necessary changes to ensure that we have a safe and healthy workplace for all employees."*

And

*Mr Whan stated "I have said before that there is absolutely no place in the NSWFB for the kind of incidents that are alleged to have taken place in the 1970's and 80's, nor for more subtle forms of bullying and harassment that appear to still be happening in some areas today. KPMG has identified problems which are of concern, and the Inquiry Panel has reported that the NSWFB is taking strong, appropriate action to address them."*

Obviously, KPMG's report was not the "benchmark" or the "roadmap for improvement" and "that the NSWFB" had taken "strong, appropriate action" because once again the NSW public find themselves having to have another enquiry into FRNSW insidious behaviour

As identified by external organisations, issues raised with line managers within FRNSW are not being addressed. FRNSW senior management and Workplace Standards Branch (WSB) the very cornerstone of FRNSW reform process established after the KPMG Report (June 2010) at a cost to the public of \$1.3 million, has permitted individuals and units within FRNSW to continually operate contrary to Fire Brigades Regulations, FRNSW Code of Conduct, Occupational Health & Safety Act, and the NSW Government and community expectations.

Ironically, WSB was established as a consequence of the KPMG review, a review undertaken after the highly-publicised exposure of bullying and inappropriate behaviour in the Brigades. WSB is meant to ensure a fair and transparent process is utilised when ensuring good conduct among fire fighters and officers, and to ensure that all fire fighters and officers acted in accordance with their duties under the Regulation.

WSB's action toward me has been devastating. My career, health, and family have all been affected. I have been placed under surveillance, treated like a criminal and my family stalked at the request of FRNSW.

I received no assistance or support from FRNSW, who have shown more emphasis on discrediting and undermining me, painting me out as a person who makes frivolous complaints rather than following due process and meeting their legal obligations. FRNSW has not taken any measures to rectify the wrongdoings that have occurred, or discipline the perpetrators.

FRNSW employees should not be isolated, threatened or intimidated for making reports that are necessary to fulfil their job roles and responsibilities. No employee deserves the kind of retribution that I have been subjected to and nor should an employee need to seek assistance from external authorities to have issues appropriately addressed.

FRNSW policies and procedures encourage employees to report inappropriate workplace conduct issues. FRNSW has policies and procedures in place that enable the organisation to follow due process but the mechanisms are deficient in integrity and do not protect employees who make unfavourable reports from reprisals and consequences.

FRNSW's actions do not reflect an organisation that embraces, encourages, protects or support employees that discloses serious matters. FRNSW forced me to take medical retirement, a decision that I view as being dishonourably discharged for complying with FRNSW policies, procedures and other legislated requirements.

FRNSW's actions do not comply with their governing principles, the very principles that maintain public confidence in FRNSW's ability to self-investigate serious matters.

It is my belief that Senior Management and Officers have failed the expectations of the Community and the NSW Government. Their inability to adhere to the "Protected Disclosure Act" and the extent that those involved have been allowed to persecute the employee that is disclosing these issues is disturbing.

Another disturbing fact is that those involved have been praised, promoted, received recommendations, awards and allowed to continue with their behaviour, affecting other individuals, their families and at extraordinary cost to the people of NSW.

As evident in my case, FRNSW knowingly gave the Minister and other Parliamentary member's inaccurate, false and misleading information. In fact, 47% of FRNSW employees surveyed in 2012 agree that FRNSW do NOT provided frank, impartial and timely advice to the government.

How many more investigations, surveys and enquiries do the people of NSW must facilitate into FRNSW behaviour before the NSW Government acts? Not only is it a substantial waste of public money, the most recent being the review conducted by the Hon J P Boland at a cost of \$81,400.00, but people's lives are being destroyed

The following are some of the investigations, surveys and enquiries:

- 2010 KPMG investigation and report. “A report into the bullying at FRNSW, designed to assist FRNSW to develop solutions to ensure that they operate with transparency and integrity and that the physical and psychological safety and wellbeing of its employees is protected” (FRNSW Bullying Prevention Policies and protection review).
- 2012 Future plan staff survey report: “78.2% feel that when they raise issues they are NOT listened to” and “67.8% feel that they are NOT given an opportunity to have their say” and
- 2013 FRNSW “People Matter Employee Survey 2012”: “72% have NO confidence in the way their organisation resolves grievances” and “42% of those surveyed witnessed bullying behaviour, 28% experienced it and out of these 72% did NOT report it” and “60% of the survey are NOT confident that they would be protected from reprisal if they report improper conduct.
- 2013 WorkCover NSW “Bullying Prevention Strategy” for FRNSW
- 2013 Project Report Bullying Prevention Management Policies and Procedures Review March 2013: Report states: “Between 10 to 15% believe that bullying is systemic in the organisation” and “35% of firefighters surveyed do not believe that there is an effective bullying prevention strategy in place” and “large portion of the workers have little confidence in fair and transparency when lodging a complaint”

The following are comments from those being surveyed:

- “When investigating complaints FRNSW are selective in their approach. The approach is to get the senior person off...”
- “Managers don’t always support the return to work staff when making complaint through chain of command always backs the officer”
- “Bullying reported to zone declined to accept report”.
- “Certain managers do not lead by example and are bully’s themselves. One in particular is an executive / senior leadership role”
- “To survive in FRNSW you need to keep your mouth shut...”
- “Organisation wide we have senior managers who seem to pride themselves as being bully’s”
- Management work standards branch are the unit that display’s the worst bullying they constantly allow to fail to follow procedural fairness and adapt a selective mentality when dealing with complaints”
- ... senior executives are never investigated. One has had numerous complaints made against them about their conduct and nothing has been done to curb such conduct”
- FRNSW still protect the ranks.
- There is a culture fear of raising some issues as management is vindictive. Cronyism still exists”
- Some senior executives, sweep any investigation under the carpet when the word ‘Bullying’ is mentioned”

- 2014 FRNSW “People Matter Survey 2014”: 67% of those surveyed do NOT have confidence in the way that their organisation resolves grievances and “49% are NOT confident that they would be protected from reprisal for reporting misconduct/wrongdoing” and “65% of those

*that were subjected to bullying in the last 12 months did NOT submit a formal complaint” and “42% of those who witness misconduct / wrongdoing did NOT report it”.*

2016 FRNSW “People Matter Survey 2016”. *“66% of those surveyed have NO confidence in way that FRNSW resolves grievances and 61% fear reprisal for reporting misconduct / wrongdoing” and “49% had either witnessed or been subject to bullying, 24% had witnessed misconduct /wrongdoing with 48% NOT reporting it*

In the 2016 “People Matters survey”, 73.6% of those surveyed believe that NO action will be taken by the organisation as a result of this survey.

Nothing is going to change unless those Public Officials who are responsible for the handling of complaints or disclosures of Bullying and Misconduct within FRNSW are held accountable for their wrongdoings whilst in public office.

**1a) 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: Fire and Rescue New South Wales.**

FRNSW has the protocols and procedures in place to manage and resolve complaints, the issue is that those who are required to adhere to these protocols and procedures do not and there is no recourse for their inactions.

FRNSW senior management and Workplace Standards Branch’s (WSB) apathetic attitude and failure to conduct an in-house investigation meant that serious issues were allowed to continue.

**1c) 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**

In my case, the Psychologist and Psychiatrist have suggested outside support services to assist in my mental health. These have either been rejected by FRNSW and the insurer or limited access allowed.

Any hope of complying with your treating mental health providers advice of exposure therapy trying to obtain some day to day normality back into your life is met with hostility from FRNSW and the insurer.

If FRNSW, put more time and money into prevention of Mental Health issues directly related to workplace bullying and harassing and less into defending this insidious behaviour then maybe these types of injuries could be prevented.



## **1f) Any other related matter**

### **1f1. How much is FRNSW's inability to deal with Bullying, Harassing and Misconduct costing the people of NSW (Waste of public money).**

The people of NSW invested quite a substantial amount of public money (1.3 million) to deal with bullying and inappropriate behaviour within FRNSW and yet, as is evident by what has occurred to me and by having another enquiry nothing has been done.

FRNSW total Workers Compensation premium for 2015/2016 was \$23.1 million dollars up \$1.6 million to the previous year.

Since 2010, FRNSW Workplace Standards Branch (WSB) role has been to:

- Provide support to management and staff on workplace complaints, grievances and disciplinary matters, internal reviews; external agency inquiries; performance management issues; and Protected Disclosures.
- Conduct disciplinary or other investigations, inquiries into complaints or reviews and provide reports and recommendations.
- Advise and recommend courses of action with respect to the conduct of investigations or management of complaint matters.

How many below standard investigations has WSB conducted or covered up that have added to their Workers Compensation premium there by substantially wasting public money.

It is FRNSW ineptitude and attitude that caused my mental health issues, how many others have been affected and at what cost to themselves, the NSW Workers Compensation Scheme and to the people of NSW.

## **Recommendations**

1. That a parliamentary enquiry be conducted into individual cases to identify and rectify short falls within FRNSW investigations.
2. That a system be developed to identify patterns of repeat bullying and harassing offenders so that management can act.
3. That a support service be implemented immediately by FRNSW to support both the victim and the alleged perpetrator in bullying and harassing allegations.
4. That Senior Executives past and present be held accountable for their failures to manage, control and adequately protect those within their employ.
5. Public officials be held accountable for their failures to conduct legitimate investigations into bullying, harassing and misconduct complaints whilst in public office.
6. An audit be conduct on FRNSW WSB's past investigation to rectify any wrong doings.