

Supplementary
Submission
No 166b

INQUIRY INTO EMERGENCY SERVICES AGENCIES

Name: Name suppressed

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Partially
Confidential

The 2014 **Rural Fire Service People Matter Survey – Tab K** - reflected a culture of fear, intimidation and institutionalised bullying. In section 4.2 Trust: 54% staff were not confident they would be protected from reprisal for reporting misconduct/wrongdoing. In section 6.3, 64% did not have confidence in the grievance system. In section 4.5 49% witnessed bullying and 29% (81 people) experienced bullying in the last 12 months. Of these 30% (24 people) - had been bullied by a senior manager and 29% (23 people) bullied by an immediate supervisor. This means 9% of all 279 survey respondents had been bullied by a senior manager in the last 12 months and 8% by an immediate manager or immediate supervisor. This suggests that bullying is endemic within senior management of NSW RFS. Only 19% made formal complaints regarding bullying. There was no stratification to determine bullying rates towards women or people of culturally and linguistically diverse background. However, gender and cultural heritage are considered to be a career barrier by 19% and 31% respectively of respondents, noting that 34% of staff are women.

Senior management cannot be responsible for setting up or policing the bullying policy, when a large proportion are bullies themselves.

Recommendations:

Bullying is not eradicated by having policies in place. Staff need to have confidence that the organisation takes action, at the most senior levels. If less than 20% of those that are bullied make complaints there is a serious problem. It requires action, not simply further documents.

I humbly submit my suggestions for changes.

1. Creation of an external body with power to take strong action against bullies, including ability to terminate
2. Bullying should be reported to an external body, and an annual survey undertaken by that external body. Emergency Services is simply unable to manage bullying internally, as the culture of bullying is pervasive.
3. The Union and staff support services, such as EAP, should also be reporting to the external body so there is oversight on the extent of the problem. People may seek advice from the Union but make no complaint to the RFS through lack of confidence that they will be supported.
4. Creation of a robust and statistically significant baseline measure, based on review of past five years of data, repeated annually. This would include reviews of exit interviews, interviews with people who have been performance managed or been subject to disciplinary action, review of sick days, staff turnover stratified by the type of person (internally recruited, “outsider”, gender, cultural heritage etc) and other indicators
5. External regular review of exit reviews to identify patterns and people for further questioning.

A review of exit interviews of staff in emergency services may reveal difficulties or may not. However, you'll find there are no exit interviews at the NSW RFS, even for managers. You will also find a high turnover of 'outsiders,' those that have not come through the ranks as volunteer firefighters. People that challenge the existing tribal culture do not last. Exit interviews should be mandatory. If exit interviews reveal no problems, that may be indicative of a culture of fear.

6. On exit, staff should be encouraged to provide feedback and suggestions to an external body. This needs to be the organizational norm. If staff are not providing feedback, it can indicate a fear of reprisal or a lack of confidence that action will be taken.
7. Review of records of people who have been performance managed or dismissed and interviews of these people regarding bullying.
Workplans and performance management are used to push people out of organisations, a poorly veiled bullying channel. There should be a review of all people put on workplans within the last 5 years and interviews of those staff, to ascertain the role of bullying.
8. Review of the public service records of people identified as being bullied.
People who are bullied leave without referees from managers, damaging their long term career prospects and earning potential. I believe that in some cases, their public service record is also impacted, so they have no capacity for further employment in government. The long term impact of bullying on careers needs to be assessed.
9. Review of workers compensation psychological claims. A significant proportion of these will be related to bullying, either directly or indirectly.
10. Acknowledgement of the serious impact of bullying and, in recognition of such, the external body be enabled to bring charges.
Bullying presents the same set of signs and symptoms, a similar syndrome, as those that are subjected to domestic violence or are raped. Yet, there are no criminal proceedings or external action taken against bullies and those responsible for bullying cultures.
Bullying needs to be treated with the same seriousness that domestic abuse is treated, as it has a similar syndrome. People affected by bullying are impacted deeply, emotionally and financially and their families are similarly impacted. People stay in situations where they are bullied as they lose confidence in themselves and their ability, and need financial security.
11. Dedicated psychologists, specialising in bullying, should be able to be accessed confidentially to discuss psychological issues and to help staff to develop strategies to deal with bullies. I found only one bullying specialist, when searching for an appropriate specialist.
12. The organisation should conduct itself as a secular, non-denominational organisation to reduce marginalisation of non-Christians. Currently Salvation Army chaplains provide the in-house counseling services. The annual award medals are handed out on St Florian's Day. A high proportion of staff wear

crosses around their neck. This reinforces the impression amongst staff of Culturally and Linguistically Diverse backgrounds that the organisation is a Anglo-Christian organisation and that they are outsiders. Staff who feel marginalized are less likely to make complaints about the predominantly Christian hierarchy.

13. The families of those impacted by bullying should be able to access the services of trained psychologists.
14. Too often it is the bullies that are in charge of the bullying policy. For all executive positions there should be extensive psychological testing and comprehensive reference checking. Reference checks should not only include those provided by the candidate. There should be a determined effort to authenticate the character of those who will be in charge of the welfare of staff, in much the same way that Positive Vetting security clearances are conducted for Commonwealth positions.
15. The Commissioner and Director responsible for Human Resources should have performance indicators regarding the level of bullying, reportable to and auditable by an external body, on an – at least – annual basis. Serious action should be taken if the level of bullying is not decreasing.
16. An overarching bullying strategy should be put in place, with targets that are reportable to and auditable by an external body.
17. The people appointed to the external auditing body should be without reproach, selected not only on their experience but on their character, management style and psychological testing. Previously, the department responsible for workplace, health and safety, was found to have high levels of bullying, as does the health service. If the instruments responsible for bullying policy and treatment are rife with bullying, what ability do they really have to appreciate the seriousness of bullying?
18. Bullying culture starts from the top. Action needs to be taken to extract perpetrators of bullying, and The Commissioners who have allowed them to operate, from their positions of power. These people violate others, in the same way as perpetrators of other forms of violence. “The standard you walk past is the standard you accept.” Commissioners cannot claim ignorance as a way to avoid responsibility.
19. Staff that need to leave a role because they are being bullied should be given financial support to remain out of the workplace until the investigation is completed and the bully is removed from their position of power over the victim.
20. Consideration should be given to ways in which to weight the burden of proof. Currently, the burden of proof is primarily with the victim. People making psychological claims generally do not have the emotional and mental strength to mount a cohesive case and fight.
21. Staff should be given ongoing financial support to meet their requirements for more expensive insurances, including but not limited to life, TPD, trauma, health insurance.

22. Bullying reform should consider the models use to deal with domestic abuse, in formulating their approach.
23. There are known factors that correlate with bullying behaviours. These include hierarchical structures and uniforms. There needs to be an analysis of the underlying factors that provide an environment that supports bullying. These factors need to be considered and reviewed.

For example, a uniform emphasizes the importance of conformity, and discourages diversity of thought and dissent, which are renamed insubordination. There is substantial research on the relationship between uniform and negative behaviours of those wearing them.

Organisations that are hierarchical, with limited access to the head of the organisation, limit through their structure the ability to report bullying by managers. This creates an isolationist environment, where a worker can victimized and leadership can claim no knowledge of the bullying occurring.
24. A behavioural insights approach should be taken to deal with this issue, when determining strategy, policies and actions. Under Nudge Theory, the person or organisation that decides on the desired behaviour and seeks to move people towards it, will only be effective if they are trusted and credible. Staff will not believe that the management who created and perpetuated the bullying culture, who have allowed it to prevail, possibly through tacit approval, will now stem bullying. Therefore, the body addressing bullying needs to be credible and trusted, and, at least for now, external to the offending organisations.
25. The language around bullying needs to change. It is a positive step that it is under work, health and safety. Bullying is a form of assault and abuse, and the language around it needs to reflect this; bullies are perpetrators of workplace abuse. Bullying is a work, health and safety hazard. Like any WHS issue, particularly assault, it needs to be promptly reported and acted upon, to a supervisor *and* a central reporting system. A workplace should be categorized as dangerous if a manager is a bully or reported bullying – assessed through an external survey – reaches a particular level. If there is truly a zero policy, as purported in the public service, the government would take serious action – not just policy – against perpetrators of bullying.
26. Organisations emphasise that public servants not divulge activities within the organisation, or act to damage the reputation of the organisation. This can be read as “what happens in here stays in here.” There should be greater clarification around this is training. Staff should be encouraged to report bullying. Public servants should be allowed to warn members of the public that they work in a dangerous workplace, instead of being constrained by a code of conduct which forbids discussing “in-house” matters. As a member of the public, had I known that RFS was a dangerous workplace, and bullying was pervasive with minimal diversity and a Christian culture, I would not have joined. This information should be available publicly.
27. Management, and all staff, need dedicated and mandatory face-to-face training on bullying. It is not sufficient to have an online module without an

exploration of the issues. Whilst people understand that shouting and pushing is bullying, there is limited recognition that withholding information, obstructing them from doing their job, and overloading people with work is also bullying.

28. Training on unconscious bias should also be mandatory and face-to-face. This will allow staff, particularly management, to gain insight into their own biases about gender, culture and sexuality. Training should be someone of a Culturally and Linguistically Diverse heritage. This should be coupled with training on the legislation regarding discrimination.

The issue with gender, cultural and other bias, is that it is partly due to limited or no exposure of emergency operational staff to people that are not white and male in executive positions. It is easier to see others as inferior if there is no role model.

29. Training, in general, should not only be delivered by Anglo-Australian men. Training staff should reflect the diversity of Australian culture.
30. Diversity should be reported publicly in greater detail. There may be diversity in accounting and information technology; however, in Operations, which is the centre of power of emergency services, there is little to no diversity. There is also insufficient diversity in Executive positions. Greater diversity creates an environment where people of Culturally and Linguistically Diverse heritage are less likely to be marginalized and bullied.
31. Bullying and corruption are related. The relationship between bullying and corruption should be made clear to staff in induction and throughout the course of their careers. Corruption thrives in organisation cultures that encourage uniformity, discourage dissent and allow bullying to exist unchecked. In the RFS, procurement has been investigated. On asking other staff about it, I was told everyone knew about it, but no one did anything about it.
32. The role of Human Resources in bullying needs to be examined. Human Resources have moved from assisting and representing workers to guarding the interests and defending the behaviours of senior management. As described previously, I believe it is common for Human Resources to literally sit or stand on the side of the perpetrator if they are in management. Given that Human Resources is no longer neutral, how can staff trust Human Resources to investigate bullying and advise victims about how to defend themselves against the perpetrator? As above, at no point, in my many discussions with Human Resources about my problems with my manager, did Human Resources suggest that I speak to a Union Representative.
33. Bullying in emergency services is supported by the behaviour of the insurer. If the aim of the system is that there be less psychological damage to individuals at the hands of bullies, then the role of the insurer in routinely denying first claims cannot be considered as a separate issue. The last five years of workers compensation claims for psychological claims should be reviewed – both upheld and overturned - with attention to what proportion of these were

upheld and what proportion related to bullying. I understand that psychological claims are less likely to be upheld than physical injuries. The process of being investigated by the insurer is *damaging*, and worsens the psychological injury. There are associated physical problems, such as back pain, migraines, weight gain, that relate to bullying, yet these are often considered as separate issues that are unrelated to the claim.

At some point in the future, Emergency Services may have the maturity and integrity to clean up its own behaviour, but that is not the case now. Commonwealth employees are protected by a more robust system to report bullying externally. The channels within NSW are known to be toothless, or at least this is the wide perception.

I ask that the Commission be courageous in its determination, recommending that perpetrators be actively removed. No amount of policy will change people who are bullies. Every organisation has bullying policies and systems. Clearly documents do not stop bullies. I have seen Commissioners talk about bullying, and seen them shouting at people and their Directors treat their staff without respect. Much as the police force of the seventies was changed by weeding out the corrupt, so should bullying and corruption be weeded out in Emergency Services. Corruption thrives where bullying prevails. Reducing bullying will reduce corruption. We need to start calling bullying what it is: abuse.

I would be pleased to provide further evidence, if my identity can be protected.