

INQUIRY INTO EMERGENCY SERVICES AGENCIES

Name: Name suppressed

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Partially
Confidential

The Legislative Council
Portfolio Committee No. 4 – Legal Affairs
NSW Parliamentary Inquiry into emergency services agencies
Submitted by
wife of firefighter
formerly employed by Fire & Rescue NSW (FRNSW) from 1978 to 2011

INTRODUCTION

Since 2002 I have seen a deterioration in my husband's health, self-esteem, confidence, and well-being due to the abhorrent treatment he has received from his former employer, Fire & Rescue NSW (FRNSW).

I make this submission to the **Parliamentary Inquiry into emergency services agencies** in good faith and to the best of my knowledge; everything that I state herein is true and correct. I understand that this submission is made under parliamentary privilege. I submit my request to be interviewed and to participate at a Hearing.

The Overview provided is intended to give context and the documents named are available on request as evidence to verify the claims made herein.

My reason for the submission is to further evidence the submission made by
My further reasons are that my family has suffered and, in fact, I would say that my family has been tortured by employees of FRNSW and subsequently Employers Mutual Limited (EML). No family should have to endure the years and years of torture, lies, false allegations, and threats for the sake of their loved one's employment.

BACKGROUND

I know to be an honest person with a highly developed sense of his own personal integrity. The irregularly application in the administration of FRNSW policies caused significant distress also. I have had to support in determining how to satisfactorily fulfilling his roles and responsibilities in accordance with FRNSW legislative requirements while managing the restrictions that were placed on his ability to do so since the appointment of

This situation was extremely difficult for me and also for the children. I cannot overstate the prolonged stress that the family suffered and continued to suffer.

GENERAL COMMENT

My husband's service record was exemplary and he received
to recognise his diligent, long service, and good conduct to FRNSW. He served for
34 years and would still be employed if FRNSW had not savagely extinguished his career.

reported the irregular application and administration of policy, and breaches in work
health and safety. The reports were lodged with senior management of FRNSW and when
nothing was done he escalated the reports to the Commissioner. In hindsight, this was the
beginning of the end. FRNSW turned on him and brutally made his life and, consequently,
the lives of his family a living hell.

In my opinion, family endured years of suffering while FRNSW breached just about
every relevant act, regulation, policy, procedure, process, moral and ethical code that I can
think of. Never have I seen such a duplicitous organisation that masquerades as the "Fire
Brigades Family" all the while on the ready to extinguish anyone who does not play by
their own self-determined, protectionist rules. The Boys Clubs, the Masons Clubs, the

promotions and perks reserved for the few who play the games and keep the secrets. These are not accusations but rather substantiated facts reported in the well-respected and professional examinations of FRNSW by KPMG 2010, two ICAC investigations, Justice Boland in the Boland Report, WorkCover NSW, and the significant number of workers compensations claims for psychological injuries to firefighters caused by FRNSW that are upheld by the Workers Compensation Commission.

various and ongoing difficulties with the FRNSW and FRNSW in relation to the irregular application of a range of FRNSW policies, procedures, and award entitlements, I came to understand that FRNSW policies and procedures are often administered and applied at the discretion of FRNSW personnel. It appeared to me that there was a culture of secrecy within FRNSW that made me suspect that there was a rorting of award entitlements and the vigorous push back we received whenever questions were asked made me even more suspicious.

Despite the FRNSW Commissioner's assurances that an investigation would be ordered it never occurred.

Of course, FRNSW will repeatedly claim that all matters have been investigated. These responses from FRNSW are intended to mislead. I can provide documentation to evidence that statement if required.

I believe that had shown up that the departments were potentially rorting monies and that this was the trigger for the extreme retribution – was now a target. Many senior FRNSW employees would have had a significant vested financial and personal interest in keeping quiet any exposure of rorting in those departments. I understand that a prior investigation by ICAC had led to the prosecution of two people involved with ; continued to find further inconsistencies and persisted with reports that were never investigated.

The story of the last 15 years is incomprehensible and what **Fire and Rescue NSW** has done to [redacted] and our family is unconscionable. He was forced into the Workers Compensation system. He was now up against FRNSW fighting his claim and had to take on **Employers Mutual Limited (EML)** a monster insurance company known for being especially ruthless.

The Hush Money

[redacted] was offered an **inducement of more than [redacted],000 as hush money to resign from FRNSW.**

After [redacted] declined the hush money, he was successful in his worker's compensation claim, but within weeks of his claim being successful, [redacted], the Commissioner for FRNSW terminated [redacted] employment. Reason - not fit to be a firefighter. So much for being supported when you do the right thing. **This is extreme retribution.**

REPORTING CORRUPTION

When [redacted] reported irregular application of policy, he expected that Commissioner Mullins as the head of **FRNSW** would keep his word, support him, and use the policies and procedures to properly investigate.

Again, [redacted] had relied on the integrity of Commissioner Mullins to support him. He never thought that he would suffer the horrendous and relentless retribution that he was subjected to by **FRNSW** senior and executive management.

[redacted] has gone from being a well-respected firefighter/fire officer with **FRNSW** to now being treated like a criminal. When he put up his hand he was subjected to humiliation and retribution initially by **FRNSW** and then by **Employees Mutual Limited (EML)**.

TERMINATION OF EMPLOYMENT AND LOSS OF INCOME

Due to [redacted] injury he was forced into the workers compensation system. **FRNSW** have done everything in their power to stymie [redacted] legitimate claim lost income, award entitlements, and superannuation. He has suffered extreme financial loss.

FRNSW and **Employees Mutual Limited (EML)** treat these claims with contempt. These organisations have a culture of profits before people. It is profit at all costs – even if they destroy people's lives and their families along the way, they are just the collateral damage and that is just how they do business.

Since [redacted] due to [redacted] reporting, he was subjected to workplace mobbing and workplace bullying by **FRNSW** senior and executive management, received death threats, was lied about, his family slandered and **naked photos of his infant children were produced as "evidence" in a Tribunal hearing;**

The one good piece of advice that [redacted] received from the Fire Brigades Employees Union was that he should not participate in these type of "Kangaroo Court investigations" as they are a set up to bring down the firefighter making the complaint.

The allegations about [redacted] came thick and fast. For **Fire and Rescue NSW**, nothing was off limits. But this is what this organisation does – for decades now complainants have been subjected to this kind of abhorrent

retaliation. However, I have not seen anything as bad as this. The retribution to firefighters who speak up is disproportionate to the allegations. : were serious but not so serious to invoke this kind of retribution. What else is there that FRNSW is hiding that they do not want uncovered? What is so serious that they do not want it uncovered?

When I lodged a workers compensation claim, EML placed him and his family under video surveillance. He has learned that for hours and hours he was followed with a camera being photographed and videoed: I myself, our children, his aged parents-in-law just doing their shopping or attending medical appointments where he went along to help them, at his son's school watching him play sport. The insurance companies have no boundaries. It is an appalling form of intimidation. Academics argue that surveillance is not legal but insurance companies like **Employees Mutual Limited** still get away with it and **FRNSW enable and condone it**.

OTHER FIREFIGHTERS – SAME THING

I have been in contact with other **FRNSW** firefighters and fire officers who dared to speak up and report their concerns. They have all endured similar retribution and punishment. All have lost their careers. All have suffered psychological injuries, some have attempted suicide, and some have family break-ups, others have spent time in psychiatric institutions, many remain in the care of psychiatrists and psychologists, one family has left Australia. We have had to move to I received death threats, harassing telephone calls, cars including FRNSW cars drove slowly past our home to intimidate, and one night standing in my kitchen I had a laser pointed at my forehead. Our family has had to suffer this retribution and harm because I believed in "doing the right thing" and reported the inappropriate behaviour.

I refer to the Boland Report as evidence of the fourteen firefighters who provided statements and participated in that review, and who have not had their complaints properly investigated. Mr Boland did not review all documents provided by the complainants. Mr Boland states that FRNSW chose the files he should review, and despite discovering that there were missing documents and files, Mr Boland was satisfied on the one hand and, yet, on the other hand found that FRNSW did not follow correct policy, procedure, and process.

What would be the best outcome for all claimants?

- That given the evidence before the Parliamentary Inquiry in relation to FRNSW, a Royal Commission is commenced forthwith
- Fire and Rescue NSW is held to account on its policies including on the failure to act appropriately in relation workplace bullying, workplace mobbing, and

workplace harassment – including past and present employees who are found to be the perpetrators – even if that means criminal charges

- That all firefighters and administrative personnel who have been affected by FRNSW failure to apply correct policy have their full wages and entitlements paid including any loss for past and future income
- That a public apology is issued to all the firefighters and administrative personnel involved so their names and reputations are cleared
- An investigation to determine whether there is a conflict of interest in the relationship that FRNSW has with EML (the insurance company) and the worker's compensation claimant; that is, the employer's interest is in protecting the organisation and keeping its premiums down and the insurance company wants to deny or at least minimise compensation to maximise profits
 - That there is further investigation into whether FRNSW deals favourably with some workers compensation claims and not with other meaning that there is also a further conflict of interest with EML
- An investigation into the relationship and potential conflict of interest between FRNSW and the Fire Brigades Employees Union
- An investigation into the potential conflict of interest between the Fire Brigades Employees Union and the Union solicitors

CONCLUSION

The ongoing, relentless and systematic bullying and harassment by FRNSW senior management and the failure of FRNSW to act in accordance with its own policies and procedures to effectively deal with the reported grievance of bullying and harassment, the identified reported occupational health and safety matters, the outstanding disciplinary charges, the erroneous reporting on and the failure by FRNSW to provide him with the reason and supporting documentation for his ordered transfer remains the cause of my significant distress, embarrassment, and financial ruin.

was forced into medical retirement, and onto workers compensation because of the way he was treated by FRNSW for doing the right thing and reporting inappropriate conduct. As if the retaliation he received from FRNSW was not enough humiliation and degradation as well as financial ruin, the insurance company, EML, subjected him to

frivolous, degrading and unnecessary assessment, constructed to intimidate, pressure, destabilise, and discredit. Additionally, EML electronically stalked him and his family, had our bank accounts and tax returns scrutinised, physical surveillance without our knowledge that induced significant threat, lack of safety, alarm, and hypervigilance. These adverse tactics by insurance companies, vicarious enabled by FRNSW, are extremely harmful to someone and their family in an already traumatised state. The point is that FRNSW are fully aware of the behaviour of EML and stand by and do nothing to help and only exacerbate the situation with their continued opposition to legitimate claims. At no point has FRNSW offered or his family any help.

The Workplace Standards Branch (WSB) were established as part of the reform of FRNSW following the KPMG Report (June 2010) at a cost to the public of \$1.3 million. Nothing has changed. If anything, things are far worse because Commissioner Mullins 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.