

Submission to:

House Standing Committee on Education and
Employment

Inquiry into workplace bullying



VP Fairwork Network

Submitted by:

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Appendix A

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Introduction:

My name is _____ and I am a member of Victoria Police of the rank of Senior Sergeant. I have been a member of Victoria Police for 25 years. **I do not represent the Victoria Police.** I represent a group of Victoria Police members recently founded named VP (Victoria Police) Fairwork Network. This group was started after a number of Victoria Police members contacted me after I appeared on Channel 7 Melbourne News on _____ in attempt to expose the high number of bullying cases in Victoria Police and the detrimental actions experienced of many members as a result of reporting bullying.

The views and opinions are mine and my interpretation of experiences relayed to me by members of our group and many other members of Victoria Police.

These members' stories are of course all different in their own way but there are also many similarities. Those similarities included all of the behaviours in the common definitions of workplace bullying but what was common to most stories was the detrimental action taken against members, mostly in the form of recriminations and retribution.

Victoria Police have either denied that there is any bullying to a degree that warrants concern or have been disingenuous about their own figures.

Not only are members affected by these issues faced with battling the massive bureaucracy that is Victoria Police, they are also faced with little support from their union on this issue, yet another large and powerful bureaucracy, The Police Association of Victoria (TPAV).

The Prevalence of Bullying in the Workplace:

The results of a recent 'People Matters' conducted in May 2011* survey conducted by the State Services Authority and completed by 4200 Victoria Police members were as follows:

- **21.43%** said they had been bullied at work
- **29.76%** said they had witnessed bullying at work
- On the 21st of June, 2012 the official quote from Victoria Police on bullying reports was "*Less than a dozen last year*", less than **0.29%**.

During an interview with 7 News Melbourne (See **Appendix A, Link 2**) Psychologist Michael Burge states he had treated over 100 member of Victoria Police for Post-Traumatic Stress Syndrome and nearly all cases it was a result of bullying in the workplace. He also states that Victoria Police is nowhere near as good as the Defence Force when it comes to dealing with bullying.

In the 162 page Victoria Police Annual Report 2010-2011, this (below) is how much (or little) the report refers to the results of the 'People Matters' survey conducted in May 2011 that indicates over a fifth of the workforce reported that they had been bullied.

*

<ul style="list-style-type: none">• Acceptance of role• Retrain and Refresher	
15. OHS Survey	The People Matters survey was conducted with the assistance of the State Services Authority in May 2011. The results will inform future planning.

One struggles find any reference to the issue bullying and workplace conflict in Victoria Police in this report.

The Culture:

Victoria Police like most police services in the world have a paramilitary structure. People know this when they join and generally expect that they are joining a highly disciplined organisation. Although the level of discipline has waned somewhat since the reforms introduced by Christine Nixon a decade ago (many say to the detriment of the organisation), it is still the backbone by which the organisation functions.

Other core elements of Victoria Police are a seniority system and the necessity to give and receive orders. Most of us accept this and in a majority of cases these orders or instructions are reasonable and given in a reasonable manner.

Many of us believe that since the culture shift to promoting members with more academic credentials as opposed to those with street policing credentials and experience, we have seen a 'them and us' mentality between some of the hierarchy of the organisation (commissioned officers) and those of the lower ranks.

This is not to say that all commissioned officers are in this category and bullying often occurs between members of lower ranks as well.

I think we can say with some confidence members usually experience being bullied by members who are higher in rank or seniority to them. If those members in authority are not directly involved in the bullying in the examples provided to us, many of them do not handle complaints with procedural fairness.

What seems to be at the core of the current situation when it comes to bullying and other inappropriate workplace conduct is the lack of the capability amongst many higher ranking officers to deal with the issue.

This inability to deal with cases of bullying with procedural fairness, equity and natural justice more often than not becomes a bigger issue than the bullying behaviour itself.

The Role and Culture of the Police Association of Victoria (TPAV)

As referred to in the introduction there are a numbers of reasons why many are dissatisfied with TPAV. One of the prominent reasons seems to be that members of TPAV include managers and senior managers many of whom are accused of inappropriate workplace behaviour and TPAV generally does not want to be seen taking sides in a member vs. member issue.

Another contributing factor to the impotence of TPAV on many issues including bullying is that all of the TPAV Executive members are police officers as are some of the administration staff including the CEO. This means these members are still subject to the scrutiny and disciplinary procedures of Victoria Police, whether justified or otherwise.

Existing Education and Support Services to Prevent and Respond to Workplace Bullying

Victoria Police have made some tacit attempts to establish and maintain internal departments to deal with workplace conflict including bullying.

The Equity and Conflict Resolution Unit (ECRU) and its successor, The Alternative Dispute and Resolution Advisory Centre (ADRAC) were established under Christine Nixon's reign.

These units were largely ineffectual in dealing with workplace conflict and bullying as the members involved, whether accused or accuser, had to consent to the process and these units would not 'investigate' complaints, merely mediate between consenting parties.

That being said ADRAC was probably as independent as any unit can be in an organisation such as Victoria Police and if given the chance, could have developed into an effective unit developing policies and procedures based on a more accepting and open approach on bullying and workplace conflict resolution.

Case Study #1:

Police member X feels he is under a disproportionate level of scrutiny and monitoring by Police Manager W shortly after arriving at the station.

Police member X is subjected to communications from Police Member X that he finds consistently sarcastic, overbearing, intimidating and often said with what he perceives as clear gender bias.

This culminates in Police Manager W 'summonsing' X to her office and berating him for writing a letter of appreciation to TPAV for their assistance in another workplace conflict issue in which W was not involved.

X complains of bullying to Senior Police Manager Y who refers the matter to ADRAC. The ADRAC member determines that X's complaint is valid and that the conduct of W as alleged by X is bullying behaviour.

The ADRAC member advises W that she should enter into a mediation/conciliation process with X as he is more than happy to enter that process in line with standing orders. W refuses despite the ADRAC reminding her that it is her managerial obligation to mediate with X. As a result member X is arbitrarily moved out of the area and away from W. W is promoted to a very senior position shortly afterwards.

ADRAC was disbanded two years ago and the process for handling bullying complaints was handed over to local management. There is no specific data base or central recording system for the recording of bullying complaints per se. Bullying complaints within Victoria Police are treated as workplace conflict issues and the process for handling those workplace conflict issues are well documented in the standing orders of Victoria Police and based on generic processes used by various public sectors and industries.

Education about bullying in Victoria Police is minimal and usually consists of an instruction to station managers to hang up some glossy posters around their police stations. Many members are of the belief that they can lodge a 'Bullying Complaint' and that there is a specific process to deal with that bullying complaint. Again, bullying complaints are supposed to be handled through a documented workplace conflict resolution process.

The workplace conflict resolution process documented by Victoria Police is supposed to be a non-punitive process. This process was agreed to between Victoria Police and TPAV many years ago. We do not necessarily disagree with this.

The idea that you can accuse someone of misconduct and that they will be punished without due process is of course fundamentally wrong. For its part TPAV'S information on its website about bullying and the resolution process still quotes utilising the long abandoned ADRAC and even its predecessor ECRU.

We do not say that these processes, albeit out-dated, are bad. Any process that attempts to deal with issue with procedural fairness and natural justice, even a less than perfect one, is a good thing. The problem in Victoria Police is that even these processes are rarely followed appropriately.

The Alleged Non-Punitive Process

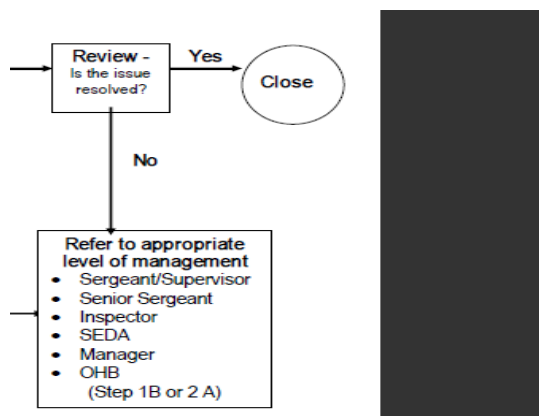
The experience of the members of our group is that this is very much a fallacy. Many of group report recriminations and reprisals for reporting bullying.

Most of the current instructions in regard to bullying are focused on members of the most common ranks, Constable and Senior Constable. This can be seen in the way the instructions on the workplace conflict resolution process are set out (below*).

There seems to be no emphasis on dealing with bullying or the mishandling of bullying complaints by the higher ranks. This is widely spoken about in Victoria Police as commissioned officer closing ranks on these issues.

Another problem with this can be that many of the people in the positions described below do not understand the process properly. This is not necessarily any fault of their own but more due to a lack of a pro-active education process on workplace bullying prevention and resolution processes. Again, the other issue with the current instructions is that they do not provide enough information for dealing with workplace conflict amongst the mid-level to senior ranks.

Unfortunately another contributing factor to the inability to deal with this issue is that some senior members of Victoria Police seem to believe they are omniscient on all things including personnel management (especially dealing with bullying) just by the nature of their rank or position and not necessarily through experience and training.



*Victoria Police Workplace Conflict Resolution Process 3/2/05 as posted on TPAV website.

ADRAC was apparently disbanded as part of the Building Operational Capability and Capacity Project (BOCC) which was designed for police in 'non-operational' roles to be returned to operational positions in order to increase capacity. This seems to have been counterproductive as the issue of bullying in Victoria Police is significant and often results in members being taken away from operational duties usually through extended sick leave.

Case Study #2:

Senior Constable E was first subjected to bullying behaviour over a two year period a little over a decade ago. These behaviours included destroying E's official correspondence, damaging E's equipment, verbal abuse and physical assault by another member whilst off duty and in the presence of E's OIC. E transfers to another station to get away from this abuse.

When E transfers telephone calls were made to E's new station saying disparaging things about E. E's promotion to Senior Constable at this new station was delayed at as a result of negative reports from E's previous OIC and some supervisors. E's allegations about the aforesaid behaviour was forwarded to E's former OIC and later returned stating the allegations were unfounded.

Two years ago E was serving at a different station in rural Victoria (it's common for police to have many different postings during their careers). E's new OIC (F) stated that F had 'an issue' with E for reasons unknown to E. E states that there was a culture of abuse by supervisors at this new station. One particular supervisor (A) constantly yelled, swore at and belittled members in front of their peers. When E complained to the OIC, the OIC simply stated 'oh that's just him'. E alleges that another supervisor physically assaulted E. E reported these and other incidents of abuse to the OIC.

E's allegations were not independently investigated and E and E's colleagues continue to be subjected to a culture of intimidation and abuse. E also continues to be seen as a 'troublemaker' and on the receiving end of detrimental action in the guise of 'performance management'. E's account of this culture at this current station has been echoed by at least 6 other members.

Equity and Diversity

Victoria Police has made significant progress in education around this subject and should be congratulated for that. The organisation now has a very diverse workforce not only in gender but people from culturally and linguistically diverse communities (C.A.L.D). Whilst the organisation has made these advances in line with the pace of most other public sectors, examples relayed to us still indicate not only incidences of sexual harassment still exist as with bullying; there is a failure to deal with some reported issues appropriately.

Case Study #3:

Acting Senior Sergeant A is temporarily assigned to a management position at a metropolitan police station. Not long after assuming this position, A asks three junior female members of his staff independently of each other to join him for a coffee at a nearby café in the guise of discussing their career paths. The three agree to go for coffee and subsequently do so, again, independently of each other. On each occasion, in succession A asks these members out on a 'date'.

The three members later discuss their individual experiences and agree that it is highly inappropriate for A to behave in this manner. They decide to report A's conduct to a supervisor who in turn reports it to a Senior Sergeant B. Senior Sergeant B apparently in consultation with his manager Inspector D, decide that it is a local management issue and that it be dealt with by a 'developmental' verbal counselling.

*The three policewomen complainants in this matter are surprised that as a result of them reporting Acting Senior Sergeant **A** that nothing is seen to be done as **A** remains their manager even though he is only there on assignment. These three complain to Sergeant **K** who approaches Inspector **D** and who complains that nothing has been done.*

*Inspector **D** dismisses Sergeant **K** maintaining that it has been dealt with as a local management issue.*

Denial and Under Reporting:

The first step in enhancing protection against and providing an early response to workplace bullying, including through appropriate complaint mechanisms is for Victoria Police to accept that there is a significant issue with bullying in the organisation.

The recent official response by Victoria Police of receiving less than a dozen reports of bullying does clearly not indicate that executive command accept that it is an issue (See Links Page, **Appendix A**). This is in despite the 'People Matters' survey conducted by the State Services Authority in May, 2011 which indicated well over 20% of Victoria Police members reported that they had been bullied.

Even if the figure of less than 1% of members reported bullying as quoted by Victoria Police was correct, there is clearly a massive problem with under reporting. Victoria Police is only too happy to quote better reporting statistics when it comes to increases in crimes like assaults, especially domestic violence in the community and talk about strategies to deal with those issues (we thoroughly support better reporting and improved policing family violence achieved by Victoria Police). We call on them to do same with dealing with bullying issues within their own organisation.

The Police Association of Victoria at least accepts it is an issue (See appendix A):

"We are of the view that the level of unacceptable workplace behaviour is too high. The 'people matters' survey indicates that approximately 30% of the Force have experienced bullying; a rate that is higher than the general workforce."

However, TPAV'S response seems lacklustre at best *"Generally we believe that the resolution of bullying complaints is an issue for the employer and our role was to negotiate the policy/process and then ensure the employer complies with it"*.

Perhaps it is not TPAV'S role to ensure the employer complies with the relevant policies and procedures, perhaps it is the role of Worksafe Victoria or other independent government agency. Whoever it is their conduct must be transparent and accountable. Regardless of whose role it is to 'police the police' on bullying and the reprisals and detrimental action that often occurs as a result of members reporting bullying, it clearly is not a role that is fulfilled adequately.

Moving Forward:

We believe that there needs to be dedicated unit to deal with workplace conflict and bullying in Victoria Police which is accountable to an agency independent of Victoria Police. This unit should also be responsible for the investigation into allegations of reprisals and detrimental action taken against those who report bullying and inappropriate conduct in workplace relationships. Where it is established that there is case that could lead to discipline or criminal charges these matters should be referred to an outside independent agency and not the Ethical Standards Department.

Conclusion:

We would like to thank the committee for affording us the opportunity to make this submission.

We hope it goes some way to bringing attention this serious issue impacting the welfare of those who put their lives at risk every day to protect the community.

We also hope this submission assists the inquiry in making recommendations to greatly improve conditions for not only employees of Victoria Police but the greater Australian workforce.

(on Behalf of VP Fairwork Network)