

INQUIRY INTO EMERGENCY SERVICES AGENCIES

Name: Name suppressed

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Partially
Confidential

Supplementary submission, name suppressed

My recommendations are from the perspective of a family member supporting an acutely mentally unwell firefighter through complex organisational, disciplinary and legal procedures brought by Fire and Rescue NSW (FRNSW). My family member, hereafter XXX, reported bullying by senior officers and disclosed a mental health condition claiming the behaviour exacerbated it. Disciplinary surveillance and action was escalated after the reports and in response to XXX's mental health symptoms. XXX's reports of bullying were not investigated. XXX's mental health deteriorated until a complete breakdown at work which resulted in disciplinary action.

I understand that individual cases are not the remit of the Inquiry. My purpose for outlining this case is to bring to attention broader, systemic problems with the implementation of FRNSW's policies and support structures to do with bullying, harassment and the mental health of their workers. In particular where these issues overlap with disciplinary action and protocols. My recommendations follow after summaries of my experience in line with the Inquiry's terms of reference.

a) Prevalence of bullying, harassment and discrimination

My experience corroborates many public media reports of endemic bullying in FRNSW. In the case at hand, firefighters who stood up for XXX and filed reports supporting the bullying allegations suffered reprisals or were ignored.

Evidence in XXX's case affirms that a culture of bullying in FRNSW is reinforced at leadership level by inaction, especially in response to allegations against senior officers with strong informal and formal networks. The culture is tightly protective and deters official rank-and-file complaints by dealing selectively with those received. My experience in my dealings with FRNSW's Workplace Standards Branch (WSB) is that they conflict with, but cover for those commissioned networks. I note that commissioned officers serve in managerial positions in the WSB, a division which is closely connected to the Commissioner's Office.

From a broader analysis of FRNSW's sanctioned culture of bullying, I believe a problem can be exemplified in FRNSW's first strategic direction, which includes to be 'admired' (FRNSW Annual Report 2015/16). Dealing with endemic bullying requires making it visible and threatens a systemic desire to maintain the community's perception of firefighters as trusted heroes. I believe the promise of admiration as a key performance indicator encourages cover up by leadership. A further problem in my experience is that commissioned managerial positions are filled downwards by those who will collude to remain admired. My perception is that in the management of admiration, FRNSW encourages an unhealthy psychological culture more broadly.

Recommendation 1: Allow lateral entry into commissioned ranks of FRNSW to break up cartels.

Recommendation 2: Replace FRNSW's Strategic Direction 1 from "Admired and Trusted" to "Honest and Trustworthy".

a) Effectiveness of the protocols and procedures in place to manage and resolve such complaints

While professionally conversant with the development and implementation of policy in large complex organisations, I found FRNSW's policies ambiguous and difficult to understand, especially when read against each other in regards to XXX's case. In my communications with senior FRNSW officers and the WSB, I was not able to obtain satisfactory clarification.

Despite the limitations of the policies, my experience was a purposeful lack of will to enforce them. The lack of will, or power to enforce policy can also be levelled at the WSB who knowingly supplied me with false information regarding proceedings against XXX. In hindsight, my experience of XXX's case and records show that no procedures were followed in line with policies and regulations (including those cited in FRNSW's submission to the Inquiry at No. 78). In particular, mandatory reporting responsibilities were not met by a range of commissioned and WSB staff XXX reported bullying to, including the Commissioner, Greg Mullins.

I note that in the policies I found no mention of accountabilities of FRNSW to firefighters when regulated procedures were not followed by FRNSW, apart from making complaints to those that are charged with implementing the procedures. My experience was that the FBEU was not effective in holding FRNSW accountable and were not interested in becoming involved in procedures regarding bullying or advocating for conflict resolution.

Recommendation 3: An independent body be instituted to receive and handle reports of bullying, harassment and discrimination by FRNSW staff.

Recommendation 4: That the independent body review FRNSW disciplinary policies and procedures to better and more clearly correlate to instances where mental health issues and bullying allegations are at play.

Recommendation 5: That the independent body oversees the development of mechanisms to hold FRNSW accountable for the correct application of regulated procedures.

Recommendation 6: Review and evaluate the efficacy and independence of FRNSW Workplace Standards Branch by an independent body. Conduct follow up investigations of complaints denied by WSB to ascertain if the outcomes for denied complainants include repercussions.

Recommendation 7: Investigate corrupt practices in the handling of historical bullying complaints between both commissioned officer and WSB staff.

Recommendation 8: Preclude WSB from undertaking investigations into workers compensation claims involving alleged bullying to deter collusion against historical and denied complainants.

Recommendation 9: Preclude FRNSW and WSB from rolling out its RESOLVE complaint database to senior operational staff to avoid corrupt use by informal networks.

b) The support structures in place to assist victims of workplace bullying, harassment and/ or discrimination

In XXX's case, no supports were offered in regards to bullying allegations as they were never officially acknowledged or investigated, even though documented. XXX was in acute mental crisis while undergoing disciplinary action and in the process repeated the allegations of bullying and that the behaviour was continuing. FRNSW's response was to officially isolate XXX from all contact with FRNSW staff, including crew mates, which was greatly traumatising.

Recommendation 9: That an independent body provide a liaison person to a FRNSW staff member where process involving mental health and or bullying overlap with disciplinary procedures.

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

My experience is that FRNSW purposefully deflects any responsibility for trauma that is alleged to have resulted from bullying by senior officers, and does so by dishonesty sanctioned at leadership

levels. There is evidence that XXX's mental health condition was acknowledged by senior staff for a long period of time after the reported bullying. In official FRNSW correspondence and reports to do with disciplinary action against XXX however, the mental health disclosures and bullying allegations were omitted. I perceive this obfuscation and absolute refusal to act is a corporate strategy in face of litigation, and in FRNSW this strategy ultimately takes priority over the mental well-being of their staff.

The support offered to XXX for ongoing mental health symptoms at work were referrals to FRNSW services made in disciplinary settings presided by the alleged bullies. XXX was at that time attending his own doctors. However when XXX did try to access the EPA psychologist in his area while in breakdown, the psychologist refused to see XXX due to a 'conflict of interest'. XXX contacted FRNSW's Well-Being unit, but the firefighter taking the call appeared overwhelmed by XXXs emotionality and he did not call XXX back. It was clear that senior officers also had either no will or competence to assist a firefighter in such a complex crisis situation as XXX's, apart from referrals to the generic services. Instead XXX not using the EPA service was in fact used as recrimination by those officers.

I cannot recommend how FRNSW can improve their mental health supports for their staff when psychological bullying itself is rife and is actively covered up by leadership.

I hold documentary evidence of all claims I have made in this submission and am willing to present it to the Inquiry.