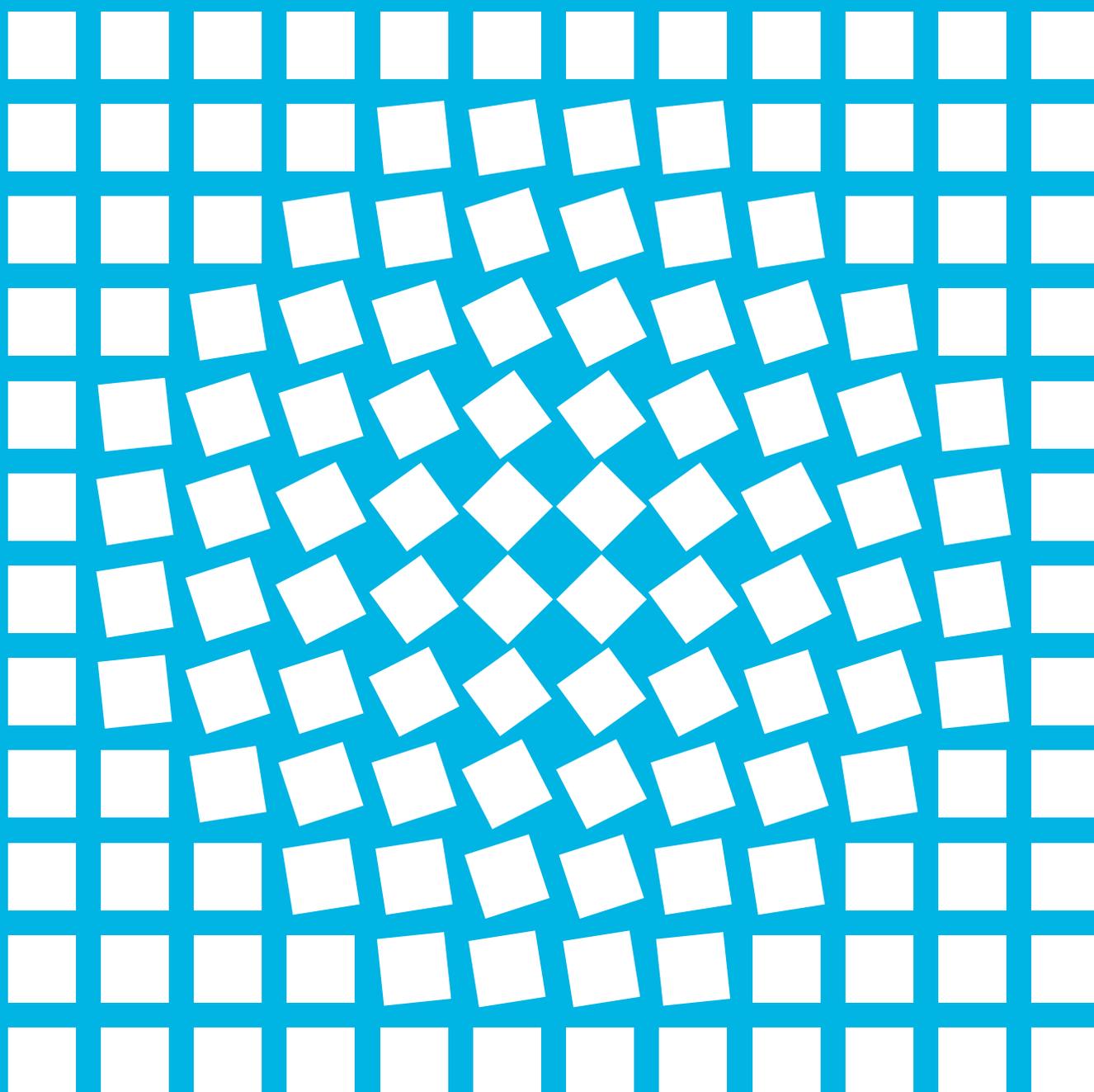


# **Independent Review** of Fire and Emergency New Zealand's workplace policies, procedures and practices to address bullying and harassment

**Judge Coral Shaw**  
(Retired)



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# Acknowledgments

I wish sincerely to thank the large number of current and former Fire and Emergency New Zealand (FENZ) personnel from all regions and all parts of FENZ who contributed to this review by completing the online survey, participating in interviews, meetings and hui, or providing written submissions and suggestions. Their individual experiences and views provided the review with valuable in-depth insights into the culture of FENZ. I acknowledge that many of them paid a personal cost by frankly sharing difficult and painful experiences with me and the reference group.

Many FENZ managers gave their time to provide the review with information about the structure and organisation of FENZ relevant to this review. This was much appreciated.

The unions and associations were supportive of the review from the outset. They all made valuable contributions.

Elizabeth Church and Gary James of FENZ supported the review with administrative and logistical support without compromising the independence of the review process. I am very grateful for their work, which allowed the review to proceed smoothly. Piki Thomas organised and facilitated two large Hui at short notice. Tēnā koe, e Piki.

Thanks goes to the State Services Commission, New Zealand Police and The Ministry of Social Development, who each contributed information to the review.

I have been actively and happily assisted by the hard work of a reference group of Samantha Turner, Mike Feely, and Dr Carol MacDonald. They travelled extensively through the country to interview participants and join me in meetings. They contributed their considerable expertise and insights to my deliberations and have given me invaluable help in the framing and writing of this report.



**Judge Coral Shaw** (Retired)

## Executive Summary

The Chief Executive and senior leadership of FENZ recognise that to create an effective and sustainable organisation with a shared identity and a culture of mutual respect, the organisation must create *“a positive and inclusive environment for its personnel which is free from bullying and all forms of harassment.”*<sup>1</sup>

In July 2018 retired Judge Coral Shaw, supported by a reference group,<sup>2</sup> was commissioned to independently review and assess FENZ's current workplace policies, procedures and practices for addressing harassment and bullying in the workplace. The review is not a reaction to any particular event. FENZ recognises that in the current legislative and social environment, it is necessary for it to understand and where necessary improve how it tackles an important but difficult Health and Safety issue that affects its personnel.

Past and present FENZ personnel engaged with the review through an online survey, written submissions, face-to-face interviews, hui and other meetings. Their contributions have informed many of the conclusions and recommendations in this report.

This review aims to make recommendations that are practicably achievable in the unique work context and environment of the 14,000 FENZ personnel, the geographical spread of the workforce, and in light of the FENZ statutory and regulatory obligations. To this end it has consulted widely both within and outside FENZ. Preliminary views were shared and tested with a number of sectors and individuals within and outside FENZ.

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<sup>1</sup> From Independent Review: Terms of Reference, p1.

<sup>2</sup> Samantha Turner, Partner, Simpson Grierson; Mike Feely, Principal, Professional Dispute Resolution Services Limited; Dr Carol MacDonald, Research Consultant; and Louise Nicholas, Survivor advocate (Ms Nicholas was unable to continue her engagement due to her other commitments).

## General conclusions

The main conclusions in the report are summarised below.

### Bullying and harassment in FENZ is an issue

There is no doubt that bullying and harassment is a feature of the FENZ workplace at all levels and across all regions.

The effects of such behaviour are keenly felt by all involved, and impact not just the individual but the organisation as a whole by diverting resources, time and energy that would be more usefully applied to the core business of FENZ. The perception that such behaviour only happens in other parts of the organisation is wrong. The perception that it is a thing of the past is also wrong. This is a serious issue that needs to be addressed.

### Enablers of bullying and harassment

Individuals who bully and harass cause harm and should be held individually accountable for their actions.

The fact that they belong to or are influenced by a particular subculture may enable them to act as they do, but this does not excuse their behaviour.

The review heard of examples where bullying behaviour has been overlooked, downplayed or excused by FENZ because the perpetrator is perceived to be a “hero firefighter,” an important manager, a long-service volunteer with deep connections into the local community, or a union member.

The status of these individuals has enabled them to bully and harass with impunity. Some groups are more likely to be targets of bullying and harassing. There are still unacceptable levels of racism, sexism and homophobia. The review notes that significant work is being done at senior management level to stamp out this discrimination, but that this work needs to be communicated to all levels of the organisation and sanctions applied where it is warranted.

Subcultures and tribes are inevitable, and to an extent necessary, in a very large and complex organisation like FENZ. However, it is important that as FENZ moves to implement its stated aims of diversity and inclusion and the elimination of bullying and harassment, these subcultures have to be recognised, acknowledged and addressed when education and other training initiatives are being planned and implemented.

The review notes that there is a perceptible although not yet universal shift in the awareness of and the need to eliminate bullying and harassment within FENZ. There are still barriers to reporting this behaviour. FENZ must acknowledge and systematically address these barriers in the same way that it has addressed and largely overcome former barriers to reporting health and safety issues. To a large extent, the success of this will depend on the creation of better avenues for raising issues of bullying and harassment.

## Unions and associations

It is to the credit of all of the unions and associations that each of them has expressed unreserved support for this review, and have given generously of their time to engage with it. They endorsed the review's preliminary draft recommendations conveyed to them in a consultation meeting. They have all committed to support FENZ actively in the implementation of the report's recommendations. This is a very positive and important step, which has already been foreshadowed by them all signing the Safety, Health and Wellbeing Policy Commitment.

It is vital to the overall success of the review that the unions and associations are able to take the information and learnings from this report (which have largely come from their own constituents) and use these in a constructive, forward-looking way. They have an important role in engaging with the implementation of the report's recommendations.

## Policies and procedures

The review concludes that to date bullying and harassment has neither been appropriately recognised as a risk nor appropriately recognised and dealt with in the FENZ Safety, Health and Wellbeing Strategy.

This must be rectified if FENZ is to deliver a fit for purpose service, and to meet its 2021 organisational health and capability target.

The FENZ integration process aims to unify the separate firefighting services by gradually integrating "the best of existing policies and procedures." FENZ should review its current policies for dealing with bullying and harassing in view of the observations in this report and either replace or amend the policies to make them fit for purpose before this part of the integration happens.

The safety, health and wellbeing of its people, and the public, is integral to everything FENZ does. Changes recommended in this report will need to be part of a wider initiative to support good behaviour, respect, professionalism and wellbeing across the entire organisation. The challenge is to get this out to the brigades to ensure both rural and urban volunteers are well looked after.

Although the current FENZ policies, procedures, guidelines and other documents generally align with FENZ and state sector values, those that relate to bullying and harassment lack detail and do not give comprehensive guidelines. They do not meet the State Services Commission's Standards of Integrity and Conduct of being fair, impartial, responsible and trustworthy. At present, they are not fit for purpose.

## Practices

The best practices for addressing bullying and harassment are those that aim to eliminate the behaviour from the organisation. They require cultural and attitudinal changes at both organisation and individual levels.

However, until those goals are achieved, FENZ must be able to address complaints with practices that are timely, fair and consistent. These practices must protect and support the rights of all parties and, where complaints are upheld, provide appropriate, proportionate sanctions.

The review concludes that current complaint practices do not always meet these requirements. Where they do, it is because of the skills of individuals who find themselves dealing with the matters rather than the policy and procedural framework that they are working in.

Practices for managing issues and complaints of bullying and harassment are not generally well-known nor trusted by FENZ personnel, who need better information and communication. They are beset by delays and breaches of confidentiality, and sometimes conflicts of interest. Access to advice and guidance about the procedures that are on the FENZ portal is limited for volunteers. The managers who often deal with complaints have had little or no education or training in how to manage these often complex and troubling cases. Processes and policies are not applied in a consistent way throughout the organisation, and lack transparency.

Targets of bullying behaviour often suffer from isolation and lack of support, as do those who are accused. Some of these also have doubts about the process providing natural justice.

## Responsibility for managing bullying and harassment issues

A clear allocation of responsibilities is necessary to implement the required new or revised FENZ bullying and harassment policies and procedures. The current separation of functions between People and Capability, Employment Relations, and Safety, Health and Wellbeing make for disjointed, uncoordinated responses to common issues, no more so than when it comes to dealing with bullying and harassment.

## Existing reports and Initiatives

The work already undertaken by FENZ has identified the need to integrate processes right across the organisation to reduce duplication. The review endorses this.

The work on values, model rules, diversity and inclusion, and the Women's Development Programme is critical to the underlying culture and behavioural change needed if bullying and harassment is to be eliminated.

The initiatives to improve health and wellbeing services and leadership development for volunteers are also important. It is to be hoped that this report will see these programmes include much-needed increased emphasis on bullying and harassment.

## How participants want the system to be improved

Participants have justifiable concerns about the processes by which bullying and harassing behaviour have been addressed in the past. In particular, there is a need for consistent nationwide policies and procedures. FENZ personnel recognise this and want to see such an approach adopted by FENZ.

Participants were unanimously supportive of a universal code of behaviour. Most wanted the opportunity for low-level early resolution of bullying and harassment issues by a skilled independent body, which could act in a timely and transparent manner that afforded natural justice to all parties.

## Ways to reshape

FENZ leaders from all parts of the organisation must commit to addressing the issue of bullying and harassment, to adopt a zero-tolerance approach to such behaviour, and aim to eliminate it from the organisation.

FENZ must be clear about the common values that of all its personnel adhere to. There is presently no single universal set of values that FENZ can apply consistently across its organisation, although work has started on this. This set of values needs to be formulated following engagement with workers, unions and associations. The review team has consulted senior leadership and the unions and associations on this point, and is gratified by the universal acceptance of the need for such a set of values.

Acceptance of and adherence to a code of behaviour is a prerequisite for the reduction of bullying and harassment.

The values and code of behaviour must be fully incorporated into all aspects of an individual's relationship with FENZ, so that each individual is made fully accountable to the code.

FENZ must set the performance requirements of the system for dealing with bullying and harassment. In setting these performance standards, FENZ has to decide what it aims to achieve. The aims in the terms of reference are a good starting point.

FENZ must have clear processes for delivering the standards it wants to achieve. The review team has identified two areas in particular: education and training, and the complaints process. Both need to be addressed without delay.

## Performance management

Performance management processes are an essential part of any well-run organisation. For present purposes, the lack of any systematic organisation-wide performance management process is, without question, a factor in the number and types of bullying and harassing issues that arise. Participants referred to claims of bullying that arose from attempts by managers to improve their performance.

FENZ must have policies and procedures to guide managers through the performance-management process with all of its personnel. These should be sufficiently transparent for personnel to understand both their performance expectations and the process by which this can be improved.

The wider issue of introducing and administering performance management is one that is a matter for FENZ, its personnel and unions and associations. For the purpose of addressing bullying and harassment, measures of performance in such a system should include adherence to values and a code of behaviour.

# Recommendations

## Terms of Reference A and B: Policies and procedures

It is recommended that:

1. active steps be taken by NZPFU and FENZ to address past industrial issues to ensure that FENZ provides a safe environment that is free of bullying and harassment.
2. the UFBA's representation and advocacy functions are re-evaluated by UFBA and FENZ to align with the proposed new processes for managing bullying and harassment cases.
3. FENZ and the unions and associations formalise their intention and commitment to eliminating bullying and harassment from FENZ, and commit to adopting the new FENZ values and code of behaviour into their constitutions or rules once these have been finalised.
4. FENZ acknowledges and systematically addresses the barriers to reporting bullying and harassment.
5. FENZ procedures are extended to ensure that the content and scope of their coverage are comprehensive and in line with state sector and WorkSafe guidelines and best practice.
6. FENZ creates an integrated framework for addressing bullying and harassment as a significant health and safety risk in FENZ.
7. FENZ develops tools to identify, eliminate or minimise the risks to mental health and wellbeing caused by bullying and harassment.
8. prior to implementing any controls and processes, FENZ will ensure effective worker participation and engagement processes are undertaken.
9. the work undertaken to address bullying and harassment is subject to regular monitoring and review of the effectiveness of the actions and controls, including at a governance level and with the engagement of all unions and associations.
10. the FENZ Standards of Conduct are amended to ensure that they provide enough information to all FENZ personnel and managers to enable them to be fully informed and to act in line with both the Standards and with the associated procedures and guidelines.<sup>3</sup>
11. the 'How Do I' guides are reviewed for effectiveness to ensure they meet the needs of all FENZ personnel.
12. once the review has been completed and a more coherent system of bullying and harassment policies and procedures is put in place, the template forms are amended to reflect the suggested processes and FENZ values, to ensure consistency in approach and consistency in the message received from FENZ management.
13. if the 'How Do I' guides remain in use, they need to be updated to ensure they are comprehensive to enable the reader to be fully informed about the options open to them, and that any relevant information is readily accessible when the relevant 'How Do I' guide is consulted.
14. a common set of procedures and practices for receiving and managing complaints of bullying and harassment is formulated and implemented without delay.
15. the practices and procedures for receiving and managing complaints of bullying and harassment include deadlines by which both targets and accused are regularly advised of the progress of the complaint and the outcome of any investigation.
16. all persons who are charged with receiving and resolving complaints of bullying and harassment receive adequate education and training in the definition and awareness of the dynamics that drive and support this behaviour.
17. all persons who have responsibility for receiving and resolving complaints of bullying and harassment receive adequate education or training in the delivery of the new procedures and practices.

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<sup>3</sup> <https://worksafe.govt.nz/topic-and-industry/bullying-prevention-toolbox/good-practice-guidelines-preventing-and-responding-to-bullying-at-work/>  
<https://worksafe.govt.nz/topic-and-industry/bullying-prevention-toolbox/>

18. FENZ provides adequate resources and support to collect and manage all data relating to bullying and harassment.
19. FENZ develops and implements a system of capturing and recording all issues, complaints, grievances and/or disputes regarding bullying and harassment.
20. FENZ develops and implements a process for systematically conducting exit interviews wherever possible for personnel leaving the organisation.
21. roles of the Human Resources team, the Employment Relations team and the Safety, Health and Wellbeing team in managing issues and complaints of bullying and harassment are reviewed and rationalised in the light of the other recommendations this report.
22. the positive initiatives to improve the FENZ workplace culture that have commenced continue to be resourced and advanced.

## Terms of Reference C: Practices

It is recommended that:

23. FENZ commits all necessary resources and effort into completing and implementing the Values project without delay.
24. a single code of behaviour, which applies to all FENZ personnel, is formulated and implemented after full engagement with workers and unions and associations.
25. the code of behaviour should define appropriate and inappropriate behaviours and specifically address bullying and harassment. It should support and include the common values referred to above.
26. the code of behaviour is included in job descriptions; recruitment documents; training materials; employment agreements, individual or collective; and is included in the FENZ performance framework as an individual accountability.
27. FENZ ensures that its performance management system includes adherence to values and a code of behaviour as one of the performance indicators.
28. the performance requirements of the system for dealing with bullying and harassment is formulated and implemented after full engagement with workers and unions and associations.
29. FENZ creates a cross-functional team to develop a strategy for the formulation and delivery of comprehensive FENZ-wide training and education modules on bullying and harassment.
30. once the strategy is approved, it is implemented without delay.
31. once a more coherent system of bullying and harassment policies and procedures is put in place, new training is undertaken and learning resources put in place to facilitate the transition to the new policies, and to ensure that staff understand any changes that have been made and what is expected of them as FENZ personnel.
32. FENZ develops and implements a complaints process for issues of bullying and harassment. The process should be monitored regularly, and reviewed and evaluated after 24 months of operations.

## Terms of Reference D: Other matters

33. It is recommended that all the recommendations in this report that are accepted and implemented by FENZ are regularly monitored and evaluated over a period of 36 months.

# Background to Review

The establishment of Fire and Emergency New Zealand (FENZ) on 1 July 2017 represents one of the most significant periods of change in the long history of firefighting in this country. More than 14,000 people from 40 separate organisations, including the New Zealand Fire Service, the National Rural Fire Authority, 12 Enlarged Rural Fire districts and 26 rural fire authorities were amalgamated into a single entity.

The amalgamation also brought together a range of formal and informal subcultures from across the urban, rural and volunteer workforces, as well as regional and national administrative and corporate support personnel. Each of these groups came with their own sense of identity, history and behavioural norms.

The environment and role of firefighters has also changed. Historically firefighters have focused on fire, but the modern role encompasses much more, including responding to a range of incidents from medical emergencies to large-scale weather events or disasters. The changing demographics of the communities served by FENZ brings changing expectations and challenges to the traditional cultures and ways of working.

The leadership of FENZ recognises that to create an effective and sustainable organisation with a shared identity and a culture of mutual respect, the organisation must provide a positive and supportive working environment in which bullying and harassment is not tolerated, and where incidents of bullying and harassment are adequately addressed.<sup>4</sup>

Reflecting this commitment, FENZ commissioned retired Judge Coral Shaw to review the workplace policies, procedures and practices in FENZ's workplace to address bullying and harassment.

Judge Shaw was supported by a reference group of experts to ensure that the right mix of skills and experience was brought to bear on the review.

The commissioning of this review coincides with this period of major upheaval in FENZ. Even over the relatively short time-frame of this review, there have been substantial changes within the FENZ organisation which have resulted in the loss of some positions, the creation of others, and some disruption to the established and traditional hierarchies. As at the date of this report, more and significant changes are imminent.

Amongst New Zealand public sector organisations, the Fire Service consistently rates with the public as having the highest reputation in terms of leadership and success, fairness, social responsibility, and trust.<sup>5</sup> It is recognised by some personnel, including the Chief Executive, that this public image is not always demonstrated internally.

All unions and associations, and many FENZ workers, recognise and accept the need for change. The review is seen by many as a positive sign of a commitment to change.

*"Really loving the fact that FENZ is being open about the problems... Well done for doing this review."*

<sup>4</sup> From Independent Review: Terms of Reference, p2.

<sup>5</sup> Colmar Brunton *Does our public sector measure up?* Media release, 11 June 2018 <https://www.colmarbrunton.co.nz/opinion-does-our-public-sector-measure-up/>

This view is not shared by all, however. Some sceptics have concerns about the ability of the review to make any real change, being “yet another box-ticking exercise” or a waste of time and money.

There is also a minority view that bullying and harassment is not a problem or, if there were problems, these are historic and no longer exist.

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*“This review and survey will change nothing: it is a lip service for senior management to be seen to be doing the right things.”*

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*“From experience there have been many surveys, internal inquiries etc... All seem to adopt a lot of words etc, but little, if any, actual change.”*

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*“They are the most trusted force in New Zealand but they have got the biggest skeletons in the closet.”*

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*“To say ‘FENZ has an issue with bullying’ is akin to ‘throwing the baby out with the bathwater’. FENZ has to deal with the bullies WITHIN its ranks: it does NOT have a culture of bullying. Please don’t tarnish the whole organisation with the same brush.”*

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*“The culture of the Fire Service is excellent and what draws people to the job.”*

The review has learned from a number of sources that FENZ not only inherited a problem of workplace bullying and harassment, but that this is ongoing. This is supported by some empirical data:

- Employee Assistance Programme (EAP) data from 2013 to 2017 show that 3% of presenting issues were related to bullying and harassment and 10% of work-related issues were concerns about bullying and harassment.
- Exit Survey data show that of the 220 individuals who completed an exit survey from November 2016 to April 2018, 8% left due to bullying and harassment, and 6% did not feel safe to report bullying and harassment.
- A 2016 report on diversity in the Fire Service contained numerous references to NZFS personnel’s experience of bullying, harassment and sexism. It noted that, despite policies being in place to deal with such issues, they were seldom reported because people did not want to be seen to be complaining or feared backlash from their colleagues.<sup>6</sup>
- A 2016 Internal Audit review assessed the NZFS systems against the 2014 WorkSafe New Zealand guidelines about workplace bullying and harassment. The review confirmed that bullying and harassment was an ongoing concern within the Service, and identified a number of issues that needed to be addressed in the way the Service prevented and responded to bullying and harassment in the workplace.
- Issues of bullying and harassment were raised at all but one of the 17 forums organised by Women in Fire and Emergency New Zealand (WFENZ) in 2017.

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<sup>6</sup> Allen & Clarke (2016) *Diversity in the Community versus Diversity in the NZFS: Who is missing and why?* New Zealand Fire Service Commission Research Report Number 142.

The review concludes that there are ongoing issues. Some pre-date FENZ and continue; others have occurred since the amalgamation. The nature and extent of the bullying and harassment is not universally appreciated across FENZ. This report aims to demonstrate the true situation to those who are not aware.

The extent of this behaviour in FENZ and FENZ's responses to allegations of bullying and harassment are described in this report in their own words by FENZ personnel who have been affected. It is vital that everyone who works in FENZ fully understands the offending behaviour and the effects it has on the culture of their workplace.

The terms of reference focus this review on bullying and harassment, although the last term of reference refers to "any other matters the review team considers appropriate."<sup>7</sup> Throughout the review it has become clear that bullying and harassment cannot be considered in isolation. These behaviours are not only caused by individuals: they are a product of the work environment and also have significant impacts on it.

This report inevitably deals with the general workplace context. It endeavours to keep these references as closely aligned to the principal issues of bullying and harassment as possible. The reality is that the significant changes and initiatives required for positive changes to the culture of FENZ and its processes towards bullying and harassment cannot be made without some changes to business as usual, especially in the areas of people management and leadership.

A lot of relevant and useful work has already been initiated and in some cases completed by FENZ such as, but not limited to, the development of FENZ-wide values, psychological wellbeing initiatives, and the Diversity and Inclusion Strategy. Some of the outcomes of this work have not been advanced or actioned in a systematic or meaningful way. The review is an opportunity for FENZ to revisit that work and to make use of it. Relevant findings and conclusions in them have been referred to and incorporated into this report.

The review has consulted widely both within and outside FENZ. It has shared and tested its preliminary views with a number of sectors and individuals. In this way, the review hopes that its recommendations are practicably achievable in the unique work context and environment of the 14000 FENZ personnel, the geographical spread of the workforce, and FENZ statutory and regulatory obligations.

Above all, however, this is an independent review. The commentary, the findings and the recommendations may have been informed by the discussions and consultations but, in the end, they have been made freely and frankly in what is to be hoped are the very best interests of all those who work in and for FENZ and for the organisation as a whole.

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<sup>7</sup> From Independent Review: Terms of Reference, p2.

# Terms of Reference

The Terms of Reference describe the scope of the review as follows:<sup>8</sup>

To ensure FENZ is able to promote and improve respect, safety, equality and freedom from unwanted behaviour in the workplace, the review will:

- A. Assess FENZ's current workplace policies, procedures and practices for addressing harassment and bullying in the workplace against best practice models in New Zealand, having particular regard to public sector standards and FENZ obligations under current relevant legislation.
- B. Identify existing policies, procedures and practices within FENZ that are fit for purpose and which exemplify the qualities of respect, safety, equality and freedom from unwanted behaviour in the workplace and are consistent with FENZ's Standard of Conduct.
- C. Identify ways to reshape policies, procedures and practices which are identified by the review as not fit for purpose in order to achieve:
  - 1. Committed and engaged FENZ leadership which aims to remove unwanted behaviours and reward positive behaviours.
  - 2. Consistent and demonstrated accountability by all FENZ personnel for their behaviours.
  - 3. Strong and comprehensive FENZ anti-harassment policies.
  - 4. Trusted and accessible FENZ complaint procedures.
  - 5. Regular, interactive training, education, mentoring and development opportunities tailored to FENZ and its personnel, aimed at empowering respect, equity and fairness. A culture where everyone feels safe and empowered to contribute equally.
  - 6. The removal of any barriers and support enablers to achieving these outcomes.
- D. Any other matters the review team considers appropriate.

The review does not investigate or make factual findings about the substance or merit of any individual incidents or allegations.

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<sup>8</sup> The entire Terms of Reference document is available on the FENZ website <https://fireandemergency.nz>.

# Methodology

The review drafted protocols to guide and inform the review process.<sup>9</sup> A dedicated email address was established so that personnel could communicate in confidence with the review team.

Relevant FENZ policies and procedures were identified and analysed.<sup>10</sup>

Past and current practices under FENZ policies and procedures were identified by a voluntary confidential survey designed by the review team to be completed by FENZ personnel.<sup>11</sup> The survey, completed by FENZ personnel both online and in hard copy, was administered by independent specialist social research company Colmar Brunton.

1,487 participants completed the survey. All were asked if they were willing to be interviewed and 500 responded positively. From these, over 60 people were selected from a wide and diverse range of personnel, from all regions, types of work in FENZ, and with different attitudes towards the issues under review.<sup>12</sup>

The review team also attended over 30 meetings with people from all parts of FENZ, including two hui that concentrated on issues relevant to Māori. The review was able to hear and consider many diverse opinions and views, including (but not exclusively) those from:

- rural and urban volunteer and career firefighters (past and present)
- business services
- area managers
- the senior leadership team
- the organisational leadership team
- leaders of unions and associations
- women in FENZ
- Māori personnel at two large hui
- trainers and recruits at the National Training Centre
- Human Resources and health and safety groups
- volunteer support officers
- fire risk management officers
- contractors.

Through the confidential review email address, a number of participants provided written submissions and additional comments, all of which have been considered.

It should be noted that the information-gathering part of the review was not conducted under research conditions. Great care was taken to ensure that a wide and representative distribution of participants was interviewed, but the sample was self-selected and it is not possible to state the degree to which views expressed can be generalised to all FENZ personnel.

Nevertheless, the information from participants speaks to the individual experiences of FENZ personnel. It is a valuable repository of information that FENZ can call on as it seeks to understand and address the issues identified in this report.

This report unapologetically includes many quotes from the participants. The review has extracted and used edited quotations from the participants that exemplify frequently expressed opinions and experiences. As the information was given on condition of confidentiality, all identifying information has been removed to protect the anonymity of individual participants.

In the interests of continuity, the commonly understood terms 'target', 'complainant' and 'accused' are used throughout this report to refer to people who experience, report, or are accused of bullying or harassment. 'Participants' are those who contributed to the review by completing the survey, being interviewed in confidence, expressing their views at meetings and hui, or making a written submission or comment to the review.

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<sup>9</sup> These can be viewed on the FENZ website <https://fireandemergency.nz>.

<sup>10</sup> A list of relevant FENZ policies, procedures and guidance documents is included in Appendix 1.

<sup>11</sup> The survey template can be viewed on the FENZ website <https://fireandemergency.nz>.

<sup>12</sup> The interview template can be viewed on the FENZ website <https://fireandemergency.nz>.

# What Participants Told Us About Bullying and Harassment

There is almost unanimous acceptance that FENZ needs to address its culture of bullying, but there is uncertainty about what constitutes bullying and harassment. Some are sceptical about whether the incidence and degree of bullying and harassment is as bad as it used to be. The participants told their stories through the survey, meetings and hui, and individual interviews.

Key findings from the survey data:

- Almost half (45%) reported witnessing and/or experiencing bullying or harassment in FENZ; less than half (43%) reported it.
- Bullying or harassment was more likely to be perpetrated by a colleague senior to the target (69%).
- Most people (76%) had no direct experience of the FENZ complaints process and half (53%) were not familiar with the FENZ reporting process.
- Few people (18%) sought support from anyone in FENZ for themselves, or someone else. Those most frequently approached for support were supervisor/immediate manager (50%).
- The few people (4%) who said they had been accused of bullying or harassment were more likely to seek support (39%) and almost half (45%) of them felt that people accused are not treated fairly.

## Bullying and harassment in FENZ

**From the survey:** Few people (11%) felt that FENZ was free of bullying and harassment, and almost half (45%) reported witnessing and/or experiencing bullying or harassment in FENZ.

**From FENZ records:**<sup>13</sup> The numbers of bullying and or harassing cases formally processed by Human Resources since 1 July 2017 are: **16 Volunteer, 14 Paid Firefighters (including 2 Trainees), and 7 Others (non-operational/non fire-fighter including contractors)**, and, in some cases, reasonably senior staff.<sup>14</sup>

The review was told that from a Human Resources perspective and practice, there are very few complaints from career firefighters, and that the vast majority of bullying and harassment issues in volunteer brigades are resolved within the brigade. This does not accord with the data provided by Human Resources, which shows that similar numbers of volunteer and career firefighters have made formal complaints. Given the actual numbers in these roles within FENZ, formal complaints by career firefighters appear to be disproportionately high.

Participants are concerned that the terms ‘bullying’ and ‘harassment’ are loosely and variably described and understood within FENZ. Many called for an organisation-wide clear and shared understanding of what bullying and harassment is, so that all personnel know how to recognise it in its many guises.

*“There is an enormous amount of work to be done around the word ‘bullying’ because I think there’s just so many different facets of it now that we never conceived of.”*

*“There is a perception that FENZ has a bullying culture... until recently not many people seemed [to think] it was really an issue. There was more of an acceptance that it just is this way.”*

<sup>13</sup> Data provided by Human Resources. These figures are referred to throughout this report where relevant.

<sup>14</sup> Due to the manner in which information is recorded, these figures must be interpreted with caution. For example, they do not include cases dealt with informally at brigade level without involving Human Resources.

There is a widespread perception that FENZ has a bullying culture at all levels and parts of the organisation, although not all agree with this. Some believe that the issue of bullying and harassment has been blown out of proportion: that people are being over-sensitive in an atmosphere of political correctness, and that this could damage the positive aspects of the firefighting culture.

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*“Bullying is a load of shit, made up by softy liberals... Being told you’re shit at your job is not bullying if you are. You are there to do a job, work with people to achieve an outcome, and if you feel slighted by been [sic] verbally abused, harden up petal.”*

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*“Let’s not erode the great culture we have as career firefighters and make the workplace so PC that we all operate in fear.”*

## Types of bullying and harassment

**From the survey:** The most frequent types of bullying and harassment witnessed or experienced in FENZ were:

- opinions and views ignored, belittled or ridiculed, being “shut down”
- excessive teasing, practical jokes, sarcasm or malicious gossip
- deliberate humiliation in front of colleagues
- freezing out, exclusion, ignoring or refusing requests for assistance
- verbally abusive or degrading language or gestures
- excessive, unwarranted criticism and monitoring of work
- deliberate withholding of information.

Participants described the undercurrent of insidious and subtle forms of bullying that build up and “chip away” over time, making it difficult to pinpoint actual incidents of bullying or harassment.

They gave numerous accounts of abusive behaviour, both physical and verbal, including threats of violence and disrespectful comments about gender, ethnicity, sexual orientation, and personal lives.

Some describe an environment in which sexism and sexual harassment are not uncommon. Many comments also suggest that there is an unacceptable amount of racism within FENZ, directed at colleagues and members of the public. Māori personnel are conscious of negativity towards Māori in general. Many believe that things Māori are not given a high priority or considered important. There is a desire to see Te Ao Māori normalised in FENZ so that it becomes an accepted part of ‘what we do, who we are’.

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*“What I am currently experiencing is almost insidious, I can’t pinpoint anything... it just chips away.”*

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*“Have witnessed Team Leaders and higher make sexist, racist, homophobic and transphobic comments openly at work – no repercussions.”*

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*“The things that were experienced by the members were open bullying, victimisation, belittling in the group, exclusion of tasks, exclusion of progression, exclusion of information, all within this small Brigade.”*

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*“I was told to ‘Shut the F-up, if we want something out of you we’ll kick it out of you.’”*

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*“He often threatened to smash and kill me, he’d say come down to the engine bay, and what he would do too would be the old punishment drill.”*

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*“I mean ... general racism towards our clients, coming from the very highest level. And the kind of language that’s used about the ethnicity of drivers and so on. Even from the Chief [who] calls Chinese people ‘chinks’, ‘slants’, calls Indian people ‘curries.’”*

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*“Would be cool to see more Māori icons and words used in not only the publications but our uniform or our trucks everywhere and anywhere.”*

Reflecting an increasing societal trend, participants reported witnessing and/or experiencing bullying or harassment through social media, including website and Facebook posts, emails or texts.

A number of comments describe behaviour that is a recognised phenomenon: where the roles of bully and bullied are blurred or transposed. In these cases, a person making an accusation of bullying may have that turned back on them, or a person accused of bullying becomes, or sees themselves as, a target of bullying.

The relationship between performance management and bullying was also raised with contrasting views. Some people believe that many claims of bullying are in fact reactions by people to attempts to manage their performance; others feel that complaints of bullying and harassment can be discounted or ignored by treating it as a performance issue.

*“I accept bullying is an issue that should be dealt with strongly, but there needs to be a fair and reasonable threshold before a complaint is allowed to be made and a thoroughly robust investigation process to ensure a person accused of bullying isn’t simply being harassed themselves.”*

*“Some members are using the ability to accuse their managers of bullying as a weapon and a delaying tactic when they are being spoken to regarding poor performance. There needs to be consequences for false or frivolous accusations.”*

*“I have no faith that for me, I would gain any value by whingeing about someone who can always sit there and say I’m only talking about performance issues, I’m only doing my job of managing these people.”*

## Impacts of bullying and harassment

Workplace bullying and harassment can have severe negative impacts for individuals (both targets and witnesses), including stress, anxiety and poor physical and mental health.<sup>15</sup> It also costs organisations significantly in terms of poor morale, increased absenteeism and staff turnover, and reduced productivity, safety and customer service.<sup>16</sup>

There is as yet no local data on the financial cost of workplace bullying and harassment, but a recent New Zealand study estimated the societal cost of cyberbullying at \$444m a year.<sup>17</sup> Australian estimates have placed the annual cost to the national economy at between \$6 billion and \$36 billion.<sup>18</sup>

Many people have experienced serious psychological impacts of bullying and harassment such as stress, anxiety, even suicidal thoughts and intentions.

People at all levels of the organisation, career and volunteer alike, spoke of the ‘career-limiting’ aspects of bullying and harassment. Several felt that the only recourse they had was to change roles or locations, or leave the organisation entirely.

*“I’m actively looking for another job because of my health. I mean it’s really affected me... I’ve never, ever had anxiety in my life and I’m astounded that ... I have to deal with it.”*

*“The investigation took [a very long time]. This takes its toll on a person. They offer EAP and think that is enough, but it is not.”*

*“There’s a lot of people just walking away ... we lose, even if they stay as an employee, often we lose their passion and commitment and they’ll go off and engage in some other area.”*

*“It affects your health, you know like when I was so stressed out about coming to work.”*

*“Sanctions are applied to the target person over a long time and often results in the career of the target person being blocked. I am aware of several cases where this is happening.”*

<sup>15</sup> Gardner, D., O’Driscoll, M., Cooper-Thomas, H. D., Roche, M., Bentley, T., Catley, B., ... & Trenberth, L. (2016). Predictors of workplace bullying and cyber-bullying in New Zealand. *International Journal of Environmental Research and Public Health*, 13(5), 448.

<sup>16</sup> D’Souza, N. J. (2017). *Cyberbullying at Work: Exploring understandings and experiences*. A thesis presented in partial fulfilment of the requirements for the degree of Doctor of Philosophy in Human Resource Management at Massey University, Albany, New Zealand.

<sup>17</sup> Sense Partners (2018). *Cyberbullying in New Zealand: Estimating societal costs*. <https://www.netsafe.org.nz/wp-content/uploads/2019/11/Cyberbullying-in-New-Zealand-Societal-Cost.pdf>

<sup>18</sup> Australian Government Productivity Commission (2010). *Performance benchmarking of Australian business regulation: Occupational health & safety*.

## Conclusions

There is no doubt that bullying and harassment is a feature of the FENZ workplace at all levels and across all regions. The effects of such behaviour are keenly felt by all involved, and impact not just the individual but the organisation as a whole, by diverting resources, time and energy that would be more usefully applied to the core business of FENZ. The perception that such behaviour only happens in other parts of the organisation is wrong. The perception that it is a thing of the past is also wrong. This is a serious issue that needs to be addressed.

# What Supports and Enables Bullying and Harassment?

Subcultures are an inevitable characteristic of an organisation like FENZ. A culture of mutual respect is essential to meet the goal of eliminating bullying and harassment so that FENZ becomes an effective and sustainable organisation with a shared identity and a culture of mutual respect. Intergroup differences, biases and power dynamics can work against this goal so it is important to identify the dynamics that drive and support this behaviour.

Participants identified a number of subcultures that impact significantly on workplace dynamics within FENZ.

## FENZ subcultures

### The Hero Culture

The nature of the firefighting job creates what is described by some as the “hero culture,” in which a degree of bullying is accepted, tolerated, and even expected from the “heroes.” In an environment characterised by a reduction of empathy, language of toughness, intolerance, collusion or acquiescence of unacceptable behaviour, people are often blind or blasé to the effects of their behaviour on others.

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*“...the whole lifestyle factor of being a firefighter is repressing your continual exposure to unfortunate things. You turn a blind eye to the blood and you turn a blind eye to an enormous list of things because you’re doing good. ...it’s easy to turn a blind eye to the bully as well.”*

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*“...the culture within the organisation is a tricky one because we’ve got to cope ... day to day [with] all sorts of nasty shit thrown at us. Whether it be finding dead bodies or injured people from car crashes, there’s the whole gambit of nasty things we have to do. And so we get a thickness about our skin.”*

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*“The culture has its own peculiarities and some of those probably ... facilitate more aggressive dealing with people.”*

### The Tribal Culture

Participants referred to differences and tensions between FENZ subcultures or “tribes” that contribute to or intensify bullying and harassment issues.

For example, many volunteers believe that they are not valued by FENZ or career staff who regard them as being less competent at the job.

Since the amalgamation, this division between career and volunteer now includes rural versus urban and vice versa.

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*“A majority of harassment occurs between career and volunteer staff and operational and non-operational staff, mainly due to lack of knowledge or understanding around what people actually do.”*

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*“There is a lot of disrespect of volunteers by career firefighters aimed at both rural and urban volunteers directly and indirectly... It is also very clear that the executive level is predominantly made up of ex-career firefighters yet the vast majority of firefighters are volunteers.”*

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*“They don’t care about volunteers. They have no idea how a volunteer station works. They only care about the paid staff.”*

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*Harassment about volunteers and the word TROG still comes out.”*

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*“As professional staff if any complaints or issues are raised against volunteers, we are automatically seen as being difficult and not accepting of volunteers.”*

## The Volunteer Culture

Of the 14,000 FENZ personnel, there are 11,000 volunteers.<sup>19</sup> Until the change to FENZ, volunteers operated out of independent brigades which, while adhering more or less to a set of Model Rules, developed their own cultures and processes for dealing with issues internal to the brigade.

In discussion with and about volunteers, participants said that bullying and harassment are common at brigade level.

Rural volunteers expressed a strong sense of community service; however, the very nature of small communities can provide fertile ground for bullying and harassment. It can and does impact on people's willingness to report bullying and harassment.

In these communities there are additional challenges for those trying to manage conflict within brigades. Few Chief Fire Officers (CFOs) have managerial skills appropriate to a modern environment.

Different professional standards are applied to volunteers compared to paid personnel.

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*"There is far too much of a bullying culture in smaller brigades. That needs to be addressed in order to retain firefighters and ensure everyone can safely and happily carry out their duties.*

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*In my brigade, covert bullying goes up to the highest level. Officers hold grudges and isolate, undermine and hold back some FFs. Women's skills, experience and opinions are dismissed. I have heard every officer being racist, homophobic or sexist."*

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*"It feels like a betrayal to go behind our Chief through some FENZ bullying reporting process. For volunteer Brigades it is very different to paid. We can't do anonymous complaints. We live in small towns, gossip travels."*

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*"I think there's kind of been a little bit of an attitude of, 'Oh, but we're really lucky to have them because they're volunteering their time'; but I don't think that in today's modern world that that cuts it any more..."*

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*"They use the word 'professional' and 'volunteer'. So I'm not required to reach any professional status... That's not true ... whether you're paid or not you're representing the most trusted brand in this country and you better live up to it."*

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<sup>19</sup> Approximate figures.

## Rank and power

**From the survey** – Those carrying out the bullying or harassment were most likely to be a colleague senior to the target (69%).

Some of the worst behaviour described by participants has occurred at senior levels. They ask, “Who do you complain to when the bully is in the senior rank?” It is difficult to ‘call out’ someone who outranks you.

The historic subcultures inherited by FENZ have very strong internal ties, which enables positions to be used to protect individuals accused of bullying or harassment. From many accounts the ‘Old Boys’ network is pervasive throughout FENZ at all levels and in both administrative and operational roles.

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*“They say that you should follow a chain of command, which you do, and sometimes that’s the problem.”*

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*“You have to understand that FENZ is an ‘Old Boys’ network. To maintain such a structure, everyone in it just keeps toadying up to the guys above... The situation is perpetuated by the ... hierarchical/uniformed operation – so you are unable to speak to anyone further up the chain than your immediate boss about any concerns or, more positively, suggestions for change and improvement.”*

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*“Our current culture emphasises the Old Boys network – and some of those higher-ranked operational staff protect their mates rather than doing the right thing. There is sometimes clear and obvious favouritism, and diversity is not valued.”*

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*“There is a thick layer of Old Boys’ club, discriminatory, closed, powerful and puffed up.”*

## Command and control

The Command and Control leadership style in FENZ is generally regarded as essential for the management of front-line operational firefighting but, in the view of many participants, is inappropriate for the many other functions of FENZ and contributes to bullying and harassment.

A context in which the only discipline is delivering what the leader demands can become fertile ground for poor behaviour and, particularly, bullying and cronyism.

In an organisation like FENZ where response is the keystone to the corporate culture, the strong operational focus contributes to a culture where operational performance or length of service 'credits' are taken into consideration when accusations of bullying and harassment are made.

Area commanders should be subject to the same behaviour and disciplinary processes as other personnel.

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*"A Command and Control centric organisation where hierarchy and many decisions are based on rank, not reason or science... rank structure which enables reinforcement of authority beyond its legally sanctioned, or operationally prudent bounds."*

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*"The leadership (Chief) at my brigade is the core of harassment and bullying within the station, playing favourites with some and targeting others."*

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*"If the complaint is against a more senior colleague or manager, the business tends to side with them as opposed to the complainant. This does come across as 'looking after their own.'"*

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*"There are two organisations going on here – one is if you wear a blue shirt and you're operational, and everybody else is everyone else."*

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*"Their view throughout [a complaints process] was that the SSO was a good operational Officer, it was as if this gave the SSO 'credits' to use up or that if you were good operationally it was somehow more acceptable to bully."*

## Unions and associations

Six unions or associations collectively represent the different occupational groups within FENZ. The leaders of the New Zealand Professional Firefighters' Union (NZPFU), Fire and Emergency Commanders Association (FECA), the United Fire Brigades' Association of New Zealand (UFBA), the New Zealand Public Service Association, Forest and Rural Fire Association of New Zealand, and the Rural Professionals Association.

Of these, the NZPFU, the UFBA and FECA represent the interests of three influential subcultures in FENZ: the career firefighters, the Volunteer Brigades, and the Area commanders or managers. NZPFU and UFBA came in for the most comment by participants.

### NZPFU

The New Zealand Professional Firefighters' Union (NZPFU) represents the professional firefighters employed by FENZ. As an industrial union it bargains the Collective Employment Agreement (CEA) that establishes the terms and conditions of employment for its members. Membership is voluntary but the majority of professional firefighters belong to the union as well as communications centre employees. It comprises 19 Locals, each with its own officer and local management structure. The overall governance and management of the union is through conference delegates and a national management committee.

Several participants commented on their experiences with the NZPFU. Some were positive, but others were critical of their personal experiences with and perceptions of the union.

A number of participants told the review of their ongoing concerns about the current situation of the few surviving Community Safety Teams (CST) scheme employees, who have been the subject of bullying behaviour since a serious industrial dispute in the 1990s.

Participants provided the review with some disturbing examples of inappropriate bullying and discriminatory emails and Facebook messages sent and posted earlier this year aimed at co-workers. The review accepts that these emanated from individuals and not from the NZPFU.

To put this issue in context, NZPFU has advised the review that "Any reference to CSTs refers back to draconian government/employer measures to conquer and divide the workforce and the firefighters' union in the 1990s. This was an era of unprecedented attacks on professional firefighters security and conditions of employment. Had the employer succeeded the professional firefighters' terms and conditions of employment, including safe systems of work, would have been decimated. The union, through its democratic processes, determined a response to the attack which culminated in successfully preventing the employer's unlawful actions through a significant legal battle. There were some that did not honour those collective decisions and put their own personal positions ahead of their colleagues collective interests and welfare. Any disharmony arising out of that era is the responsibility of the management/government actions of the day. It is not a result of any union action."

The NZPFU leadership has made it clear to the review that it neither condones nor endorses the behaviour described by participants; that its paramount priority is the health and safety of its members and that it has taken and continues to take active steps to reduce and mitigate unacceptable behaviour.

It is independently and proactively developing its policies and procedures about acceptable behaviour and working relationships.

*"They [the Firefighters' Union] have, over the years, certainly been party to bullying, but that has changed significantly – they've got a very different culture amongst them. "*

*"So, you know, there was horrible like bullying stuff going on back then... And it was a terrible, terrible time. But there's actually still the hangover of the CSTs and they call them the Cysts."*

## Comment on NZPFU

For FENZ to be free of bullying and harassment, all constituent parts and subcultures, including unions, have to share the same objective.

The review has been advised that this is a subject which is presently under discussion within the NZPFU and between the union and FENZ. This will be very welcome to those participants who, rightly or wrongly, perceive that the union and FENZ have taken little or no action to prevent or sanction this behaviour. It is also an important opportunity for the union to demonstrate its stated commitment to the elimination of bullying and harassment.

One of the important and legitimate roles of an industrial union is to protect its members' interests and to represent its members in grievance matters, and nothing in this report should be seen as derogating from that. However, protection of members is different from endorsing the alleged improper behaviour that may have given rise to a disciplinary matter. The review welcomes NZPFU's stated commitment to the elimination of such behaviour.

Effective policies and practices relating to bullying and harassment are an important element in providing a safe working environment, and enhance the work-life experiences of individual firefighters. FENZ is responsible for developing those policies, after engaging with the unions and associations and workers. As employer, FENZ is also responsible for imposing sanctions on any individual who acts in contravention of those Safety, Health and Wellbeing policies.

As a union, NZPFU should be able to philosophically align itself with the values, codes of behaviour, and the bullying and harassment policies of FENZ, while at the same time representing individual members. It also could usefully revisit its relationships with the volunteer sector of FENZ to ensure its internal policies are still fit for purpose in the new FENZ era, and that as a union it is not inadvertently contributing to a culture that condones bullying or harassment.

### 1.

It is recommended that active steps be taken by NZPFU and FENZ to address past industrial issues to ensure that FENZ provides a safe environment that is free of bullying and harassment.

## UFBA

The United Fire Brigades' Association of New Zealand (UFBA) supports and represents fire and rescue personnel. Under its constitution its members are individual brigades, not individuals. Its membership base comprises all brigades- career, volunteer, industrial and at least 1/3rd of the voluntary Rural Fire Forces.

The UFBA is particularly active in promoting the interests of these brigades by overseeing service awards, holding competitions designed to promote and demonstrate practical firefighting skills, and ensuring brigades run smoothly with their volunteer base. They also provide benevolent services to career personnel.

The Association is aligned by way of a MOU with FRFANZ and together they have assumed a broader but lesser known advocacy role which it regards as being agnostic but focussed on the volunteer sector.

The UFBA provides practical advice and assistance to brigades when issues arise that impact on brigade performance. This often includes issues that are personnel or management related, and the UFBA has built up considerable knowledge and experience in dealing with the full gamut of issues including dealing with bullying and harassment allegations.

At its AGM in 2017, UFBA members passed a remit that that UFBA also advocate for individual enrolled members of volunteer brigades. In this capacity it can find itself acting on behalf of individual fire fighters in conflict situations while at the same time representing the brigade to which that volunteer belongs.

*“Having said that, I think there are some good things going on with the UFBA and I do think the current Chair is worth his weight.”*

*“I tried to work with FENZ through the complaint and wasn’t supported very well and then went to the UFBA and it was quickly dealt with [with] a suitable outcome.”*

*“I think our UFBA needs to get a bit more mongrel in them. And stop being slightly in bed with them [FENZ]. They actually need to act more like a union for our interests.”*

*“But the UFBA will often be working against us... And so the UFBA can actually be quite problematic in dealing with this sort of thing.”*

*“The complaints process should at least be very easy to start, even having an obvious quick link on the home page of Firenet? That way, people who need to make a complaint can do so without awkward conversations with people on their crew or in their brigade.”*

*“So I think that roles and responsibilities aren’t very clearly defined... At the moment I think that the UFBA should not be involved in advocacy and support.”*

*There appears to be too many pathways at present i.e. UFBA doing one thing, FENZ another, or external assistance being involved.”*

## Comment on UFBA

Volunteer and professional firefighters share similar bullying and harassment concerns and experiences. All FENZ personnel, professionals and volunteers, are entitled to work in an environment free from bullying and harassment, and to have common access to quality information, advice and processes available when necessary to resolve issues as they arise.

Given that local volunteer brigade membership is voluntary and that each individual brigade has its own constitution, command and management structure, history and culture, FENZ and the UFBA face challenges when setting common values, codes of behaviour and objective accountabilities. Notwithstanding these challenges, it is essential that all firefighters, volunteers and professional alike, are subject to the same values, codes of behaviour and accountabilities as each other and as all other FENZ personnel.

If FENZ wishes to have a common culture that is underpinned by respect, a common set of values and behavioural expectations needs to be promoted for all, including brigades and individual volunteers. As the umbrella organisation for the brigades, the UFBA has an important role to play in the engagement about the formulation and promotion of the common values.

Individual volunteers with concerns or grievances must also have the confidence that any allegations of bullying and harassment are able to be dealt with by any informal or formal process in accordance with accepted rules of natural justice.

It is necessary for UFBA and FENZ to address the inevitable conflict of interest which arises when it provides advice or advocacy for individuals while at the same time representing brigades.

## 2.

It is recommended that the UFBA’s representation and advocacy functions are re-evaluated by UFBA and FENZ to align with the proposed new processes for managing bullying and harassment cases.

## FECA

The Fire and Emergency Commanders Association's (FECA) membership is drawn from the ranks of Area and Assistant Area Managers/Commanders undertaking operational roles in the five FENZ regions and NHQ roles. The organisation's role is to provide advocacy services to members and to promote high professional standards in emergency management. FECA represents a group of middle-tier managers who have considerable responsibility and influence when dealing with allegations of bullying and harassment.

None of the surveyed participants referred expressly to FECA, although comments were made (recorded elsewhere in this report) about individual senior staff who may be members of FECA.

To date, much of the responsibility for managing the process of inquiry and resolution of bullying and harassment issues has fallen on the shoulders of these managers, who often have oversight of such issues when they arise and then make the final decisions about the outcome of investigations into this behaviour.

Several of these managers have in turn been the subject of complaints of bullying and harassment. Sometimes this comes from their attempts to correct performance and manage the complex human dynamics that arise in any workplace.

Members of FECA expressed frustration and dissatisfaction at having to spend significant and sometimes disproportionate amounts of time in this challenging role without adequate support and training. They say that this is affecting their health and welfare, and they have no time to be leaders.

As the association that represents these managers, FECA expressed support for a process that would enable bullying and harassment issues to be dealt with at first instance by an independent specialist unit.

## General comments on unions and associations

It is to the credit of all of the unions and associations that each of them has expressed unreserved support for this review, and have given generously of their time to engage with it. They endorsed the review's preliminary draft recommendations conveyed to them in a consultation meeting. They have all committed to support FENZ actively in the implementation of the report's recommendations. This is a very positive and important step, which has already been foreshadowed by them all signing the Safety, Health and Wellbeing Policy Commitment.

It is vital to the overall success of the review that the unions and associations are able to take the information and learnings from this report (which have largely come from their own constituents) and use these in a constructive, forward-looking way. They have an important role in engaging with the implementation of the report's recommendations, along with education and advice to members and, of course, representing members in disciplinary situations.

Organisational change within FENZ will not be assisted if each union or association has internal values, codes of behaviour and standards that are inconsistent with those adopted by FENZ after engaging with them.

The review suggests that the unions and associations and their membership could positively demonstrate their unequivocal support for this review if each of them adopted the new FENZ values and code of behaviour into their constitutions or rules. Ultimately that is a matter for the agencies and their membership.

### 3.

It is recommended that FENZ and the unions and associations formalise their intention and commitment to eliminating bullying and harassment from FENZ, and commit to adopting the new FENZ values and code of behaviour into their constitutions or rules once these have been finalised.

## Fear of speaking up

### *From the survey*

Over half (53%) of those who witnessed and/or experienced bullying or harassment did not report it. The most frequent reasons for not reporting were:

- concern about the impact on working relationships
- would not have made any difference
- afraid of repercussions/retaliation
- concerned that it would not be kept confidential
- worried about how I would be perceived.

Many participants commented about a culture of “keeping your head down,” in which fear of the consequences or possible retaliation meant people were afraid to report bullying or harassment or to speak out against unacceptable behaviour.

Other reasons for “not making waves” related to the power of peer pressure, wanting to “fit in” and be accepted as part of the group, as well as team loyalty.

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*“I never understood why women who were bashed and beaten stayed with their partners, but actually going through that [complaints process] with her, I get it now. It’s the fear.”*

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*“There is a culture within the organisation that you just keep your head down and you get on with your job. And you don’t make a fuss. You don’t make waves.”*

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*“I think the process is a grenade with a pin in it... you write one email to initiate the process, you pull the pin and you don’t quite know where it’s going to blow up and how far. It’s just something you can’t undo, I guess is a lot of the fear.”*

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*“I think it is part of the culture of being in a team that you feel you are being disloyal by reporting someone for bullying or harassment. Like somehow you are betraying the person or letting down your crew. It needs to be explained to people that sometimes it is disloyal not to report things because of the damage they can cause, and that the person treating you badly is not being loyal to you or your crew.”*

## Leadership issues

Destructive leaders (autocratic, ineffective, unethical, incompetent, or inconsistent) and high levels of team conflict are related to higher rates of workplace bullying.<sup>20</sup>

Participants believe that leadership style should vary depending on the work being done. For example, the command and control style that is appropriate to the fire and emergency operational situation is not appropriate to managing people at the station or doing administration work. A balance is needed.

Performance management processes were described as inadequate and not widely or appropriately used. The union is seen as blocking organisational attempts to manage performance issues.

A strong theme from the many comments about promotion and advancement was the perception that promotion is an automatic, time-based process. The rank-based structure is seen as allowing people to be promoted into positions for which they lack the necessary skills.

Many managers acknowledge that they lack the “soft skills” or “people skills” they need, particularly in dealing with conflict or complaints. Training is desperately needed for this.

*“There is a serious lack of leadership and people management capacity in the management structure and ... the culture of ‘command’ rather than leadership leads to a number of the issues that the organisation has around bullying and harassment.”*

*“The trouble is there’s two ways we have for fire management. There’s, on the incident ground it’s very autocratic ... and then back at the station it is a more collaborative, or should be more collaborative.”*

*“In our brigade, as in many brigades, the people at the top are not the people who are best suited to that job. Because they’re the people who’ve been around for the longest, have been good Station Officers, which requires good operational knowledge and being calm under pressure and being able to bark orders at people, but doesn’t make you good at managing people, at creating a good culture.”*

*“When we get promoted, we don’t get ‘soft’ people skills, that’s something we lack.”*

*“Lack of management training is a big contributor to personality clashes and potential bullying issues in some brigades. Better training for senior personnel and officers should be a high priority.”*

<sup>20</sup> Gardner, D., O’Driscoll, M., Cooper-Thomas, H. D., Roche, M., Bentley, T., Catley, B., ... & Trenberth, L. (2016). Predictors of workplace bullying and cyber-bullying in New Zealand. *International Journal of Environmental Research and Public Health*, 13(5), 448.

## Change and resistance to change

Many participants believe that, in some areas and aspects at least, change is happening, although there is a recognition that change is complex and will take time. Some, but not all, Māori participants have noticed positive changes to their working environment.

Participants see positive change as new people of a new generation come through, but also observe that some of the new are influenced or tainted by the old guard, or pushed out if they are not seen as conforming.

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*“The culture is changing as more recruits and younger people are coming through.”*

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*“Really good younger firefighters who are coming up through the ranks, getting quite good, and then becoming ... a perceived threat to the middle management of the brigade. These people say that they’ve essentially been bullied out of the brigade.”*

Others noted that FENZ’s low staff turnover rates generally contribute to the slow rate of change as it takes a long time for change to trickle down through the ranks.

Recognising the previous harm that has been caused, people would like FENZ to acknowledge wrongs that were done in the past, and deal with historical issues that continue to plague the organisation.

Participants referred to the “top down” or “bottom up” approach to driving change in FENZ. They want clear, strong leadership and for leaders to actively model the expected behaviours: “walk the talk.”

In addition, many comments reflected the belief that change is the responsibility of all: that it can’t just be driven from the top.

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*“We don’t have a high turnover of staff, you find practices continue for a very long time and ... those people have come through, they’ve brought that culture with them, it hasn’t changed.”*

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*“You’ll have to change the entire culture, which is almost impossible when you’ve got guys that’ve been around for 30 years that have ingrained opinions and habits.”*

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*“What I was sort of proposing ... the organisation stands up and admits to the wrongs that were done in the past ... the organisation put people in a terrible, terrible situation ... and then failed providing a safe workplace for them. And I think that would go a long way to addressing some of the issues of the past.”*

A more inclusive and diverse workforce is seen as an important driver to change the bullying culture, but there are concerns about how this can be achieved.

Participants commented that there is a lack of clarity, and consensus, about what diversity and inclusion really mean.

Those who have been affected by negative stereotyping recognise that inclusion is more than diversity, and want to ensure that FENZ is a safe place to work for those who are presently feeling marginalised.

Some participants oppose the drive for diversity and inclusion, which is seen as “politically correct nonsense” involving quotas and tokenism.

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*“Systems reinforce a non-inclusive culture where particular people and types of roles are highly regarded and others are not valued.”*

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*“I don’t know if everyone really understands what being diverse and inclusive means ... people think diversity is ethnic diversity and culture is ethnic. It’s not. It’s a whole group of different people from different backgrounds coming together.”*

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*“It is about expression of individuality. How confident are we in being able to express ourselves, whether it’s our ethnicity, our religion, our gender, or our orientation? How confident are we to take that to the workplace?”*

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*“I would question the need to make change for the minority. Surely when recruiting ... you employ a person based on whether they fit the requirements of the role irrespective of their being male/ female, homosexual/ heterosexual, European, Māori, Pacific Islander or whatever, it is up to those individuals to fit into the general culture and accepted standards of a firefighter, not the other way around. The phrase is ‘When in Rome...’”*

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*“People seem to walk on egg shells at times around different ethnic groups and groups of the opposite sex for fear of been [sic] accused of harassment or bullying.”*

## Conclusions

Individuals who bully and harass cause harm and should be held individually accountable for their actions by FENZ. The fact that they belong to or are influenced by a particular subculture may enable them to act as they do, but this does not excuse their behaviour. The review heard of examples where bullying behaviour has been overlooked, downplayed or excused by FENZ because the perpetrator is perceived to be a “hero firefighter,” an important manager, a long-service volunteer with deep connections into the local community, or a union member. The status of these individuals has enabled them to bully and harass with impunity.

Some groups are more likely to be targets of bullying and harassing. There are still unacceptable levels of racism, sexism and LGBTQIA+ discrimination. The review notes that significant work is being done at senior management level to stamp out all forms of discrimination, but that this work needs to be communicated to all levels of the organisation and sanctions applied where it is demonstrated.

Subcultures and tribes are inevitable, and to an extent necessary, in a very large and complex organisation like FENZ. However, it is important that as FENZ moves to implement its stated aims of diversity and inclusion and the elimination of bullying and harassment, these subcultures have to be recognised, acknowledged and addressed when education and other training initiatives are being planned and implemented.

The review notes that there is a perceptible although not yet universal shift in the awareness of and the need to eliminate bullying and harassment within FENZ. There are still barriers to reporting this behaviour. FENZ must acknowledge and systematically address these barriers in the same way that it has addressed and largely overcome former barriers to reporting Health and Safety issues. To a large extent the success of this will depend on the creation of better avenues for raising issues of bullying and harassment.

### 4.

It is recommended that FENZ acknowledges and systematically addresses the barriers to reporting bullying and harassment.

# Terms of Reference A and B

The first two Terms of Reference require the review to:<sup>21</sup>

- A. Assess FENZ's current workplace policies, procedures and practices for addressing harassment and bullying in the workplace against best-practice model in New Zealand, having particular regard to public sector standards and FENZ obligations under current relevant legislation.
- B. Identify existing policies, procedures and practices within FENZ that are fit for purpose and which exemplify the qualities of respect, safety, equality and freedom from unwanted behaviour in the workplace and are consistent with FENZ's Standard of Conduct.

It became apparent at an early stage of the review that there are significant differences between present FENZ policies and procedures for addressing bullying and harassment and the way those policies and procedures are, or are not, practised.

For this reason, this report separates out the written policies and procedures for assessment. The report then describes the current practices, and assesses them against compliance with the policies and procedures, with relevant legislation and with the needs of FENZ personnel.

These Terms of Reference are considered under the following headings:

- Legislative requirements
- Current policies and procedures
- Current practices
- Responsibility for management of bullying and harassment issues

## Legislative requirements

The key legislative requirements as they apply to bullying and harassment are set out in Appendix 2.

The Health and Safety at Work Act 2015 (HSWA) imposes a primary duty of care on persons conducting a business or undertaking (PCBUs), to eliminate, or if unable to eliminate, then to minimise, risks to health and safety, so far as is reasonably practicable.<sup>22</sup>

Duties imposed under the HSWA are not limited to PCBUs, however. Officers of PCBUs, workers themselves, and any other person at a workplace are also required by the HSWA to comply with certain health and safety obligations.<sup>23</sup>

Section 16 of the HSWA defines a hazard as including a person's behaviour where that behaviour has the potential to cause death, injury, or illness to a person. As the regulator of the HSWA, WorkSafe NZ has determined that hazardous behaviour includes bullying or harassing behaviours that harm another person.

The effects of work-related stress resulting from bullying and/or harassment can be associated with or result in anxiety; antisocial behaviours; illness and disease; poor morale and low engagement; reduced productivity and efficacy.

A PCBU also has a duty to engage with its workers and ensure that relevant information pertaining to health and safety is readily available to those workers.<sup>24</sup>

The Health and Safety at Work Act 2015 requires New Zealand workplaces to address the issue of bullying and harassment. Bullying and harassment are recognised psychosocial work-related health risks that must be managed and controlled as part of an organisation's health and safety management plan.

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<sup>21</sup> From Independent Review: Terms of Reference, p3.

<sup>22</sup> HSW Act section 36.

<sup>23</sup> HSW Act sections 44, 45 and 46.

<sup>24</sup> HSW Act sections 58 and 59.

As a Crown Agent, and as a result of the transitional provisions (section 4) of the Fire and Emergency New Zealand Act 2017, the State Services Commission(SSC) Standards of Integrity and Conduct apply to FENZ.

As part of complying with the SSC Standards, FENZ is required to maintain policies and procedures that are consistent with it. Any FENZ policies and procedures must therefore encompass the values set out in the SSC Standards and FENZ must at all times be:

- (a) fair;
- (b) impartial;
- (c) responsible; and
- (d) trustworthy.

## Current FENZ Bullying and Harassment Policies and Procedures

Given these legislative imperatives, there is no doubt that bullying and harassment in the workplace poses health and safety risks to individuals and to the organisation, and requires effective and consistent management.

FENZ has committed to being a leader in providing a safe workplace for its workers and to implementing effective processes to support this. In 2017 the FENZ Board adopted a new five-year Safety, Health and Wellbeing Strategy, in which it acknowledges that the risks to safety, health and wellbeing of FENZ personnel must be managed.

The intention of the Strategy is to guide and inform governance and management decisions, provide a basis for setting an annual work plan and objectives, influence the prioritisation of initiatives and resources, provide a clear picture of the focus and intent of initiatives and programmes, benchmark and track outcomes and achievements.

The recognised broad critical risk areas are physical safety, risks to psychological wellbeing, and work-related health. The Strategy states that “behavioural safety remains an ongoing high risk -how to engage, lead and support our people effectively,” so “we do it because we believe it.” One of the Strategy’s key indicators to measure advancement in safety, health and wellbeing is “increasing understanding of all leaders and personnel on psychological health and wellbeing.”

The Strategy identifies the current top ten critical risks. Given the nature of the core business of FENZ, it is no surprise that all of these are physical risks or psychological stress, illness, disease or fatigue arising from front-line fire and emergency operations.

The broad strategy refers to psychological health and wellbeing. However, the only reference to bullying is in the description of the psychological wellbeing risk: “Sudden or gradual risk to wellbeing arising out of operational response and workplace or personal stressors. For example, stress disorders from exposure to serious injury and sudden death, work overload, bullying.” Harassing behaviour is not mentioned.

The 2016 Audit into Bullying and Harassment recognised the incidence of this behaviour in the workplace, but did not rate the risk as anything more than moderate.<sup>25</sup> The primary risk identified in that report is the reputational risk to the organisation.

The review has been advised that FENZ has had an organisational risk register for less than 18 months, that bullying and harassment has not been raised as a risk by the Directorates and is therefore not recorded on that register.

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<sup>25</sup> Referred to below in **Existing reports and initiatives relevant to Bullying and Harassment**.

The review concludes that to date bullying and harassment has not been appropriately recognised as a risk nor appropriately recognised and dealt with in the FENZ Safety, Health and Wellbeing Strategy.

A desktop review of current FENZ policies, procedures, rules, standards and codes of conduct, and other relevant FENZ documents relating to bullying and harassment was undertaken. It included a number of other guidelines, manuals and learning tools designed to assist employees in understanding and using the resources available to them for issues of this nature.

The expectations regarding conduct and behaviour are set out in the FENZ Standards of Conduct (Standards) and expanded upon in a wide range of other policies, procedures, guidelines, templates and other documents. Many of these documents simply refer the reader on to other documents, and do not themselves contain any substantive information or guidance. Tables demonstrating the wide range of documents that currently exist, and their application to different types of personnel within FENZ, are attached in Appendix 3.

Volunteers and employees have a number of distinct policies and procedures that apply to them. In several cases it is unclear to whom the current policies and procedures apply, and precisely what mechanisms are available to the large number of FENZ volunteers.

FENZ's current workplace policies and procedures for addressing harassment and bullying in the workplace are contained in the FENZ Standards of Conduct, the 'How Do I' guides, and a number of procedures that address specific actions taken by managers during the investigation process following an allegation of harassment or bullying.

*“Bullying and harassment are SAFETY issues that relate to the essence of leadership and management: it is not possible to have a safe environment AND have bullying and harassment present. An unsafe environment leads to cost (ER, recruitment and loss of organisational knowledge), underperformance (at best) and harm at worst.”*

*“The matter of the health and safety of FENZ employees is most often overlooked. Bullying, harassment, intimidation, and discrimination can all result in stress for the target of those actions.”*

## FENZ standards of conduct including values

These were last nominally updated in May 2018. They state that their aim is to ensure compliance with the SSC standards and its associated guides, such as the guide to 'Implementing the Code of Conduct'. They are intended to be a reference point and to be read in conjunction with other policies and procedures, both within FENZ and to state sector standards. Specifically, the current policies and procedures are dependent on one another to ensure that the FENZ values, and those set out in State Sector Standards of Integrity and Conduct, are met.

In comparing the standards to best-practice documents, including the SSC Code and other state sector policies and guidelines, WorkSafe guidelines, and examples of good practice from other organisations, the review finds that the standards:

- fail to define different types of harassment
- fail to provide examples of the sorts of behaviour that will be considered unacceptable when that behaviour is viewed in light of the standards
- do not address responsibilities of employees when they become aware that unacceptable behaviour is taking place, which is relevant as it relates to employee conduct and the expectations of the employer.

The standards are a reference point for the more specific FENZ policies and procedures. As each relies on the other, they affect the adequacy of the other procedures and guides; however, they are vague and lacking in detail. The review considers the existing standards do not adequately address bullying and harassment, and the options for addressing these issues are spread across many different documents.

## FENZ policies and general guides

These include:

- i. Safety, health and wellbeing commitment;
- ii. Critical Incident and Personal Stress Support (CIPSS) administration manual;
- iii. Employees: What's Available: health and psychological support;
- iv. FENZ induction booklet;
- v. Health screening programme 'Hauora' manual;
- vi. Managing your wellbeing – Guide to CIPSS;
- vii. Need to talk? List of internal and external support services;
- viii. Safety, health and wellbeing manual;
- ix. Stay Well – A3 Poster;
- x. Staying Well – a pocket guide to M.A.N.E.R.S<sup>26</sup> psychological first aid;
- xi. Staying Well – promoting wellbeing and resilience – a guide for supporting firefighters;
- xii. System guide: Assess Safe@Work event;
- xiii. System guide: Record level 1 investigation findings;
- xiv. System guide: Record level 2 or 3 investigation findings;
- xv. System guide: Review investigation findings and close event;
- xvi. System guide: implement and close Safe@Work action;
- xvii. Volunteers – What's Available: health and psychological support; and
- xviii. Wellbeing conversations guideline.

Most of these guides are useful as quick-reference points to the resources or contacts available to FENZ personnel. This is particularly the case with the brochure-style documents, which are visually appealing, and the information contained within them is readily accessible at a glance.

The safety, health and wellbeing manual is a comprehensive guide that appears to have been gradually replaced by the 'How Do I' guides (reviewed below). In some respects, this manual is a more coherent source of information than the 'How Do I' guides, as it is all contained in one place.

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<sup>26</sup> Six stage model to provide support for emergency service personnel:  
1) Minimise exposure; 2) Acknowledge the event; 3) Normalise reactions;  
4) Educate as required; 5) Review, restore or refer; 6) Self-care.

## Template documents

FENZ has created a number of template documents that are made available to employees and managers as a further guide to how to address issues of safety, health and wellbeing when they arise:

- i. Absence and wellbeing interview form;
- ii. Protected disclosure form;
- iii. Template cover letter to draft investigation report;
- iv. Template draft investigation report;
- v. Template letter to initiate disciplinary process;
- vi. Template peer support activity summary;
- vii. Template region critical incident and personal stress support (CIPSS) coordinator activity summary;
- viii. Template warning letter;
- ix. Template level 1 investigation report;
- x. Template level 2 investigation report; and
- xi. Level 2 investigation overtime and allowances claim form.

Making template forms, letters and reports available to employees and managers is a useful tool to ensure that employees and managers know what is expected of them, but also to ensure consistency in approach across the organisation. It is important that all templates reflect the most up-to-date policies and procedures.

## Learning tools

In addition to the above policies, procedures, guidelines and template documents, FENZ has a number of 'learning tools' or modules, designed to be used as methods of training FENZ employees in the use of the above policies, procedures and guidelines. These include:

- i. Bullying and harassment learning scenarios;
- ii. Poster – Stop Bullying Pink Shirt Day;
- iii. PowerPoint presentations:
  1. Bullying – professional development programme;
  2. Staying well – promoting psychological wellbeing and resilience;
- iv. Facilitator guide: bullying – professional development programme;
- v. Student notes: bullying – professional development programme.

Learning tools are important in ensuring that employees and managers are fully informed both about the existence of the policies and procedures available to them, but also about how to implement those policies and procedures when it becomes necessary to do so. However, clearly all learning modules or guides in place need to reflect the most up-to-date policies, procedures, and values of FENZ.

## ‘How Do I’ guides

These set out the expected process for how personnel should respond to bullying and harassment; report and investigate alleged misconduct; raise and resolve an employment relationship problem; and make a protected disclosure about serious wrongdoing.

The more detailed procedures set out how managers should make an initial misconduct assessment; consider suspension pending an investigation; inform respondents of a misconduct allegation; conduct an investigation and present findings; draft an investigation report; approve and issue a draft investigation report; consider response and make misconduct decision; and raise an employment relationship problem or lay a complaint.

Most of the ‘How Do I’ guides take the form of a flowchart that then requires the user to click onto other layers of guides, resources or tools (such as template letters or reports). Although the ‘How Do I: Respond to bullying and harassment?’ guide is more comprehensive, the review concludes that this guide is not fit for purpose in addressing the issues in the current FENZ environment.

The layers of materials required to be reviewed and clicked on to understand FENZ’s approach to dealing with bullying and harassment would benefit from being simplified.

These key policies and procedures deal with general internal employee matters and do not clearly articulate the process that will be applied in such cases. The avenues for the volunteers to raise a concern or a complaint are unsatisfactory.

Where a complaint of bullying and/or harassment is made, it is important that complainants and those accused of bullying know what actions they can expect to be taken, and to remain informed on what steps are being taken. Following an assessment of these guides the review finds that there are several areas of deficiency:

- The self-help recommendations do not adequately set out the range of options available, and specifically, the range of people that are (or should be) available to employees to approach with concerns, as set out in the WorkSafe guidelines. Specifically, there is no reference to a designated contact person for a complainant to approach with concerns. There should also be a greater emphasis on the importance of a person who feels bullied approaching the person whose behaviour concerns them only if they feel safe to do so.
- The guide does not set out the process that should be followed if a formal complaint is put in writing. Importantly, there is no breakdown of the possible outcomes of the resolution process and what to expect if a complaint is upheld.
- There is no provision for a confidential process for people to safely report bullying or harassment, nor any description of what actions are expected of bystander or witness employees.
- The guide requires more detailed description of harassment and the different forms this may take. Specifically, there is no mention of sexual harassment or cyberbullying as distinct concepts.
- There is no breakdown of the roles of those involved in the response process.
- It is silent about what to do where it is found that the complaint is vexatious or malicious.
- The guide refers to multiple sources of material and options available for addressing issues of this nature. Further, there are multiple ports of entry for raising an issue or making a complaint. The complexity of the materials and the lack of clarity around how to deal with issues is not an effective framework.
- The current policies do not expressly address psychological abuse, hazing, racism, sexism or abuse of rank. This needs to be addressed.

The other 'How Do I' guides are suitable first-step reference points, though they could cover a more comprehensive range of steps. For example:

- The 'How Do I: Raise and resolve employment relationship problem?' guide should set out sub-steps to the 'attempt to resolve problem' step so that readers of the guide understand what this entails.
- The 'How Do I: Report and investigate alleged misconduct?' does not refer the reader to the WorkSafe Advice for Workers Quick Guide. This would be a useful tool in providing additional and expanded information to that contained in the guide.
- The 'Complainant/witnesses' column should elaborate on the post-reporting steps, i.e. what measures or resources are available to ensure that a complainant or witness who raises an allegation of misconduct feels safe, supported and protected (instead of simply 'receive support').

## General investigation procedures

- The 'Make initial misconduct assessment' procedure fails to set out the different types of misconduct that managers or employees should keep an eye out for, i.e. sexual harassment and cyberbullying.
- The 'Consider suspension pending investigation' procedure fails to set out alternative measures to suspension of the accused person in order to protect the complainant, should suspension not be deemed appropriate in the circumstances. In considering whether suspension is an appropriate measure to take, managers should be aware of what the alternative options are and what the likely outcome will be if they choose not to suspend.
- To be consistent with state sector standards, the 'Conduct investigation and present findings' procedure should identify that a copy of the draft findings and any new information should be provided not only to the respondent, but also to the complainant for comment.
- The 'Draft investigation report' procedure is brief and vague, and it is difficult to see how it would enable managers to comply with state sector standards.
- The 'Approve and issue draft investigation report' procedure could detail what sort of considerations the reviewer should consider when completing the review of the report.
- The 'Consider response and make misconduct decision' procedure should include a recommendation that the employer should tell both parties what processes are available if either party is unhappy with the decision that has been reached.
- The 'Raise employment relationship problem or lay a complaint' procedure does not provide employees with enough information to be able to deal with their issue in the most informed manner. It is not sufficiently clear about the different options available to employees in any given circumstance. For example, in order to be consistent with state sector and WorkSafe guidelines, the procedure should set out what happens if the employee has an allegation of discrimination or harassment but does not want to raise a formal personal grievance, which is the prescribed 'next step'.

## Conclusions

The review concludes that to date bullying and harassment has neither been fully recognised as a risk, nor been appropriately dealt with in the FENZ Safety, Health and Wellbeing Strategy. This must be rectified if FENZ is to deliver a fit-for-purpose service, and to meet its 2021 organisational health and capability target.

The review acknowledges that the Health and Safety at Work Act 2015 came into force at pace, and that many workplaces are still building and refining their health and safety management systems and governance approaches in the light of the Act. The review also observes that while bullying and harassment are high-profile issues for workplaces, it appears few New Zealand workplaces have developed cohesive systems for addressing the issues beyond implementing a policy and a complaints procedure.

The FENZ integration process aims to unify the separate firefighting services by gradually integrating “the best of existing policies and procedures.” FENZ should review its current policies for dealing with bullying and harassing in view of the observations in this report and either replace or amend the policies to make them fit for purpose before this part of the integration happens.

In shaping the new organisation, one of FENZ's foundational priorities is that the safety, health and wellbeing of its people, and the public, is integral to everything FENZ does. The changes recommended in this report will need to be part of a wider initiative to support good behaviour, respect, professionalism and wellbeing across the entire organisation. The challenge is to get this out to the brigades to ensure both rural and urban volunteers are well looked after.

As initial tools, the ‘How Do I’ guides are useful as a first go-to for employees and managers. However, given that they will often be used as a first step, it is important that the guides are comprehensive enough to ensure that the reader is fully informed about the options open to them, and that any relevant information is readily accessible.

These guides are not applied uniformly. Volunteers advised the review that they do not have easy access to these guides or options as they are on the FENZ intranet, which can only be accessed by volunteers on a computer in the station, the access of which can be observed by other members.

All of them should be more detailed and provide more information. Almost all of them are missing a reference to the need to keep matters confidential during the reporting and investigation process. According to best practice and to state sector and WorkSafe guidelines, this is a matter that should always be emphasised at each stage of the process.

No policy or procedure should cut corners. The procedures themselves should either be fully informative or ensure that they point to other resources that are fully informative. The current procedures do refer the reader to other, more specific procedures, but each of these procedures have room for more detail and cannot be described as comprehensive guidance.

WorkSafe NZ states that “There is often confusion between challenge and stress in the workplace. While challenge at work can have positive effects on people, work-related stress is a work-related health issue that can pose risks to psychological and physical health.”<sup>27</sup> This confusion has been identified at FENZ and is reflected in interviews with participants.

As bullying and harassment is indisputably a health and safety issue, a modern approach to this issue is required. Effective and consistent management of this risk is essential. It is no longer appropriate or sufficient for it to be dealt with simply in one policy that is supplemented by a complaints/investigation procedure. However, it is equally unsatisfactory to have such a large number of different policies, procedures, guidelines and other documents.

Although the current FENZ policies, procedures, guidelines and other documents generally align with FENZ and state sector values, those which relate to bullying and harassment lack detail and do not give comprehensive guidelines. It is not possible to say that they meet the SSC standards of being fair, impartial, responsible and trustworthy. At present, they are not fit for purpose.

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<sup>27</sup> WorkSafe website <https://worksafe.govt.nz/topic-and-industry/work-related-health/work-related-stress>

It is recommended that

**5.**

FENZ procedures are extended to ensure that the content and scope of their coverage are comprehensive and in line with state sector and WorkSafe guidelines and best practice.

**6.**

FENZ creates an integrated framework for addressing bullying and harassment as a significant health and safety risk in FENZ.

**7.**

FENZ develops tools to identify, eliminate or minimise the risks to mental health and wellbeing caused by bullying and harassment.

**8.**

Prior to implementing any controls and processes, FENZ will ensure effective worker participation and engagement processes are undertaken.

**9.**

The work undertaken to address bullying and harassment is subject to regular monitoring and review of the effectiveness of the actions and controls, including at a governance level and with the engagement of all unions and associations.

**10.**

The FENZ Standards of Conduct are amended to ensure that they provide enough information to all FENZ personnel and managers to enable them to be fully informed and to act in line with both the Standards and with the associated procedures and guidelines.<sup>28</sup>

**11.**

The 'How Do I' guides are reviewed for effectiveness to ensure they meet the needs of all FENZ personnel.

**12.**

Once the review has been completed and a more coherent system of bullying and harassment policies and procedures is put in place, the template forms are amended to reflect the suggested processes and FENZ values, to ensure consistency in approach and consistency in the message received from FENZ management.

**13.**

If the 'How Do I' guides remain in use, they need to be updated to ensure they are comprehensive to enable the reader to be fully informed about the options open to them, and that any relevant information is readily accessible when the relevant 'How Do I' guide is consulted.

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<sup>28</sup> <https://worksafe.govt.nz/topic-and-industry/bullying-prevention-toolbox/good-practice-guidelines-preventing-and-responding-to-bullying-at-work/>  
<https://worksafe.govt.nz/topic-and-industry/bullying-prevention-toolbox/>

## Current Practices to Address Bullying and Harassment

The survey results, interviews and meetings revealed that there are wide variations in the way FENZ deals with allegations of bullying and harassment under the current policies. Many participants are not familiar with the policies and procedures. There are many examples of the policies and procedures not being followed. Several participants expressed serious concerns about those procedures that have been used.

### *From the survey*

- Half (53%) felt that they were not familiar with the FENZ reporting process. This was particularly true for women, urban volunteers, and rural volunteers.
- People who had been accused of bullying or harassment, and people who had sought support tended to be more familiar with the FENZ process.
- Most people (76%) had no direct experience of the FENZ complaints process.
- Of those with prior experience, almost half felt that that the complaint was not dealt with in a timely manner (51%), that the process was not fair and transparent (49%) or that the options available were not adequate or appropriate (46%).

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*“I think it depends on the individual who receives the complaint. Some may not agree it is bullying and think it is a ‘personality clash’ and not seek appropriate advice.”*

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*“It’s apparent that those who make the investigation are not skilled in that process. They might be very good operational firefighters but they have no experience about the process.”*

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*“You can have the absolute best processes in place, you can empower your Chief or your area manager to use that process, but if they’re not actually prepared to use that process and they just do their own thing, they need to be held to account for that.”*

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*“Many do not want to follow through with an issue they may have. They will raise something informally but will not take the next step and make it official, while also specifically asking for it not to [be] followed up and for conversations to remain confidential. As a result, it is difficult to follow up, to get both sides of the story, and action as required.”*

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*“I understand that information has to be gathered and the more complex the more time it takes... I feel that the victim should be able to have a fairly detailed progress report sent to him or her... When an investigation drags out for some time like mine, I get the feeling that management are not taking the complaint seriously.”*

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*“There is absolutely no confidentiality within the brigade, with personal information being handed out to those who have personal ties to senior members. This then becomes community knowledge, privacy simply doesn’t exist.”*

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*“I have seen many complaints through area management looking for assistance and I am astonished at the length of time, effort and energy it takes to get a resolution to even the simplest of issues. I am also surprised how managers manage the same issues differently and there appears to be no consistency. There also seems to be a large variation with chief fire officers when dealing with issues at a local level. I am very concerned at the amount of time that is consumed both at station and area level dealing with issues.”*

Although there were some positive comments, generally the experiences of the participants who had been through the complaints process are negative. Processes are not known or poorly understood; sometimes they are ignored or only used to pay 'lip service'.

Participants spoke of multiple, disconnected processes that cause confusion. Processes and policies that are not applied in a consistent way throughout the organisation create further problems.

A frequent concern is the long-drawn-out nature of the complaints process, which results in additional stress for all involved.

A culture of gossip and talking about workmates behind their backs, at all levels of FENZ, contributes to a lack of trust and confidence in the process.

The adequacy and timeliness of information and communication on issues of bullying and harassment procedures was an issue for many participants. Access to the FENZ internet portal where all procedures are kept is problematic.

Participants said that the procedures are good if you can find them but that the portal is extremely difficult to navigate around; the layout of the complaints process is difficult to decipher; and there is a huge amount of information.

For volunteers the issue is more acute. They do not have access to the FENZ portal outside of the Brigade Station and do not want to be seen looking it up in front of others for information and guidance on sensitive matters such as bullying and harassment.

They believe that there is a need for better information and communication to all individuals, across all levels and parts of FENZ so there is open access to procedures that are readily accessible, anywhere, anytime.

The guiding principles for managers in the Bullying and Harassment Policy includes contacting the Human Resources Services team for policy and process advice and guidance, and contacting the Safety, Health and Wellbeing team for advice and guidance on matters of wellbeing to support those involved. It also gives links to a variety of external agencies.

However, many participants expressed their lack of trust in FENZ to treat their complaints in a fair, timely and confidential manner.

*"Our intranet site is not well set out in terms of where people can go to get information. A lot of information is there but it is too difficult for people to find what they need around raising a complaint etc. Secondly our processes and guidelines are written for managers dealing with a complaint – we need to also provide guidelines for the person raising the complaint, in plain English."*

*"In theory ... if you've got good access to the internet and you know how to use the FENZ portal (which everybody laughs about because it's so hard to get onto), the information is there... FENZ information is actually quite good if you can find it. If you consider that most of our members are volunteers... [they] don't always get access to the Fire Service network, and at the times when you need it most you might not be near a computer where you can use your Fire and Emergency login."*

Among the reasons given for this lack of confidence are:

- The nature of the relationship between brigades and other parts of the organisation means that there is significant potential for perceived and actual conflict of interest.
- Few of the CFOs and other line managers who are presently receiving and processing complaints of bullying or harassment have received education, training, or the opportunity to acquire the particular skills necessary to deal with these complex cases.
- Area managers are frustrated by the amount of time and effort they are having to devote to these cases and lament their lack of skills to do so.
- There is a widespread call for an independent process, but at the same time to have people involved in the process who are familiar with FENZ's unique working environment.

## The Complaints Process in Practice

Of the 37 cases formally processed by Human Resources since 1 July 2017, 25 have been or are in the process of being investigated. The rest were dealt with by informal resolution, mediation, interpersonal conflict resolution or not proceeded with, either because they were raised during an exit process or, having been raised, no further information was received.

All of the investigations except two were done by line managers, some of whom were assisted by Human Resources, or by Human Resources alone.<sup>29</sup>

In some (undefined) situations, the line manager may investigate and come to a decision and use Human Resources as support/advisor if and when required according to the issue, but without Human Resources being necessarily directly involved in the investigation as such.

In others, both Human Resources and the line management will investigate together, effectively operating as a combined panel with the Human Resources support directly participating rather than advising and supporting at arm's length, and the investigation will then tend to result in recommendations or findings to be considered and adopted by the decision-maker.

Human Resources may also investigate alone on some occasions and similarly make findings or recommendations to be considered and adopted by the decision maker.

The review was not provided with any protocols or operating procedures that guide decisions as to who does what in any of these situations.

The following is an attempt to describe how complaints of bullying and harassment are generally dealt with in practice. This is based on information from Human Resources managers and advisors, area managers and CFOs, as well as people who have been through the process as targets or accused.

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<sup>29</sup> Two were or are being done by external investigators. Line managers include any Area Manager, Assistant Area Manager, Principal Rural Fire Officer, Chief Fire Officer, Controller, Business Unit Manager etc as the case may be, depending on the area of FENZ involved. Human Resources includes the relevant Human Resources Manager or Senior Human Resources Advisor, or Principal Advisor Workplace Relations, or Human Resources Business Partner Workplace Relations, depending upon the circumstances.

## Making a complaint

There are currently many entry points used by personnel who choose to report bullying or harassment. At present this is encouraged by the policy. For example, if a person chooses an informal intervention they are advised to seek guidance or help from “a CFO or controller or some other leadership,” or “a union or association representative, Region Safety, Health and Wellbeing Coordinator, Human Resources Services team etc.” If a person chooses external intervention, they are directed to the Mediation Service of MBIE, Employment Relations Authority, Human Rights Commission, WorkSafe NZ, and the Police.

Even given these officially sanctioned avenues, participants told the review that they have, or know of people in FENZ who have resorted to making complaints, either in the first instance to raise a complaint, or to complain about the processes adopted by FENZ, to at least one of the following: The Chief Executive, the Office of the Chief Executive, the NHQ 0800 number; a CFO from their own or another brigade; Regional manager; Area manager; local Member of Parliament, the Minister of Internal Affairs; a National Commander (rural or urban); Human Resources either at regional or national level; Safety and Wellbeing coordinators; the FENZ injury management unit, NHQ Legal; their own legal advisor; the Workplace relations team; one of the unions and associations; or the current Interim Disputes Resolution Scheme.

Very few participants who have experienced bullying or harassment have taken the option in the policy of confronting the person whose behaviour has concerned them.

*“I should have been stronger and called him out on it. It was just that it was in front of many, many people.”*

*“...it would be the hardest, hardest thing in the world to stand up against another firefighter or officer and say, ‘That is unacceptable.’”*

## Receiving complaints

The way a complaint is dealt with more often than not depends on who makes the complaint and to whom it is made. At times the procedure set out in the portal is carried out to the letter, but this is far from all cases.

Those who receive complaints deal with them in different ways. In part this is sensible given the range and levels of behaviours and the complexity of the social dynamics, particularly but not exclusively in volunteer brigades. However, this review has found that there is little or no coordinated education or training in how to manage complaints, and that the response and any procedure that is adopted depends largely on the individual who receives them.

The review was told that the role of Human Resources in this situation is to advise the CFO but have no authority to make decisions. When Human Resources is advised of a complaint, the area manager is informed. The area manager should not have to get involved too early but needs to have some oversight as he or she may become the decision-maker later.

If the matter gets out of control at brigade level, as it often does, the matter is referred to an area manager. If the area manager is involved in some way, the regional manager is informed. If this occurs, Human Resources will carry out an investigation.

Area managers find themselves dealing with many of these complaints, and have strong views on the problems they face.

*“We’re not trained, we’re not coached... It’s a lack of clear process and lack [of] training in process.”*

They refer to a lack of a workable process for CFOs to manage the performance of volunteers at the brigade level. This means that matters are not resolved and escalate. A common problem occurs when a volunteer’s performance is criticised and in turn the volunteer alleges that he or she is being bullied by the CFO or other officers. The brigade managers try to deal with the matter in an informal way.

Area managers find that they are sometimes in danger of a conflict of interest if they complain about an individual, as they are also often called on to be the decision-maker after an investigation.

## Investigations

Following complaints, investigations are undertaken by a variety of individuals, either on their own or in partnership with Human Resources.

The approach taken may vary according to the seriousness of the accusations made. In the case of an alleged assault for example, the accused was immediately stood down. An official investigation was started by the Area Manager, who completed a Terms of Reference and established the details of the allegation. In effect the Area Manager became the complainant and the investigator, but not the final decision-maker with respect to the outcome/ resolution.

Area Managers report particular difficulties when dealing with volunteer issues that have been escalated following unsuccessful attempts to resolve them. There is usually little or no documentation of the issues or steps that have been taken, so the investigation has to start over.

One manager adopts a ‘three strikes’ process for less serious complaints, where a restorative result is being sought and where expectations are clearly articulated.

Some complaints appear to be escalated too quickly when a resolution could be sought at a local level first. In one example, a person accused of bullying received written notification and a summons to attend a meeting with a senior officer and the Regional Human Resources Manager. Believing this to be an extreme approach for a low-level issue, the person sought advice from another officer, who agreed that it should be handled locally.

*“[Investigations] vary, it’s all over the place. So there are some Human Resources managers who are doing it... I saw one investigation [where] the lead investigator was a senior firefighter from a different Brigade...”*

*“The investigation was conducted by the Human Resources person and another Area Commander, so I stood aside, I didn’t investigate it.”*

*“An officer who fights a major fire is not necessarily going to be a good investigator for somebody accused of sexual harassment, and to make those enquiries. And I’m sorry to say that Human Resources doesn’t necessarily seem to have that acumen either.”*

*“The issues are not satisfactorily dealt with. There are delays and lack of consistency...”*

*“Strike one is initial email. Strike two is a letter saying you’ve got one more chance. Happens again, we’re now entering into a formal discipline process where the allegation is made as a breach of some law, whether it be harassment or disciplinary or our own internal rules of engagement.”*

*“He wasn’t an independent mediator, but he was a very good mediator and I feel that he did an excellent job ... we were both at this meeting, we didn’t talk to each other, we talked through him about what the expectation was and what was and wasn’t bullying and the confidential arrangement at the end of it was a memorandum of understanding between us. And I thought that was very effective. We both got to say how we felt and he was very fair and reasonable.”*

## Support for targets

### *From the survey:*

- Only 268 (18%) sought support from anyone in FENZ for themselves, or someone else. This was higher for those accused of bullying or harassment (39%).
- The people most frequently approached for support were supervisor/immediate manager (50%).
- Overall one-third (34%) felt that support services for victims were adequate. This was notably lower for those who had experienced (15%) or reported (16%) bullying or harassment, or had sought support (20%).

Some people reported positive experiences and felt well supported, in particular from their colleagues, when they were targets of bullying and harassment. Generally, however, this was not the case. Most individuals who have been targets suffered from a strong sense of isolation and lack of support. That same sense of isolation and lack of support has also been experienced by officers in brigades where complaints had been made.

Resources such as EAP, Vitae, VSOs and Peer Support are seen as positive and helpful by some; however, many are not aware of these services, do not understand what they are for, or do not trust that they (especially EAP) are truly confidential.

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*“Unofficial, peer-based support is very effective. Pretty much everyone has someone they trust that they can talk to if they feel like there are issues, whether that is someone on the crew or station or elsewhere within the brigade.”*

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*“We don’t do anything about it, we have no support, no one to turn to. I just go home, talk to my partner, have a cry and then return the next day.”*

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*“After the complaints process there is no after support to help put the brigade back together.”*

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*“They did explain I had options and they did offer help in terms of VITAE or EAP. I didn’t want to take that because I felt a lack of trust in Fire and Emergency. I know that it was confidential supposedly, but I didn’t feel very reassured with the way it had been managed to that point. And so I didn’t take it.”*

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*“They may know about it [EAP], but they think that you have to be referred to it, they think that it’s only for if you’ve been to a very grizzly [sic] accident ... when in fact it’s available to anybody at any time for anything.”*

## Issues for those accused of bullying

### *From the survey:*

- Only 56 people (4%) reported that they had been accused of bullying or harassment.
- Most learnt about the claim against them verbally from a manager or senior person in FENZ (39%), with claims against them made primarily by a junior colleague (61%).
- Almost half (45%) of those accused did not feel that people who face an allegation are treated fairly.

**From FENZ records:** of the 15 investigations completed by human resources 7 were not upheld.

From the information supplied to the review about investigations into bullying and harassment, of 15 completed investigations, 7 were not upheld.

Allegations of bullying and harassment can cause significant stress for those accused. Those who have been in that position perceive that there is less support available for an accused compared to complainants.

Participants felt that those accused do not receive a fair hearing, and that even when they are cleared of the allegations, explanations or apologies are seldom given and the ‘fallout’ from being falsely accused can be long-lasting. Strong views were expressed about the need for sanctions to be applied to people who make false accusations.

Two of the most concerning issues for those accused of bullying or harassment are the long-drawn-out nature of the complaints process and subsequent investigations; and poor communication about what is happening during and after the investigation.

Participants also spoke about a lack of confidentiality surrounding accusations and outcomes of investigations, with examples given where confidential settlements have been inappropriately shared on social media.

*“The accused suffered a lot of stress and anxiety based on the accusations and the process ... was found not to be at fault [but] no effort to apologise or explain the approach was made.”*

*“I was required to read the accusations and was devastated by what I was accused of. I had no right of reply... I felt that Human Resources role was not one of support, but of who will I believe.”*

*“There is this massive fear of the unknown, they’ve essentially been given a very formal letter from the bosses, and often that’s either just handed to them or emailed to them ... but there’s no personal conversation.”*

*“Very disillusioned with the entire affair, policy and application. Any B & H investigation should look at ALL the factors that lead [sic] up to an event, not just an isolated event or a perceived event. There seems to be an awful lot of support given to the complainant but very little (none) provided for the accused.”*

## Sanctions or outcomes for accused

The review was told that, apart from one case which involved an outside contractor whose contract was discontinued, where complaints were upheld the outcomes have been one settlement agreement and three warnings. The rest were described as “informal action.”

There is a clear sense that the culture of bullying has been perpetuated by a lack of accountability: that unacceptable behaviour has been condoned at all levels from the individual to senior management. FENZ is seen as “looking after its own” with policies and actions that benefit the organisation rather than individuals.

Many participants referred to complaints being ignored and not actioned or followed up, resulting in bullying being “swept under the carpet.” There is a strong belief that complaints are not taken seriously: that they are diminished or excused as “personality clashes.”

Concern was also expressed about the failure to communicate the findings of an investigation or complaints process to all parties.

Participants say that rather than dealing with the issue, the person making the complaint is transferred to another station or area or brigade. They describe the common practice of transferring people who become problematic, instead of managing them. They believe that this just moves the problem around, with the behaviour repeated elsewhere.

## Conclusions

The best practices for addressing bullying and harassment are those that aim to eliminate the behaviour from the organisation. They require culture and attitudinal changes at both organisation and individual levels.

However, until those goals are achieved, FENZ must be able to address complaints with practices that are timely, fair and consistent. These practices must protect and support the rights of all parties and, where complaints are upheld, provide appropriate, proportionate sanctions.

The review concludes that current complaint practices do not always meet these requirements. Where they do, it is because of the skills of individuals who find themselves dealing with the matters rather than the policy and procedural framework that they are working in.

Practices for managing issues and complaints of bullying and harassment are not generally well known nor trusted by FENZ personnel, who need better information and communication. They are beset by delays and breaches of confidentiality, and sometimes conflicts of interest. Access to advice and guidance about the procedures that are on the FENZ portal is limited for volunteers. The managers who often deal with the complaints have had little or no education or training in how to manage these often complex and troubling cases. Processes and policies are not applied in a consistent way throughout the organisation, and lack transparency.

Targets of bullying behaviour often suffer from isolation and lack of support, as do those who are accused. Some of these also have doubts about the process providing natural justice.

Solutions for these deficiencies are outlined later in this report.

It is recommended that:

## 14.

A common set of procedures and practices for receiving and managing complaints of bullying and harassment is formulated and implemented without delay.

## 15.

The practices and procedures for receiving and managing complaints of bullying and harassment include deadlines by which both targets and accused are regularly advised of the progress of the complaint and the outcome of any investigation.

## 16.

All persons who are charged with receiving and resolving complaints of bullying and harassment receive adequate education and training in the definition and awareness of the dynamics that drive and support this behaviour.

## 17.

All persons who have responsibility for receiving and resolving complaints of bullying and harassment receive adequate education or training in the delivery of the new procedures and practices.

## 18.

FENZ provides adequate resources and support to collect and manage all data relating to bullying and harassment.

# Responsibility for Managing Bullying and Harassment Complaints

## People and Capability

As at the date of this review, the People and Capability Team is part of the National Headquarters management and service group. It comprises a number of teams that includes those responsible for Health and Safety, Payroll, Organisational Development, Remuneration, and the Workplace Relations and Human Resources team.

Responsibility for the deficiencies of the policies and procedures and the lack of standard and effective practices to address bullying and harassment must be borne by FENZ as a whole organisation. The implementation of the recommendations of this report will, however, have most impact on the roles and responsibilities of three parts of the Directorate of People and Capability, particularly Human Resources; Safety, Health and Wellbeing; and Employment Relations. The review recommendations may also have an effect on the design of the proposed Dispute Resolution Scheme that is required by legislation.<sup>30</sup> However, this is a matter for FENZ to determine.

*“The processes and Human Resources support is always good, but HR is stretched... This can cause the situation to fester and create more problems or complexity.”*

*“Region HR help and advice is great. Once it gets to NHQ it is delayed and nothing happens.”*

*“But the process was quite drawn out... I was getting frustrated having meetings all the time to repeat the same stuff.”*

*“FENZ has the policies and procedures but Human Resources are too slow and show reluctance in acting on them and leave managers unsupported.”*

*“Even if you go to Human Resources, they’re not there to help you with the problem, they’re here to protect the business from your problem...”*

## The Role of Human Resources in responding to bullying and harassment

Many participants volunteered opinions about the role and performance of Human Resources staff in relation to bullying and harassment issues. The review team interviewed, either individually or in small groups, most of the personnel engaged in Human Resources who took the opportunity to share their own experiences and opinions.

A common theme was that Human Resources provides good advice and support, but is limited by workload pressures.

There are regional variations in the roles, approaches, skill level and reputation of Human Resources, with perceived and actual differences between approaches taken by Regional Human Resources and Human Resources in NHQ.

The Human Resources processes are too slow and complaints take too long to resolve.

<sup>30</sup> Section 178 of the Fire and Emergency New Zealand Act 2017.

A lot of participants think that the main role of Human Resources is to protect FENZ and its reputation.

Some participants felt that Human Resources is not supportive and has a 'like it or lump it' attitude.

The present practices for dealing with bullying and harassment cause stress to everyone involved, including the affected parties, managers and Human Resources personnel alike.

Human Resources staff believe that they are a thinly stretched resource, especially with the inclusion of volunteer brigades into their realm of responsibility. They are aware that personnel are unclear about the role of Human Resources in investigating bullying and harassment, and the boundaries between their responsibilities compared with that of the Area Managers. They see their role as Human Resources is to give sound, objective advice to personnel and managers, but they are compromised to a certain extent by having to protect FENZ from risk. There is not 'one team' taking responsibility for this, and no consistent approach.

Human Resources' role is 'reactive' when it should be about proactively managing risk for the organisation by partnering with the regions. A re-prioritisation with appropriate resourcing is needed.

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*"As a team [Human Resources] we are just chasing our tail and are a bit lost in terms of our role."*

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*"There is a lack of trust in the process and we [Human Resources] are not good at demonstrating outcomes and learnings for communicating resolutions to all parties."*

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*"I think [we, Human Resources] are viewed as administrators ... only go to them for advice when they've tried and it hasn't worked and so we're picking up the pieces."*

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*"I can advise and recommend and suggest and point out the risks or the negatives of not following that advice. But at the end of the day it is always the manager's decision."*

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*"We can then act as real coaches, real partners with the business, run workshops, educate. There's so much that we're not doing."*

In spite of working very hard, Human Resources staff feel that they are hamstrung by the current processes, including the model rules, and by the involvement of unions in the process, in particular the UFBA. Human Resources staff find that at times union behaviour towards Human Resources is personally aggressive, intimidating and bullying.

Human Resources staff believe that the first level of leadership, particularly in volunteer brigades, needs educating in how to deal with bullying and harassment issues when they come up, to create a first line of defence. Many CFOs do not have the skills or understanding and, as a result, unresolved issues can turn into accusations of bullying and harassment. Human Resources advice is frequently not followed: it seems managers only listen to Human Resources when it suits them.

Human Resources staff do not feel valued by FENZ and believe that they are frequently used as scapegoats, "getting it" from all sides. A manager stated frankly, "We seldom satisfy either party."

Several FENZ Human Resources practitioners referred to the inadequacies of the current system performance management. Some say there is no such system: others that it only applies to career firefighters.

Human Resources staff are of the view that, as an organisation, when it comes to making final decisions on bullying and harassment cases, it fails to follow through on processes. It gets to a certain point and then backs off, so outcomes are not appropriate to the level of the incident or behaviour: for example, when warnings are given for serious misconduct.

Human Resources staff are aware that while they know where to find information, that is not the case for all, and the 'How to' section doesn't work well for this type of information. They say that policies must be made more accessible and understandable.

## The Role of the Employment Relations Team in responding to bullying and harassment

The Team deals with collective bargaining and employment relations issues such as discipline and personal grievances. It supports Human Resources managers and advisors with disputes and workplace problems and performance management, and gives general advice about volunteer issues when requested by Chief Fire Officers.

Its personnel undertake investigations and, like the Human Resources staff, observe that those who make the final decisions after an investigation treat the perpetrators of bullying and harassment differently from other misconduct cases that result in disciplinary action.

Although the Employment Relations Team is one of the many places that may deal with bullying cases, it is far from clear if it has any specific transparent protocols for dealing with these.

## Data and case management records

FENZ does not yet have a process to systematically collect accessible data on how many issues, complaints, grievances and/or disputes arise across FENZ regarding bullying and harassment.

There is no case management system for dealing with bullying and harassment cases. This was explained as a problem caused by lack of resources, and resistance by operational managers.

On request, People and Capability provided the review with information about issues raised or categorised specifically as bullying or harassment since 1 July 2017. However, this information had to be especially sourced and collated to meet the request. While useful, this information appears to be confined to those matters which came to the attention of Human Resources. There is no way of ascertaining how many other bullying and harassment issues were dealt with outside the Human Resources system.

The review was told that while there are some exit interviews of professional staff and firefighters, this does not occur for volunteers. This means that information that could be used to flag the issues, identify areas of success and areas of concern, and change organisational behaviour is not currently available to FENZ.

It is recommended that:

**19.**

FENZ develops and implements a system of capturing and recording all issues, complaints, grievances and/or disputes regarding bullying and harassment.

**20.**

FENZ develops and implements a process for systematically conducting exit interviews wherever possible for personnel leaving the organisation.

## The Role of Safety, Health and Wellbeing in responding to complaints of bullying and harassment

Health and Safety is managed by the People, Safety and Support team. This team is responsible for several work streams, including the safety, health and wellbeing of employees, the injury management unit, remuneration, human resources information systems and payroll. Since 1 July 2017, volunteers have come within the scope of this team.

Under the Safety, Health and Wellbeing portfolio, the team's primary focus is primarily prevention of harm and promoting safety, health and wellbeing. In this context, some work is being done on analysing indicators of stress such as early exiting and absenteeism.

Fifty health and safety coordinators in the regions engage with personnel at the local level and are seen as the first port of call for personnel on health and safety issues. There is also an online system of reporting injury. There have been some claims of bullying and harassment made through that online resource. These are managed by staff who deal with sensitive events. The issue may be handed to the regional Human Resources manager but there are no hard and fast procedures.

### Conclusions

A clear allocation of responsibilities is necessary to implement the required new or revised FENZ bullying and harassment policies and procedures. The current separation of functions in People and Capability, HSW Employment Relations, and Safety, Health and Wellbeing make for disjointed, uncoordinated responses to common issues, no more so than when it comes to dealing with bullying and harassment.

The lack of any systematic data collection and case management system hampers a full understanding of the extent of the bullying and harassment issues faced by both the organisation and individuals.

The boundaries of Human Resources policy and procedures are blurred. Some practices adopted by Human Resources to deal with bullying and harassment claims do not appear in FENZ guidelines. For example, managers are not clear if their role includes mediation and conflict resolution, although several do undertake this work.

Presently Human Resources staff react competently to issues as they arise, but they are working in relative isolation from other parts of the organisation. This leads to inconsistency of delivery. There is a need for Human Resource people to be more integrated into and form closer relationships with other teams such as Safety, Health and Wellbeing. They both deal with bullying and harassment to a degree. Both have information and insights that should be shared, in particular in relation to the management of the risks from bullying and harassment.

Conversely, it seems that the wider organisation has little useful understanding of how Human Resources does or should contribute to FENZ as a whole.

The different teams in People and Capability do not work as closely and harmoniously as they could. They appear fragmented and more like factions than part of an integrated service provider and supporter of the organisation. Several managers told the review that the work of People and Capability is done in silos.

It is impossible to consider the role of Human Resources in the response to bullying and harassment without addressing wider systemic issues that beset this team.

The current Human Resources system suffers from lack of definition of its place and function within the organisation, and individuals in the Human Resources team lack clear direction about their roles. Human Resource personnel are unsure of the overall strategy of Human Resources, and do not know or understand how that relates to the overall FENZ strategy.

The work done by Human Resources is primarily transactional: people contact Human Resources when they want something and Human Resources either gives them what they want or not. Those who don't get what they want are unhappy, and use multiple channels to express their dissatisfaction. This indicates that the role of Human Resources has not been well communicated either within its own borders or to FENZ personnel. The tools they have to work with, particularly the policies and procedures on bullying and harassment, are not fit for purpose.

It is to the credit of the managers and advisors working in Human Resources that they function at quite a high level. This is because of the commitment and skills of individuals rather than of a team working consistently according to common well-designed policies, procedures and standards.

The review has formed the impression that these individuals are resigned to the lack of clarity in their roles and have conscientiously chosen to make the best of what is in front of them. However well-meaning and indeed necessary to deal with the workload, this results in 'papering over the cracks' and increasing the likelihood that these individuals and the team become scapegoats for the deficiencies in policies and procedures.

## 21.

It is recommended that roles of the Human Resources team, the Employment Relations team and the Health, Safety and Wellbeing team in managing issues and complaints of bullying and harassment are reviewed and rationalised in the light of the other recommendations this report.

## Existing Reports and Initiatives Relevant to Bullying and Harassment

In considering which existing policies, procedures and practices within FENZ are fit for purpose,<sup>31</sup> the review has identified a number of pieces of work that have been initiated by FENZ and have the potential to impact significantly on the aims of the organisation to eliminate bullying and harassment, and to manage it appropriately if it arises. Some of these initiatives address the need for the cultural change that is essential if attitudes to bullying and harassment are to be improved; others offer opportunities for structural and procedural change that is also necessary to address bullying and harassment.

### Project to introduce organisational values and vision

This work by the Leadership and Development team has produced a proposal for developing a single set of Values for the whole of FENZ. This is discussed further under 'Values' on page 62. The Senior Leadership team (SLT) carried out an organisational prioritisation exercise in August 2018. SLT expects that the level of impact of this work in 2018/19 will need to be managed, and embedding the values will be actively phased in over more than one year.

The vision statement and values developed by the Leadership and Development team went to all personnel for consultation as part of the proposed Operating Model. Consultation closed on 19 October 2018. Feedback from this will be incorporated in preparation for final approval of the values and vision statement to be published by 30 June 2019.

The review commends this work and encourages SLT to advance it as a vital first step in its programme of cultural change.

### Diversity and Inclusion Strategy

This is a transformative initiative by FENZ. SLT recognises that the culture change inherent in this piece of work is a long-term commitment. It has four strategic focus areas with well-defined deliverables:

1. Empowering respect, equity and fairness.
2. Enhancing capability and accountability.
3. Empowering an inclusive environment that promotes health and wellbeing.
4. Strengthening foundations of governance and monitoring.

Each of these is closely aligned with the recommendations of this review. It is noted that planning for the implementation of the strategy is under way, and a request for additional resources is now being considered.

The review commends this work and encourages FENZ to resource its implementation in conjunction with the recommendations of this report. It welcomes the cross-organisational approach that informs the strategy. Harnessing current initiatives, such as the approach to coaching change already developed by the Change Team in People and Capability to develop the Respect and Inclusion coaching capability, is not only an efficient use of existing policies and procedures that are fit for purpose, but also encourages the breaking down of work silos.

The review also notes that with additional development skills training, the current well-regarded Peer Support network would be well placed to provide support to targets of bullying and harassment.

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<sup>31</sup> TOR B

## Business case for Values, Ethics and Conduct office

This proposal to establish a Values, Ethics and Conduct (VECo) capability for FENZ was presented in June 2018. The conceptual framework for VECO is described as a systematic, comprehensive approach that consolidates the key elements and activities required to ensure that values, ethics and conduct are maintained and enhanced throughout FENZ. The review has been advised that no action is presently being considered for this proposal.

Whether this case is advanced or not is beyond the scope of this review and is a matter for FENZ when considering its structural plans for the future. However, this review strongly recommends not only the formulation of common values and a code of behaviour (on page 63), but that those are embedded into the organisation. It may be that there is a need to have an office that oversees this.

## Development of model rules for volunteer brigades

This is work in progress, which has been deferred for reconsideration about delivery in the 2019/2020 financial year as a result of prioritisation by SLT. The aim is to provide volunteer brigades with Fire and Emergency NZ documents that are fit for the new organisation.

The review notes and welcomes the plans for a Volunteer Code which includes conduct and performance. This is in line with the recommendations of this report. The review would only add that the code should be consistent with any other code of behaviour that applies to all other FENZ personnel.

## Volunteer leadership and mentoring

The review has been advised that the first draft of an Evaluation Plan for a Volunteer Development Manager pilot initiative is complete and passed for review. Its description is that it would “Analyse the flow of people information within People and Capability and recommend changes to support process improvement and data quality.”

This report has noted the lack of adequate information about the incidence of bullying and harassment at local levels. An initiative such as this should include the ability to collect such data, which can be used to inform any programmes of leadership and mentoring for volunteers.

## Women Development Programme

This programme was established as a special project in 2015, specifically to address the barriers and challenges faced by women with regards to recruitment, retention and progression in the operational part of the New Zealand Fire Service. From early 2017 the work has been led by a small national team of two, with a main goal of supporting and growing the Women in FENZ (WFENZ) operational women’s network and the Regional Women’s Advisory Network; facilitating the National Women’s Advisory Committee and providing leadership and strategic advice.

There is a strong focus on developing operational women through the WFENZ network and using the regional and national advisory committees to provide a means of communicating from the front line through to the strategic leadership team. During 2017 the WFENZ network was established via 17 forums from around New Zealand, connecting to around 460 women. The analysis of the data from the forum has provided valuable insight into the current experience of operational women in Fire and Emergency, and has been used to influence priorities and work programmes.

In 2018 the focus has been on the Women in Firefighting Australasia Conference (where over 60 women attended), providing operational perspectives on a number of other work stream groups, and contributing to positive workplace culture initiatives at a regional and national level. A priority project has been reviewing current policy and procedure around pregnancy and operational firefighting. The review has been advised that getting consistent support from the business to progress this has been a challenge.

The review notes this very successful initiative, which has to date been well supported by FENZ. It enables the proportionally low number of women in the organisation (particularly in operations) to have a voice and leadership opportunities. A number of senior male personnel have aligned themselves with the network as champions. It is important that this network continues to receive support from FENZ. Given the incidence and impact of bullying and harassing behaviour on women, it is important that representatives of this group are included in the planning and implementation of any post-review work.

## Expansion of health and wellbeing services

The 'Psychological Wellbeing Workshop for Leaders' workbook is being finalised with a revised plan for delivery. This is relevant to bullying and harassment issues, but there is limited reference to bullying and harassment in these materials. As discussed in the section on health and safety, it is important that the dynamics of bullying and harassment are included in programmes that address psychological harm. This workshop is an opportunity to deal with these issues.

## FENZ Bullying and Harassment Review May 2016

This review was undertaken as part of the NZFS 2015/2016 Audit programme. It assessed the NZFS systems against the 2014 Worksafe New Zealand guidelines about workplace bullying. The key findings include:

- Improvements could be made in the way the Fire Service prevents and responds to bullying and harassment in the workplace.
- NZFS does have ongoing concern with bullying and harassment within the Service.
- The Fire Service's procedures for preventing and responding to bullying and harassment are not well written, particularly for volunteers. They are not well communicated and rely on volunteers having access to Firenet.

The review made eight recommendations. Two of these were rejected; the remainder have been only partially implemented.

This report was a missed opportunity to take active steps to address bullying and harassment two years ago. The findings of the audit coincide with those in this report.

## Education and training

The review has been advised that the Training Directorate and the Leadership Development Team are working collaboratively on some training and education initiatives. This is to be applauded as a positive step to a more integrated approach to such matters.

This work is further referred to in this report under the heading 'Education and Training'.

## Conclusions

A considerable number of participants expressed their scepticism and lack of trust in FENZ to implement the recommendations of this report. In part, this scepticism is based on their experience of seeing other reports and initiatives flower and then wither without action taken on them. An example is the 2016 Audit on Bullying and Harassment, which resulted in little or minimal change. An example is the 2016 Audit on Bullying and Harassment, which resulted in little or any change.

However, the review notes that there is now an appetite for change in FENZ and this is demonstrated by many of the initiatives described above.

The challenge is for the organisation to provide resources and give effect to them.

The work undertaken by FENZ has already identified the need to integrate processes right across the organisation to reduce duplication. The review endorses this.

The work on values, model rules, diversity and inclusion, and the Women's Development Programme is critical to the underlying culture and behavioural change needed if bullying and harassment is to be eliminated.

The initiatives to improve health and wellbeing services and leadership development for volunteers are also important. It is to be hoped that this report will see these programmes include much-needed increased emphasis on bullying and harassment.

## 22.

It is recommended that the positive initiatives to improve the FENZ workplace culture that have commenced continue to be resourced and advanced.

## Terms of Reference C

This Term of Reference requires the review to:<sup>32</sup>

- C. Identify ways to reshape policies, procedures and practices that are identified by the review as not fit for purpose, in order to achieve:<sup>33</sup>
  1. Committed and engaged FENZ leadership that aims to remove unwanted behaviours and reward positive behaviours.
  2. Consistent and demonstrated accountability by all FENZ personnel for their behaviours.
  3. Strong and comprehensive FENZ anti-harassment policies.
  4. Trusted and accessible FENZ complaint procedures.
  5. Regular, interactive training, education, mentoring and development opportunities tailored to FENZ and its personnel, aimed at empowering respect, equity and fairness. A culture where everyone feels safe and empowered to contribute equally.
  6. The removal of any barriers and support enablers to achieving these outcomes.

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<sup>32</sup> From Independent Review: Terms of Reference, p3.

<sup>33</sup> These outcomes align with FENZ's key focus areas in its Diversity and Inclusion Strategy.

## How Participants Think the System Could Be Reshaped

Most of the participants who criticised the current system readily gave their views about how it could be improved.

A majority want the processes to be kept in-house and to resolve issues locally. They would prefer not to use a formal complaints process and want to keep it informal.

However, they recognise that the informal approach makes it difficult to follow up complaints, to support those affected, and to resolve issues and expose the true extent of the issue within FENZ.

Many just want to know that some form of natural justice has been applied, that both sides have been heard, and that people have the opportunity of defending themselves.

There was support for a restorative justice approach, but above all participants see the need for early intervention, an ability to deal with matters before they become more serious and are escalated to formal complaints. To achieve this, participants recognise that leaders need the skills to be able to manage that.

In light of the difficulties and concerns associated with raising complaints within the rank structure, many participants said that there is a need for complaints to be dealt with by a person and/or process that is independent of the rank or command structure, if not independent of FENZ.

Most participants called for a better system for reporting bullying and harassment than the present: one that is easy to initiate, where reports are recorded anonymously, and that tracks and monitors complaints.

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*"I guess that's one not so good aspect of keeping it in-house ... it's not shared amongst the rest of the firefighters ... so I can go well maybe we've got more [of] a problem than we thought we had."*

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*"And don't bother quoting the principles of natural justice at them because they'll say they don't apply here."*

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*"Having a policy that maybe brought in some tikanga Māori or some restorative justice things, maybe that's something we can do."*

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*"Any behaviour campaigns are disjointed and not communicated adequately. Even this survey ended up in my junk/spam mail as there was no communication package along with it."*

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*"Human Resources can be too quick to formalise claims, would be good to treat some matters informally as a first step, depending on severity of course."*

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*"Please ensure there is a fair confidential process that does not re-victimise the person complaining. Need to be entry points to raise issues at a lower level than escalating to a PG or similar."*

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*"Any allegations of Bullying or Harassment should be dealt with by a third party (internal or external). Any allegations should not be dealt with by the immediate manager/s of both parties. This leads to biased decision making."*

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*"I believe that issues or mediation should be dealt with by an independent person or persons outside of FENZ or who has no possible vested interest, whether direct or implied, with the situation."*

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*"Whether it be an app on your phone that you can click on quietly, whether you can do it from home, whether you send the documentation to their home address, whatever. There's got to be other ways of doing it."*

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*"We should provide an independent 0800 confidential reporting and contact number/process for those people who are wishing to report any situation where they or others are bullied or harassed and feel they do not have an ability to share this with the organisation through our internal organisational process and policy."*

Many comments reflect the importance of having a shared understanding of what constitutes acceptable behaviour.

Participants universally supported the concept of a code of behaviour or conduct that sets out clear expectations of acceptable behaviour, and accountability when the code is breached.

All agreed that such a code needs to be shared extensively across FENZ and taught at all levels.

Some participants suggested that the peer support role could be expanded to include education and support around bullying and harassment issues.

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*“There is no established culture or general understanding about what’s acceptable and respectful ... coming to FENZ has been like stepping into a time machine back to the 1950s.”*

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*“I do really want to see the organisation say these are our standards of conduct and we won’t tolerate behaviour that’s not in line with that ... and we don’t care how good you are at your job, we need you to abide, this is what is expected of you.”*

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*“I would like to see the peer supporters have some mechanism whereby they can raise it to their health and safety person and say, ‘We’ve got a red flag here, we need to do something immediately.’ ... And that person has the ability to walk alongside the person who’s been bullied and making sure that they get to where they need to in terms of support, independence, mediation, whatever their needs are.”*

The importance of speaking out against bullying and harassment is a strong theme:

- Many recognise that by ignoring unacceptable behaviour, and not speaking out about it, allows it to continue, putting others at risk.
- Saying “It’s not OK” doesn’t happen often because it takes courage, the right tools, and an environment that supports, encourages and enables speaking up.
- Both men and women highlighted the importance of men challenging their male colleagues about unacceptable behaviour towards women.
- On a positive note, more people seem willing to speak up and can see the positive outcomes from doing so.

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*“What we all pass, we all condone.”*

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*“You’ve got to be courageous, but also we’ve got to create an environment where people have got to feel safe to do so. And the confidence to do so.”*

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*“And we’re not told we have the permission to go, ‘No, that’s not right.’ Everybody relies on us saying, ‘Ignore that, get the job done.’”*

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*“I am no longer afraid to ‘call out’ what I see as bad behaviour, bullying, gender and racist discrimination... I have found if just a few respected people stand up and say ‘Enough’, the culture on a station can change very rapidly.”*

The importance of education and training was also highlighted:

- Better education, training and mentoring is needed to support and develop those in leadership/management roles.
- Performance management processes must be improved and taught across FENZ.
- Recruitment and induction have an important role to play in changing the culture with respect to bullying and harassment.

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*“There should be a stronger induction or component in leadership/TAPS courses about preventing bullying and harassment.”*

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*“The UFBA has a fabulous course called ‘Leadership and Governance’ I did that and it was fabulous, very useful.”*

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*“[Mentorship] is not included in the induction ... it’s not across the whole organisation.”*

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*“A good workplace feedback system that is taken seriously by management and involves a 360 review may go a long way to making managers more accountable. Having the board ‘buy into’ good management practices with feedback will help build organisational trust.”*

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*“You’re influenced right from the very first day ... right back even before they go to recruits course, as soon as they’re appointed we start on-boarding and inducting them into an organisation.”*

## Conclusions

Research supports an early intervention approach to workplace bullying. When cases of bullying are not effectively addressed early, they are likely to manifest into multiple complaints and become more difficult and time-consuming to resolve.<sup>34</sup>

In the language of firefighters, the spark turns into a K-99.<sup>35</sup>

Participants have justifiable concerns about the processes by which bullying and harassing behaviour have been addressed in the past. In particular, there is a need for consistent nationwide policies and procedures. FENZ personnel recognise this and want to see such an approach adopted by FENZ.

Participants were unanimously supportive of a universal code of behaviour. Most wanted the opportunity for low-level early resolution of bullying and harassment issues by a skilled independent body, which could act in a timely and transparent manner that afforded natural justice to all parties.

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<sup>34</sup> Catley, B., Blackwood, K., Forsyth, D., Tappin, D., & Bentley, T. (2017). Workplace bullying complaints: Lessons for ‘good HR practice’. *Personnel Review*, 46(1), 100-114.

<sup>35</sup> The radio code K-99 refers to the arrival message of the first appliance at a property fire – well involved.

## Ways to Reshape

Successful interventions must focus on organisational systems and processes.<sup>36</sup>

The review looked to other comparable New Zealand organisations to find out what plans they have to identify and assess the risk of bullying and harassment in their workplaces; what steps they take to prevent or reduce the risk; what controls they have used that have been effective or may need strengthening; and to what extent they are exemplars of best practice that could assist FENZ to formulate better policies and procedures.

The best of these systems and frameworks have some common features:

- A. Commitment by leaders to change and address the issue.
- B. Strong, well-defined values, a code of behaviour, and standards that apply to and are the responsibility of all.
- C. Clear procedures and processes to deliver the required standards including an effective and integrated framework of education and training and a complaints system that is fit for purpose.

### A. Leadership Intention and Commitment

FENZ leaders from all parts of the organisation must commit to addressing the issue of bullying and harassment, to adopt a zero-tolerance approach to such behaviour, and aim to eliminate it from the organisation. In practice this means that leaders need to commit to:

1. the formulation of a single set of values shared across FENZ.
  - a. Engage with workers and union and associations as to the content and implementation at all levels of FENZ
2. the formulation of a code of behaviour which addresses all forms of bullying and harassment.
  - a. Engage with workers and union and associations as to the content and implementation at all levels of FENZ
3. the formulation of standards that will set the performance requirements of the system for dealing with bullying and harassment across FENZ.
  - a. Engage with workers and union and associations as to the content and implementation at all levels of FENZ
4. resourcing the reform and implementation of education and training of all FENZ personnel, including leaders, about the values and code of behaviour.
5. resourcing a new process for managing issues and complaints of bullying and harassment.

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<sup>36</sup> Gardner, D., O'Driscoll, M., Cooper-Thomas, H. D., Roche, M., Bentley, T., Catley, B., ... & Trenberth, L. (2016). Predictors of workplace bullying and cyber-bullying in New Zealand. *International Journal of Environmental Research and Public Health*, 13(5), 448.

## B. Values, Code of Behaviour and Standards

### Values

FENZ must be clear about the common values that all of its personnel adhere to. There is presently no single universal set of values that FENZ can apply consistently across its organisation, although work has been commenced on this.

Before FENZ came into existence in 2017, there were two values sets operating within NZFS, which had been determined several years before.

The NZFS values were listed under the headings of Serving our Communities, Skill, Adaptability, Comradeship, Integrity.

NZFS also referred to SERVIMUS: (Service, Efficiency, Resourcefulness, Valour, Integrity, Mobility, Unity, Strength). These are represented in the eight-pointed SERVIMUS star, which was in the NZFS crest and has been retained by FENZ.

Before amalgamation, the Rural Fire Service operated through independently governed rural fire authorities, each of which had their own set of legacy values. Some rural personnel operated under the values of the local council or organisation they were part of.

Volunteer fire brigades and rural fire forces operated under a range of values and codes, including the UFBA Model Rules.

There is little evidence of any of these different sets of values being an integral part of the FENZ organisation, apart from some framed posters on walls in stations and meeting rooms. The review was told that they are not part of recruit training, and that few people know what SERVIMUS stands for.

The FENZ Board has stated that FENZ must unify its people around a common purpose and a shared set of values. In order for the FENZ leadership to set its intentions and commitments in relation to bullying and harassment, it must commit to a single set of values that applies to all FENZ personnel at all levels, no matter whether they are operational or administrative, professional firefighters or volunteers, rural or urban, managers or front-line.

This set of values needs to be formulated following engagement with workers, unions and associations. The review team has consulted senior leadership and the union and associations on this point and is gratified by the universal acceptance of the need for such a set of values.

The Leadership and Development Team (part of the People and Capability Team) has started a consultation process with individual personnel and union and associations for developing a single set of values. A proposal is now waiting to be signed off.

This is a positive and essential step towards FENZ adopting the necessary values and cultural changes across the whole organisation, starting from the top. Having been agreed on, this set of values will set the tone and expectations of not only the leaders of FENZ, but of all of its personnel.

FENZ must ensure that it completes the values project. None of the other recommendations in this report can be implemented fully until that is complete.

With any values process, its success is not only judged by the content of the values that matter. The resources and effort put into embedding them into the culture are critical.

Setting the values is only the first step. Leadership must also engage with these agencies about the method of implementing these values across the organisation.

The NZ Police is a good exemplar, both of the types of values that it has adopted across its entire organisation and the integration of those values into every aspect of its organisation.

## 23.

It is recommended that FENZ commits all necessary resources and effort into completing and implementing the Values project without delay.

## Code of Behaviour

As a Crown Agent and by the Consequential Amendments (Section 2) of the FENZ Act 2017, the State Services Commission Code of Conduct applies to FENZ.

The State Services Commission guidance on codes of conduct states:<sup>37</sup>

“Each organisation is encouraged to promote awareness of the code of conduct and the behavioural expectations that flow from it. The introduction to the code of conduct indicates that organisations must maintain policies and procedures by which they can give effect to the standards. Complying with the code of conduct includes meeting that requirement.

In satisfying this requirement to have appropriate policies and procedures that are consistent with the standards of the code of conduct, each organisation may develop additional or detailed provisions that are pertinent to its circumstances.”<sup>38</sup>

FENZ has a Code of Conduct that only applies to employees. It has been reviewed since the implementation of FENZ, but no substantive changes have been made to date. Volunteers are referred to the standards of conduct for their own brigade. The model rules for brigades are currently under review, although consultation on them has been deferred.

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<sup>37</sup> State Services Commission (2010). Understanding the code of conduct – Guidance for State servants. [http://www.ssc.govt.nz/upload/downloadable\\_files/Understanding-the-Code-of-Conduct-April2010.pdf](http://www.ssc.govt.nz/upload/downloadable_files/Understanding-the-Code-of-Conduct-April2010.pdf)

<sup>38</sup> <http://www.ssc.govt.nz/upload>

## Conclusions

Acceptance of and adherence to a code of behaviour is a prerequisite for the reduction of bullying and harassment.

With the model rules under review, it is timely for FENZ to devise a single code of behaviour that addresses bullying and harassment and applies to every person who works for FENZ in any capacity, volunteer or career, operational or non-operational. As for the development of the values, they need to be formulated following engagement with workers, unions and associations and embedded into the organisation.

The values and code of behaviour must be fully incorporated into all aspects of an individual's relationship with FENZ so that each individual is fully accountable to the code.

For example: From recruitment, FENZ's values and code of behaviour should inform the selection of candidates, be included in job and/or person descriptions, be a standard clause in employment agreements (individual or collective), and be part of brigade rules. They should be included in all induction and training as a stand-alone module and be one of the key indicators for assessing performance, including during probationary periods.

FENZ leadership must commit to modelling their own behaviour in the workplace on the values and code of behaviour, and ensure that those who breach it are made accountable.

It is recommended that:

### 24.

A single code of behaviour, which applies to all FENZ personnel, is formulated and implemented after full engagement with workers and unions and associations.

### 25.

The code of behaviour should define appropriate and inappropriate behaviours and specifically address bullying and harassment. It should support and include the common values referred to above.

### 26.

The code of behaviour is included in job descriptions; recruitment documents; employment agreements, individual or collective; and in the FENZ performance framework as an individual accountability.

## Standards

### Performance requirements

FENZ must set the performance requirements of the system for dealing with bullying and harassment. In setting these performance standards, FENZ has to decide what it aims to achieve. The aims in the terms of reference are a good starting point:

- Committed and engaged FENZ leadership, which aims to remove unwanted behaviours and reward positive behaviours
- Consistent and demonstrated accountability by all FENZ personnel for their behaviours
- Strong and comprehensive FENZ harassment policies
- Trusted and accessible FENZ complaint procedures
- Regular, interactive training, education, mentoring and development opportunities tailored to FENZ and its personnel, aimed at empowering respect, equity and fairness. A culture where everyone feels safe and empowered to contribute equally
- The removal of any barriers and support enablers to achieving these outcomes.

*“Why is it that Human Resources haven’t had a process that’s been robust enough to say, ‘We need to do some performance development here?’”*

### Performance management

Several FENZ Human Resources practitioners referred to the inadequacies of the current system for performance management. Some say there is no such system: others that it only applies to career firefighters.

Performance management processes are an essential part of any well-run organisation. For present purposes, the lack of any systematic organisation-wide performance management process is, without question, a factor in the number and types of bullying and harassing issues that arise. Participants referred to claims of bullying that arose from attempts by managers to improve their performance.

FENZ must have policies and procedures to guide managers through the performance management process with all of its personnel. These should be sufficiently transparent for personnel to understand both their performance expectations and the process by which this can be improved.

The review has been advised that since 2013, Fire and Emergency and then FENZ has used a Performance Management System that utilises a SAP program called SuccessFactors:

- Currently approximately 30-40% of the total number of FENZ paid staff participate in SuccessFactors.
- SuccessFactors is only for Non-Operational and Black Watch staff – permission must be sought from Black Watch staff to participate in SuccessFactors, as they are generally still on CEA agreements – in these instances, the request is supported by a “very strong recommendation” from the Area Commander or AACs.
- There are currently 710 people loaded into SuccessFactors. There are approximately 598 active users.
- No volunteers or operational career staff participate in this performance management system.

People and Capability has recently been requested to review the Performance Management for all of FENZ personnel, with a view to getting better engagement across the whole organisation. The review takes this to mean that it is work in progress. If so, this is a positive initiative to be encouraged.

The wider issues of introducing and administering performance management is one that is a matter for FENZ, its personnel and the unions and associations. For the purpose of addressing bullying and harassment, measures of performance in such a system should include adherence to values and a code of behaviour as performance indicators.

As for the development of the values and code of behaviour, the standards need to be formulated and agreed with workers, unions and associations and embedded into the organisation.

It is recommended that:

**27.**

FENZ ensures that its performance management system includes adherence to values and a code of behaviour as one of the performance indicators.

**28.**

The performance requirements of the system for dealing with bullying and harassment is formulated and implemented after full engagement with workers and unions and associations.

## C. Procedures

FENZ must have clear processes to delivering the standards it wants to achieve. The review team has identified that two areas in particular, Education and training, and the complaints process need to be addressed without delay.

### Education and training

The Health and Safety at Work Act 2015 (section 36) provides that the provision of any information, training, instruction, or supervision that is necessary to protect all persons from risks to their health and safety arising from work is carried out as part of the conduct of the business or undertaking.

At present the Training Directorate focuses solely on training front-line personnel and the development of their technical skills. Some training in leadership and management is also provided at various levels. Material on bullying and harassment is included on some courses for firefighters, such as how to identify and report bullying and harassment.

In their first training week, career recruits receive a session delivered by People and Capability that advises about bullying, harassment, and the process and systems around this.

Volunteer recruits do not receive this training. The review was told that there is some implied information about bullying and harassment in the safety, health and wellbeing module that covers brigade codes of conduct and expectations.

A Volunteer Executive Officer course has an extensive 85-minute session on bullying and harassment that is delivered by FENZ Human Resources.

Some staff training such as induction; Safety, Health and Wellbeing; and finance is conducted by various parts of the organisation. It is not clear if this includes any express training or information about bullying and harassment.

An Incident and Leadership Development Programme (ILDLP) is being developed for mid-level operational leaders, and has recently added an extra week with a focus on general non-operational leadership. The Senior Leadership Team has approved a paper that proposes building a system that will provide leadership development for all personnel across the organisation.

The Health and Wellbeing Business unit has developed an extensive training module called 'Psychological Wellbeing for Leaders – Supporting others and looking after yourself'. This important work focuses on the impact of the critical risk factors in the strategic plan, and assisting firefighters to manage their wellbeing. Harassment is not referred to in this module. There is some mention of bullying in the module but no specific training on this topic.

## Conclusions

Leaders must do more than simply refrain from bullying or harassing others: they must model appropriate behaviour and actively seek to prevent inappropriate behaviour in others. This requires engaging leadership at all levels of an organisation.<sup>39</sup>

Awareness and knowledge of bullying at all levels within an organisation helps increase recognition and prevent bullying situations from escalating.<sup>40</sup>

Training is an important component of an organisation-wide anti-bullying approach.<sup>41</sup> FENZ could usefully consider a cross-team approach, which would utilise the considerable skills and experience of FENZ people who are presently working more or less separately from each other.

The body that has responsibility for education and training should develop a strategy to deliver a comprehensive and regularly updated education and training programme about bullying and harassment. There is a lot of material available to assist FENZ to plan such a strategy.

The literature suggests that all personnel, from top to bottom, should receive this education. This is particularly so when a breach of the values, code of behaviour or standards could give rise to disciplinary action and sanctions.

The logistics of delivering such an education programme to FENZ's diverse workforce are difficult, particularly to the 11,000 or so FENZ volunteers. Some solutions might include the enhancement of present online modules, and a cascading method by which trained senior officers and managers deliver education and training to local groups. Some local initiatives are already being tried. The strategy should draw on the experience and learnings from those initiatives.

The education should address as a minimum:

- i. Leadership
- ii. Capability
- iii. Culture
- iv. Early intervention
- v. Clarity of how and where to raise issues

The development of this programme should not be undertaken in isolation from the implementation of the recommendations of this report. As the education and training component of the FENZ bullying and harassment policy and strategy, it must be developed in conjunction with and as part of the whole strategy.

<sup>39</sup> Gidycz, C. A., Wyatt, J., Galbreath, N. W., Axelrad, S. H., & McCone, D. R. (2018). Sexual assault prevention in the military: Key issues and recommendations. *Military Psychology, 30*(3), 240-251.

<sup>40</sup> Ritzman, M. E. (2016). A phenomenon we can't ignore: Performance improvement interventions to address workplace bullying. *Performance Improvement, 55*(1), 14-22.

<sup>41</sup> Crimp, H. (2017). *Insights into effective interventions for the prevention and management of workplace bullying in the New Zealand public service*. A thesis submitted in partial fulfilment of the requirements for the degree of Master of Commerce Victoria University of Wellington. Gillen, P. A., Sinclair, M., Kernohan, W. G., Begley, C. M., & Luyben, A. G. (2017). Interventions for prevention of bullying in the workplace. *Cochrane Database of Systematic Reviews* (1). Hershcovis, M. S., Reich, T. C., & Niven, K. (2015). Workplace bullying: causes, consequences, and intervention strategies. SIOP White Paper Series, Society for Industrial and Organizational Psychology, UK, London. Available at: <http://eprints.lse.ac.uk/66031>.

The education and training may include (but not be limited to) matters such as:

- bullying and harassment; definitions and examples of bullying and harassment, including cyberbullying
- factors that support and enable bullying and harassment, and the dynamics of bullying and harassment
- the FENZ values, code of behaviour and standards
- self-awareness
- early indicators of bullying and harassment, and how to manage these
- support for targets and accused
- bystander responsibilities
- information, education and training for managers, including Chiefs of Brigades, about how to manage complaints and keep records of the issues
- sanctions and consequences of bullying and harassment.

It is recommended that:

**29.**

FENZ creates a cross-functional team to develop a strategy for the formulation and delivery of comprehensive FENZ-wide training and education modules on bullying and harassment.

**30.**

Once the strategy is approved, it is implemented without delay.

**31.**

Once a more coherent system of bullying and harassment policies and procedures is put in place, new training is undertaken and learning resources put in place to facilitate the transition to the new policies, and to ensure that staff understand any changes that have been made and what is expected of them as FENZ personnel.

## A complaints procedure for bullying and harassment

The section in this report on FENZ practices (page 40) shows that the current procedures for dealing with issues and complaints of bullying and harassment are deficient. One of the major defects is that currently multiple points of entry are used to make a complaint that someone has been or are being bullied or harassed.

The review has identified that there is widespread support across the whole of FENZ, including the unions and associations, for a sole point of entry for bullying and harassment issues and complaints.

It could be that this process could be used for other workplace issues but, given the terms of reference, we confine the recommendations to cover bullying and harassment issues.

Participants specifically called for this process to be independent, but there was also support for the idea that it would be easier to access if the personnel who offered the service had some knowledge of the FENZ organisation.

How this is resolved is up to FENZ and its partner agencies and personnel, with whom it should engage on this issue. However, the review notes that the Internal Audit Manager is an existing unit inside FENZ which demonstrates that it is possible for an internal unit with institutional knowledge of the organisation to maintain trust, respect and independence. Such a model could be considered for this complaints process.

The review has identified that there are sufficient people with the skills and capability currently within FENZ to manage such a process, provided FENZ commits to providing the leadership, guidance and expertise to utilise those skills in the development of a single cohesive process, which operates inside FENZ but is independent of line management. It would benefit from the whole of this process and its elements being overseen by one person or unit.

The review suggests that the process would comprise separate but related parts:

### **1. Early intervention process**

This would proactively respond to early indications of unwanted workplace behaviour. It could perhaps be developed and managed by skilled Human Resources advisors or managers.

An independent bullying and harassment 0800 helpline would be of benefit, both to those wishing to report bullying and harassing behaviour and to FENZ as an organisation. It should have the expertise to provide initial support and advice to both complainant and respondent, and (where required) face-to-face service. It would also be a source of information for FENZ about bullying and harassment types and prevalence.

For all parties (target, accused, bystander), the helpline would:

- work according to agreed and transparent protocols
- be easily accessible to all personnel through multiple portals
- have a high profile and be very visible across the organisation and to all personnel
- be FENZ-specific or staffed by people familiar with FENZ as an institution with an understanding of the hierarchy/managerial structures, different career/volunteer relationships and power dynamics
- be skilled in triaging complaints
- be confidential
- provide consistent and appropriate advice on substance and procedure
- keep confidential records of all matters referred.

Apart from the opportunity to have matters dealt with at an early stage, the benefits to FENZ of such a service would be information and statistics that can be used to establish patterns of behaviour, to inform education, training and awareness campaigns as well as wider cultural change initiatives.

### **2. An informal resolution unit within FENZ to process bullying and harassment complaints with the following characteristics:**

- Works according to agreed and transparent protocols
- Low-level, speedy and inclusive
- Expertise in facilitation, mediation, conflict resolution and restorative justice
- Provides informal regionally based resolution processes appropriate to the issues raised
- Policy development and development of procedures for managing allegations of bullying and harassment
- Skilled in triaging complaints

**3. An independent investigation process** to deal with serious matters of bullying and harassment, where informal resolution is unsuccessful or likely to be unsuccessful.

- Acts according to natural justice with agreed and transparent protocols/ rules of procedure
- Such investigations will be conducted as a workplace disciplinary matter
- Reports and recommends to decision-maker on result
- Makes recommendations from a range of workplace and educative sanctions
- At any point the parties could elect to or be referred back to one of the preceding processes

Under this proposal, the intention is that bullying and harassment matters would only reach the employment institutions or the statutory based FENZ Dispute Resolution processes as a last resort.

It is to be hoped that a robust process such as this would gain the confidence of all participants and reduce the number of cases that proceed to litigation.

Whatever process is adopted it must:

- preserve individuals' rights under employment legislation or the FENZ Dispute Resolution Process
- have transparent and easily accessible protocols
- act in a timely and transparent manner
- maintain appropriate and confidential records of each reported complaint, including its outcome
- maintain records of reporting, including level of bullying and harassment and issues raised so that the incidence can be monitored
- be accessible all personnel, particularly to volunteers.

## 32.

It is recommended that FENZ develops and implements a complaints process for issues of bullying and harassment. The process should be monitored regularly, and reviewed and evaluated after 24 months of operations.

## Terms of Reference D

This term of reference invited the review to consider any other matters the review team deems appropriate. Beyond the matters dealt with under the other terms of reference, some of which extend beyond the specific areas of bullying and harassment, there are no other matters that the review considers appropriate to review.

## Concluding Remarks

By commissioning this independent review, FENZ has demonstrated its commitment to providing a positive and supportive working environment in which bullying and harassment is not tolerated, and where incidents of bullying and harassment that do arise are adequately addressed and resolved. This is essential if FENZ is to meet its obligations under the Health and Safety at Work Act.

Other organisations have demonstrated that this is possible, but FENZ can only make it work if it, its unions and associations, and personnel acknowledge the deficiencies in the present system identified in the report, commit to tackle them head on with changes to both its organisation and attitudes, and actually implement those. Perpetrators must be made accountable for the harm they cause.

Organisational changes to any workplace inevitably cause unease and uncertainty, but they are also an opportunity for positive transformation. This is an ideal time for FENZ to take stock, to make an objective appraisal of how it currently addresses bullying and harassment in its workplace, and to incorporate all necessary changes into the planning and organisation of the leadership, management and administration of the new FENZ as it moves to the adoption of its new operating model.

Changing mindsets, habits and behaviours is more difficult and will take deliberate, sustained effort over many years. It will also require a positive and supportive environment for all workers while they go through this period of change. The adoption of effective policies, procedures and practices to address bullying and harassment should assist in improving the working environment by replacing impunity for bad behaviour in the workplace with accountability, while FENZ works through and implements its Diversity and Inclusion policy to make long-term fundamental cultural changes.

### 33.

It is recommended that all the recommendations in this report that are accepted and implemented by FENZ are regularly monitored and evaluated over a period of 36 months.

# Appendix 1:

## List of relevant FENZ policies, procedures and guidance documents

### Policies

Good Employer and Equal Employment Opportunity Policy  
Interim Dispute Resolution Process  
Safety, Health and Wellbeing Policy Commitment  
Standards of Conduct

### Guides

Critical Incident and Personal Stress Support Administration Manual  
Employees – What's Available: Health and Psychological Support  
FENZ Induction Booklet  
Health Screening Programme Hauora Manual  
Interim Dispute Resolution Process – Guide for Applicants  
Managing Your Wellbeing – Guide to CIPSS  
Need to Talk? List of Internal and External Support Services  
Resolving Volunteer Issues Guideline  
Safety, Health and Wellbeing Manual  
Stay Well – A3 Poster  
Staying Well – A pocket guide to M.A.N.E.R.S psychological first aid  
Staying Well – Promoting Wellbeing and Resilience – A guide for supporting firefighters  
Volunteers – What's Available: Health and Psychological Support  
Wellbeing Conversations Guideline

### System Guides

Assess Safe@Work Event System Guide  
Implement and Close Safe@Work Action System Guide  
Record Level 1 Investigation Findings System Guide  
Record Level 2 or 3 Investigation Findings System Guide

### 'How Do I' Guides

Assess and Investigate Workplace Safety or Health Events  
Conduct Absence Management and Wellbeing Interview  
Make Protected Disclosure about Serious Wrongdoing  
Raise and Resolve Employment Relationship Problem

Report and Investigate Alleged Misconduct  
Report Workplace Safety, Health or Wellbeing Event  
Resolve Dispute  
Resolve Volunteer Issue  
Respond to Bullying and Harassment  
Seek Safety, Health and Wellbeing Support

### 'How Do I' Road Maps

Assess and Investigate Workplace Safety or Health Events  
Conduct Absence Management and Wellbeing Interview  
Make Protected Disclosure about Serious Wrongdoing  
Raise and Resolve Employment Relationship Problem  
Report and Investigate Alleged Misconduct  
Resolve Dispute  
Resolve Volunteer Issue

### Procedures

Action Dispute  
Action Volunteer Issue Procedure  
Approve and Issue Draft Investigation Report  
Complete Preliminary Assessment of Volunteer Issue  
Complete Review of Outcome (Volunteer Issue) Procedure  
Conduct Investigation and Present Findings  
Conduct Wellbeing Conversation or Absence Management and Wellbeing Interview  
Consider Response and Make Misconduct Decision  
Consider Suspension Pending Investigation  
Coordinate Review of Outcome (Volunteer Issue)  
Draft Investigation Report  
Inform Respondent of Misconduct Allegation  
Make Initial Misconduct Assessment  
Raise Employment Relationship Problem or Lay a Complaint  
Raise Volunteer Issue Procedure  
Report on Disputes  
Report on Volunteer Issues Procedure  
Review and Acknowledge Dispute

## **Template Documents**

Absence Management and Wellbeing Interview Form  
Cover Letter to Draft Investigation Report  
Draft Investigation Report  
Initiating Disciplinary Process Letter  
Interim Dispute Resolution Application Form  
Level 1 Event and Investigation Report Template  
Level 2 Investigation Overtime and Allowance Claim Form  
Level 2 Investigation Report Template  
Peer Support Activity Summary  
Region CIPSS Coordinator Activity Summary  
Warning Letter – breaches of Standards of Conduct

## **Learning Tools**

Bullying and Harassment Scenarios: Standards of Conduct Module  
Powerpoint and Facilitator Guide CIPSS: Bullying and Harassment – Professional Development Programme  
Presentation: Staying Well – Promoting Psychological Wellbeing and Resilience  
Stop Bullying Pink Shirt Day Poster  
Student Notes CIPSS: Bullying – Professional Development Programme

## **Work Underway 2018**

Advocacy and Support: Provision of services for volunteers (22 June 2018)  
Facilitator Manual CIPSS: Critical Incident and Personal Stress Support: Probationary Peer Training  
Presentation: CIPSS Probationary Peer Education  
Presentation (NTC Recruits Course): Wellbeing Matters: FENZ, NTC Recruits Course  
Presentation: Peer Support Current Status and Into the Future (April 2018)  
Presentation: Peer Support Programme – Region 3  
Presentation: Psychological Wellbeing – A preview of upcoming workshops for leaders  
Psychological Wellbeing for Leaders – Training Sessions  
Safety, Health and Wellbeing Strategy 2017-2022 Summary  
Student Guide: Critical Incident and Personal Stress Support: Probationary Peer Training  
Continuum of Advocacy and Support Services Framework  
Draft Volunteerism Strategy: Enabling Sustainable Volunteerism (29 June 2018)  
Rules Working Group: Concept hierarchy of the direct volunteer relationship and document framework (24 April 2018)  
Volunteerism Principles poster  
Misconduct and Poor Performance: Checklist for managing allegations of misconduct or poor performance (Volunteer CFO Resource Kit)  
Presentation: Options Overview: Disputes and Complaints Workshop 4  
Safety, Health and Wellbeing Strategy 2017-2022 (11 April 2017)  
Analysis of Employee Assistance Programme Use 2013-2018 (28 May 2018)  
Presentation: Updates: Disputes and Complaints Workshop 4 (5 September 2018)

## **Appendix 2:**

### Legislative requirements relevant to management

Respect and Inclusion Implementation Plan (Version 0.1)

Employment Relations Act 2000 – ss 4, 108, 109, 111, 116, 117, 118 & 123

Human Rights Act (racial and sexual harassment) - ss 21A, 62, 63, 69 & 79A

Health and Safety at Work Act 2015 – ss30, 33, 34, 35, 36, 44,45, 46, 58 & 59

Fire and Emergency Act 2017 – ss13(3)(d), 36, 37, 178-186

Crown entities Act 2004 – s118

## Appendix 3:

### Tables of current FENZ documents and their application to different types of personnel

Policies / Procedures / Entry Points					
		<b>1,747 Career Firefighters</b>	<b>8,135 Urban Volunteers</b>	<b>2,800 Rural Volunteers</b>	<b>624 Management &amp; Support Staff</b>
<b>Bullying and Harassment</b>	<i>'How Do I' guide</i>	<ul style="list-style-type: none"> <li>Respond to Bullying and Harassment Guide</li> </ul>	<ul style="list-style-type: none"> <li>Respond to Bullying and Harassment Guide</li> </ul>	<ul style="list-style-type: none"> <li>Respond to Bullying and Harassment Guide</li> </ul>	<ul style="list-style-type: none"> <li>Respond to Bullying and Harassment Guide</li> </ul>
<b>Raise Issues</b>	<i>Procedure</i>	<ul style="list-style-type: none"> <li>Raise employment relationship problem or lay a complaint</li> </ul>	<ul style="list-style-type: none"> <li>Raise volunteer issue (with leader/manager)</li> </ul>	<ul style="list-style-type: none"> <li>Raise volunteer issue (with leader/manager)</li> </ul>	<ul style="list-style-type: none"> <li>Raise employment relationship problem or lay a complaint</li> </ul>
<b>Issues process</b>	<i>Guideline 'How Do I' guide</i>	<ul style="list-style-type: none"> <li>Raise and resolve employment relationship problem</li> </ul>	<ul style="list-style-type: none"> <li>Resolving volunteer issues Guideline (tips for volunteers section)</li> </ul>	<ul style="list-style-type: none"> <li>Resolving volunteer issues Guideline (tips for volunteers section)</li> </ul>	<ul style="list-style-type: none"> <li>Raise and resolve employment relationship problem</li> </ul>
	<i>Process Map</i>	<ul style="list-style-type: none"> <li>Raise employment relationship problem process map</li> </ul>			<ul style="list-style-type: none"> <li>Raise employment relationship problem process map</li> </ul>
<b>Interim dispute resolution process</b>	<i>Policy</i>	<ul style="list-style-type: none"> <li>Interim dispute resolution process</li> </ul>	<ul style="list-style-type: none"> <li>Interim dispute resolution process</li> </ul>	<ul style="list-style-type: none"> <li>Interim dispute resolution process</li> </ul>	<ul style="list-style-type: none"> <li>Interim dispute resolution process</li> </ul>
	<i>Guide</i>	<ul style="list-style-type: none"> <li>Interim dispute resolution process – Guide for applicants</li> </ul>	<ul style="list-style-type: none"> <li>Interim dispute resolution process – Guide for applicants</li> </ul>	<ul style="list-style-type: none"> <li>Interim dispute resolution process – Guide for applicants</li> </ul>	<ul style="list-style-type: none"> <li>Interim dispute resolution process – Guide for applicants</li> </ul>

<b>Policies / Procedures / Entry Points</b>			
		<b>624 Management &amp; Support Staff</b>	
		<b>Volunteers</b>	<b>Employees</b>
<b>Respond to issues</b>	<i>Procedure</i>	<ul style="list-style-type: none"> <li>• Complete preliminary assessment of volunteer issue (response to issue raised)</li> </ul>	
<b>Resolve Issues</b>	<i>'How Do I' guide</i>	<ul style="list-style-type: none"> <li>• Resolve volunteer issue Guide</li> </ul>	<ul style="list-style-type: none"> <li>• Resolve Dispute Guide</li> </ul>
	<i>Process map</i>	<ul style="list-style-type: none"> <li>• Resolve volunteer issue</li> </ul>	<ul style="list-style-type: none"> <li>• Resolve Dispute</li> </ul>
	<i>Guideline</i>	<ul style="list-style-type: none"> <li>• Resolving volunteer issues Guideline</li> </ul>	
	<i>Procedure</i>	<ul style="list-style-type: none"> <li>• Action volunteer issue procedure (further review and action volunteer issue when issue not resolved by preliminary assessment)</li> </ul>	
<b>Review outcome of issues process</b>	<i>Procedure</i>	<ul style="list-style-type: none"> <li>• Coordinate review of outcome (of an existing volunteer issue)</li> <li>• Complete review of outcome (of the volunteer issues process to determine whether fair and reasonable)</li> </ul>	
<b>Report on issues</b>	<i>Procedure</i>	<ul style="list-style-type: none"> <li>• Report on volunteer issues (manager reports each month on issues raised)</li> </ul>	
<b>Misconduct poor performance</b>	<i>Procedure</i>	<ul style="list-style-type: none"> <li>• Volunteer Resource Kit – Checklist for managing allegations of misconduct or poor performance</li> </ul>	<ul style="list-style-type: none"> <li>• Report and investigate alleged misconduct</li> </ul>
	<i>Process Map</i>		<ul style="list-style-type: none"> <li>• Report and investigate alleged misconduct Process Map</li> </ul>
	<i>Procedure</i>		<ul style="list-style-type: none"> <li>• Inform respondent of misconduct allegation</li> <li>• Make initial misconduct assessment</li> <li>• Consider suspension pending investigation</li> <li>• Conduct investigation and present findings</li> <li>• Draft investigation report</li> <li>• Approve and issue draft investigation report (into allegation of misconduct)</li> <li>• Consider response and make misconduct decision</li> </ul>



“By commissioning this independent review, FENZ has demonstrated its commitment to providing a positive and supportive working environment in which bullying and harassment is not tolerated, and where incidents of bullying and harassment that do arise are adequately addressed and resolved.

*This is essential if FENZ is to meet its obligations under the Health and Safety at Work Act.”*

