

**Independent review**  
of an incident involving  
Queensland Fire and  
Emergency Services employees

19 December 2014

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# QUEENSLAND FIRE AND EMERGENCY SERVICES INDEPENDENT REVIEW

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**Email:** [QFESindependentreview@Premiers.qld.gov.au](mailto:QFESindependentreview@Premiers.qld.gov.au)

19 December 2014

The Honourable Campbell Newman MP  
Premier of Queensland  
PO Box 15185  
City East Qld 4002

Dear Premier

In accordance with the appointment you made on 3 October 2014, I am pleased to provide my report to you on the handling of a serious complaint involving Queensland Fire and Emergency Services (QFES) employees, by that organisation and the Public Safety Business Agency (PSBA).

Management of the issue was impacted slightly by the incomplete implementation of the new organisational arrangements in place as a result of the *Police and Community Safety Review*. Although the effects of this were exacerbated by the failure of QFES to follow established policies and procedures, a greater cause for concern is the aspects of organisational culture within the QFES that have resisted the full inclusion of women firefighters.

Given strong organisational commitment and leadership, I am confident that QFES can address these issues over time and become an organisation that champions equitable employment practices as much as excellence in community safety service delivery. I have made a number of recommendations to address the organisational issues in PSBA and QFES, and commend the report for your consideration.

Yours sincerely



Margaret Allison

## Terms of Reference

### INDEPENDENT REVIEW OF AN INCIDENT INVOLVING QUEENSLAND FIRE AND EMERGENCY SERVICES EMPLOYEES

#### Appointment of Independent Reviewer

1. The Honourable the Premier of Queensland appoints Margaret Allison, to undertake a full review, in an independent manner, of the Public Safety Business Agency's (PSBA) and Queensland Fire and Emergency Services (QFES) handling of sexual harassment and workplace bullying with respect to the adequacy of action taken by PSBA and QFES in response to the incident involving the employees posting of sexual information on Facebook about female colleagues in March 2014, including the timeliness and adequacy of the response, any remedial action taken and the support provided to the female employees in question.
  
2. Based on the findings above, she is to further report on:
  - a) The prevalence of any cultural or organisational issues, practices or procedures that could foster gender discrimination, sexual harassment and/or workplace bullying at QFES, and the adequacy of QFES action to prevent incidences of gender discrimination, sexual harassment and workplace bullying within the organisation.
  - b) The effectiveness of implementation of the *Code of Conduct for the Queensland Public Service* in QFES, including training related to it and whether there is a need to provide more specific guidance on use of social media.
  - c) The adequacy and integrity of, and adherence to, complaints management policies, processes and guidelines at QFES.
  - d) Any recommended changes to existing workplace policies, processes, guidelines and practices at QFES to ensure that sexual harassment and workplace bullying is adequately dealt with by QFES, having regard to Queensland Government policy in workforce management.
  - e) Any other matter relevant to this review.

#### Independent Reviewer to report

3. The Independent Reviewer is to make recommendations on the matters within these Terms of Reference, including (if appropriate) recommendations on matters for further or more detailed review, and provide a report to the Honourable Premier of Queensland by **19 December 2014**.

4. The Independent Reviewer is to confine the review to broader organisational governance and systemic matters, and is not to duplicate or prejudice the current ongoing investigation by Ashdale Workplace Solutions into the specific incident(s) in question.

**Independent Reviewer to make recommendations**

5. In making recommendations, the Independent Reviewer should consider any recommended legislative, administrative and/or organisational changes to promote integrity and an ethical culture at QFES.

**Conduct of Review**

6. The Independent Reviewer may conduct inquiries in such a manner and in such locations as may be necessary and convenient.

## Explanation of the Report

The Terms of Reference for this Review provide for two distinct parts. The first requires an independent assessment of the organisational management by Queensland Fire and Emergency Services (QFES) and the Public Safety Business Agency (PSBA) of a particular incident involving QFES staff. The second deals with observations of the culture within QFES that gave rise to the incident in question and provides a range of recommendations, including:

- changes to QFES policies and practices to improve gender equity
- strategies to ensure that QFES provides a safe working environment for all staff, free from discriminatory practices
- better organisational responses to complaints, including those serious matters involving bullying and/or sexual harassment
- clarification and formalisation of the role PSBA plays in the delivery of services to QFES, and the leadership of organisational reforms.

The terms of this Review also specify that this process should not duplicate or prejudice the workplace investigation by Ashdale Workplace Solutions (Ashdale). While this Review focuses on broader organisational issues, the Ashdale investigation is primarily concerned with the contribution of individuals. The findings of this Review will therefore stand quite separately from those of the Ashdale investigation. Ashdale has provided a number of key interview transcripts and a detailed timeline of the event, which have enabled me to make a more accurate assessment of the circumstances surrounding this matter, and the cultural and systemic issues which have shaped these events.

It is noted that the first part of the report deals with matters that are not yet finalised. The Ashdale investigation report has only recently been provided, and QFES has not yet finalised its response to that report. Further, there is a matter related to this incident that is currently before the courts. Finally, there is a need to preserve as much confidentiality as possible for the sake of the complainants in this matter.

For these reasons, those parts of the report containing identifying information about particular parties will only be published in confidential form to the Premier, namely:

- the list of persons consulted in the course of the Review (Appendix 1)
- a detailed timeline of the incident and the organisational response to it over a number of months (Appendix 2).



The second part of the Review deals with conclusions formed during the course of the Review, and provides wide-ranging recommendations to improve the environment in which women firefighters are recruited, trained, assigned, supported and promoted. A key recommendation is to ensure that QFES are well supported in implementing those recommendations of this Review that are endorsed by Government, and to ensure the oversight of progress by the Honourable Minister for Police, Fire and Emergency Services.

## Part A – Organisational responses to incident

### 1. Organisational context

Queensland Fire and Emergency Services (QFES) became a department in its own right on 1 November 2013, following the Queensland Government's commitment to implement the recommendations of the Police and Community Safety Review (PACSR) conducted by Mr Mick Keelty, the former Australian Federal Police Commissioner. The Police and Community Safety Review was conducted from January to August 2013, and made far-reaching recommendations, which included the re-assignment of functions carried out by the Department of Community Safety, including the Queensland Fire and Rescue Service (QFRS) division.

The Police and Community Safety Review also recommended that the functions of Emergency Management Queensland be transferred to a new department: Queensland Fire and Emergency Services. This new department included the management of emergency service volunteers, whether State Emergency Services or Rural Fire Services, under the leadership of a new Deputy Commissioner.

The Police and Community Safety Review expressed a strong view about the capacity of the former QFRS to take a broader role in the management of disasters, the need to integrate these critical activities into the core mission of the fire service, and the importance of being able to act as a single organisation in emergency events. Mr Keelty noted changes in work undertaken by the fire service over a number of years, especially with the decline in structural fires as the result of smoke alarm installation and improvements in building safety standards, but also commented that their primary work was still seen to be fighting fires. He also noted that contemporary innovations seen in other jurisdictions, such as strategies to reduce unnecessary response of vehicles to false alarms and the use of smaller, more agile vehicles with smaller crews as first responders, were not under active consideration in Queensland.

The Police and Community Safety Review Report also called for the establishment of a single portfolio business function to support the functioning of the Queensland Police Service (QPS) and the new Queensland Fire and Emergency Services, which recognised the need to enable services to deliver effective professional support to the operational agencies and to provide opportunities for inter-operability. The model proposed by Mr Keelty went beyond traditional shared services models, which focus on transactional services, by recommending that the portfolio business function be aligned with and support the strategic intent of the organisations it serves.

This recommendation resulted in the establishment of the Public Safety Business Agency (PSBA) on 1 November 2013, and the transfer of staff performing functions within its mandate, from QPS, QFES and the former Department of Community Safety. The resource transfers underpinning these arrangements were later reviewed by the Public Service Commission, and some adjustments made. Some ICT services continue to be provided to the Queensland Ambulance Service as well, although it is now part of Queensland Health.

A service agreement does not exist between QFES and the PSBA outlining the services to be delivered by the PSBA to QFES. Currently, the PSBA provides a catalogue of services they can offer. Many previous human resources (HR) and corporate policies of the Department of Community Safety are assumed to have carried over to the new organisational environment but there has been a lack of formality about which of these has been adopted by QFES.

The Queensland Fire and Emergency Services also publishes their business rules which are, in effect, documents that provide procedural guidance on how certain policies are to be implemented. These business rules are found on the statewide Integrated Operational Planning Process (SIOPP) which is the central point of reference for all QFES procedures.

The policies of the former Department of Community Safety can be found on their intranet (which still exists although the Department ceased over a year ago), with the PSBA intranet focusing on the change activities in the broader organisational environment. This situation, where publication of policies and procedures are fragmented, has created an environment of complexity and uncertainty about the correct procedures to follow, especially in the handling of sensitive complaints.

It is acknowledged that at the time the events which are the subject of this review occurred the PSBA and QFES were relatively new entities. Nevertheless, it is a reasonable expectation that core HR policies and procedures would be settled quickly, and an easy pathway to find these be made available to staff at all levels.

## 2. Legislative context

This section sets out the major legislative requirements of the Queensland Government, as applicable to this Review, to establish the context in which Queensland Fire and Emergency Services (QFES) operates as a department.

### 2.1. Statutory provisions related to employment

Fire officers are employed under the *Fire and Emergency Services Act 1990*, and not the *Public Service Act 2008*, under which most public sector officers are employed. Under the *Public Service Regulation 2008*, a number of the provisions of the *Public Service Act 2008* are applied to QFES. These include the application of the merit principle, the role of Ministers in relation to their portfolio agencies, general staffing provisions (secondments, transfers and the like) and employee screening (police checks and Blue Card requirements).

The *Public Service Act 2008* also provides for the equality of employment opportunity (EEO) obligations of public service entities, which also apply to QFES as a government entity. These provisions place an obligation on employing agencies to enable members of EEO target groups (including women) to compete for jobs and to pursue careers as effectively as people who are not part of those target groups. However, the *Public Service Act 2008* also notes that this does not override the merit principle.

Unlike the *Public Service Act 2008*, there are no provisions in the *Fire and Emergency Services Act 1990* that establish a range of employment obligations for both managers and staff. Chapter 1, Part 3 of the *Public Service Act 2008* sets out the key management and employment principles for the public service, including provision of responsive, effective and efficient services to the community and the Government. It clearly establishes that public service employment must provide equitable and flexible working environments in which employees are treated reasonably and fairly, and promotes a diverse and highly skilled workforce.

Section 26 of the *Public Service Act 2008* sets out a range of requirements that are particularly pertinent to this review, including that a public service employee's work performance must be directed towards:

- improving all aspects of the employee's work and performance
- giving effect to Government policies and priorities
- ensuring the employee's personal conduct does not reflect adversely on the reputation of the public service
- observing the ethics principles under the *Public Sector Ethics Act 1994*
- complying with an approved code of conduct and any approved standards of practice.

Public service managers must actively manage the work performance and conduct of their staff, and must take prompt and appropriate action to address the matter if a case of unacceptable work performance or personal conduct arises. There does not seem to be any good reason that these provisions should not apply to QFES employees through the amendment of the *Public Service Regulation 2008*.

Further, on the next occasion when government employment legislation is being reviewed, it may be that consideration should be given to including QFES employees (other than the Commissioner) under the *Public Service Act 2008* generally. The nature of the powers fire officers can exercise under the *Fire and Emergency Services Act 1990*, and the particular industrial arrangements under which they work, does not provide a justification for a separate statutory basis of employment. Many other government officials employed under the *Public Service Act 2008* exercise substantial powers, the basis of which is provided in other Acts.

## 2.2. Code of Conduct

The *Public Sector Ethics Act 1994* applies to all public service agencies, including QFES, and employees must comply with the *Code of Conduct for the Queensland Public Service* (Code of Conduct). The Code of Conduct has been extended to include volunteers. Public Service Agencies may develop additional standards of practice, however, these must be approved by the Chief Executive Officer (CEO) of the Public Service Commission (PSC). Queensland Fire and Emergency Services has not to date developed any additional standards.

The single Code of Conduct for the public service commenced on 1 January 2011. An annual training requirement, which had been introduced in September 2010, was removed from the *Public Sector Ethics Act 1994* in 2012. Chief Executive Officers, including the Commissioner QFES, are responsible for ensuring that all employees have reasonable access to the Code of Conduct and receive training at induction and thereafter at regular intervals. Chief Executive Officers are also responsible for

ensuring that the administrative procedures and management practices of the organisation have proper regard to the Code of Conduct. The Code of Conduct includes a requirement (in standard 1.5) to demonstrate a high standard of workplace behaviour and personal conduct, which includes treating co-workers with respect and ensuring conduct reflects a commitment to a workplace that is inclusive and free from harassment.

### 2.3. Sexual harassment

Chapter 3 of the *Anti-Discrimination Act 1991* prohibits sexual harassment in Queensland. Conduct does not need to be deliberate or repeated to breach the requirements of the *Anti-Discrimination Act 1991*. Sexual harassment is unwelcome conduct of a sexual nature in relation to another person in circumstances when a reasonable person would expect the other person to feel offended, humiliated or intimidated by the conduct.

### 2.4. Bullying and harassment

Under the *Work Health and Safety Act 2011*, bullying and harassment refers to repetitive behaviour that is unwelcome and offensive, humiliating, intimidating or threatening and can take place anywhere, including in the workplace. Harassment is not just one type of behaviour and can involve abuse, violence, ridicule and unreasonable demands as well as less obvious behaviours aimed at isolating a person from colleagues, peers or friends. In addition to face-to-face encounters, harassment can happen through social media sites, email and texting.

Where workplace harassment is not specifically covered by anti-discrimination law, it may be covered by workplace health and safety legislation. Under the *Work Health and Safety Act 2011* Workplace Health and Safety Queensland can deal with workplace harassment (that is not unlawful discrimination, sexual harassment or vilification) where a person is at risk of injury or illness from repeated behaviour that is:

- unwelcome and unsolicited
- considered to be offensive, intimidating, humiliating or threatening by that person
- would be considered offensive, intimidating, humiliating or threatening by a reasonable person.

Workplace harassment can occur between people in any direction within a workplace, such as between co-workers (laterally), a worker harassing a supervisor or employer (upwards), or a supervisor or employer harassing a worker (downwards). Before a complaint can be made to Workplace Health and Safety Queensland, the person being harassed must first raise the issue in the workplace and try to resolve it there.

## 2.5. Duties of employers

Particular duties are placed on CEOs as heads of their organisation to ensure a safe workplace and there are significant liabilities associated with these duties. Section 133 of the *Anti-Discrimination Act 1991* makes an employer vicariously liable for the actions of the employer's workers or agents. Accordingly, an employer may be civilly responsible for sexual harassment occurring in the workplace or perpetrated by the employer's agents. It does not matter whether or not the employer was aware of the sexual harassment taking place.

An employer can defend proceedings for contravention of the *Anti-Discrimination Act 1991* by proving that the employer took reasonable steps to protect their staff from sexual harassment and to make sure the workplace was free of this type of behaviour. Reasonable steps may include writing policies about sexual harassment, making sure all employees, especially managers and supervisors, are trained in reducing or preventing incidents from occurring, and introducing an effective process for dealing with complaints.

Under the *Work Health and Safety Act 2011*, officers (including CEOs of Government agencies) have a duty of care to ensure an organisation meets its workplace health and safety obligations, which extends to a requirement to be proactive in ensuring the organisation complies with its duties. These duties include provision and maintenance of a safe work environment, including safe systems of work. It also requires that the health of workers and conditions at the workplace are monitored for the purpose of preventing illness or injury arising in the workplace. A breach of this legislation can include where steps are not taken to avoid a risky situation from occurring.

### 3. Summary of incident triggering review

As indicated earlier in this Report, there is a detailed timeline and description of this matter in the confidential appendices to the Premier. The material below is a summary of that other work. This information has been gathered from interviews conducted by this Review and a number of interviews conducted by Ashdale Workplace Solutions, as well as documentation provided by various parties.

In late December 2013, a team of on-duty firefighters engaged in an inappropriate workplace conversation about female colleagues. In that context, one of them created some offensive material related to this conversation on his personal phone. This material was distributed to a number of male colleagues. It is known that some people responded to this material, and some deleted it from their phones. Records no longer exist of the individuals to whom the material was forwarded, or those who responded to it.

In late March 2014, some three months after the initial incident, one of the women firefighters, who was the subject of the offensive material, saw a Facebook message to her that included the offensive material, along with some derogatory and abusive commentary. This material was posted to Facebook by an officer of another Queensland Government department, who had a personal association with a Queensland Fire and Emergency Services (QFES) officer, which is how that person first saw the offensive material.

Having become aware of the offensive material about her, the firefighter (C1) made a complaint to QFES in the first instance and then, on the advice of a QFES officer, to the Queensland Police Service. She also informed the other two firefighters (C2 and C3) who were the subject of the offensive material. QFES officers did not inform the other two officers, nor advise them of steps being taken by the organisation to respond. These two officers did not make a further complaint, being of the view that QFES would respond to the incident on their behalf.

The matter was quickly referred to the Ethical Standards Unit (ESU) of the Public Safety Business Agency (PSBA) for consideration of whether it should be referred to the Crime and Misconduct Commission (CMC—its former name). The Ethical Standards Unit advised that it did not appear to be a matter related to official misconduct, where there is a connection between the conduct and the official duties of the person. At the relevant time, it was not known who created the original material, or that it was created at work.

Although the ESU offered further assistance in progressing the matter, it was not actively followed up with QFES until about June nor was it referred to the HR area of the PSBA until September.



During the next few months, QFES did not progress the investigation of this matter. This seems to be mainly due to the misapprehension that they could not do anything while the police investigation was continuing. The reluctance of C2 and C3 to progress formal complaints themselves (because of their confidence that QFES would respond to the unacceptable behaviour, and because of the additional pressure this would create from male colleagues) was wrongly interpreted as meaning they did not want the matter pursued.

During the relevant time, the firefighters who were the subject of the material were under considerable strain. The details of the original incident were widely known and the firefighters were subject to regular questioning by male colleagues about what was happening, both from concern and prurient interest. They were also under pressure to withdraw the complaint by some colleagues.

The women continued to work alongside male colleagues knowing that some of them had participated in developing, disseminating and responding to the offensive material.

C2 reported having a workplace conversation about the complaint, initiated by an Inspector in late April 2014, in the difficult context of a work competency assessment. The Inspector provided an assurance he would continue to follow up with the police and the ESU. At that time, the ESU had already provided their advice and were not taking any further action.

Apart from this, the women were not contacted by more senior QFES officers about the matter again until early September 2014, when they were contacted by the relevant Assistant Commissioner. In the months between March and September 2014, two of the three officers had periods of leave related to the stress created by the situation. One was moved to another region at her request and one was moved at the direction of a Deputy Commissioner—although she was able to express a preference for a general location. No male officers were moved.

In June 2014, a Deputy Commissioner became aware that the organisational response to the complaint appeared to have stalled and that, contrary to previous advice provided to him, the three firefighters had not been informed of its progress. He directed that Code of Conduct training be undertaken in the region, which occurred in mid to late July 2014. The training was generic in nature, and did not deal with sexualised behaviour in the workplace. The timing of this training had the perverse outcome of intensifying the pressure on the complainants, given that it was widely known that the original incident was the trigger for the training.

In early September 2014, the Assistant Commissioner invited the three firefighters for an interview with him. They were actively dissuaded from having a support person in attendance, with the officer

who asked for this being told (incorrectly) that the two other women did not want a support person in attendance.

Around this time, two of the Acting Deputy Commissioners decided to take more direct carriage of the complaint and an internal QFES panel was established to undertake an investigation. During the following week, the HR division of the PSBA was consulted, and advice provided that an external investigation was warranted. This advice was accepted and an external firm commissioned. This review was not finalised at the date of writing this report.

On 3 October 2014, the Honourable Jack Dempsey, Minister for Police, Fire and Emergency Services, announced the establishment of an independent review into the handling of the matter by QFES and the PSBA.

## 4. Observations about incident

I have made a number of observations in coming to my overall assessment of the organisational response to the original incidents. These are provided below.

### No reporting by peers

Although the offensive material was sent in December 2013, the incident did not come to light until late March 2014, when the material was received by one of the complainants from a person outside Queensland Fire and Emergency Services (QFES). This means that over a period of almost three months, not a single QFES officer who had received or was aware of the offensive material acted in any way to alert the organisation—or the women who were the subject of the material—of its existence. It is acknowledged that a number of officers who received the material deleted it immediately and there is evidence of some casual peer conversations suggesting that it was not a good idea. However, no formal or informal report was made by any officer. This is remarkable, and suggests either very low level of awareness about acceptable workplace behaviour, a culture of fraternal loyalty to male colleagues, or both.

### Unclear accountability for progressing matter

The initial response to the complaint of C1 was reasonable in the circumstances, with advice provided to an Inspector in the first instance, and then to an Assistant Commissioner and Deputy Commissioner. However, once advice was received from the Ethical Standards Unit (ESU) to suggest it was not a Crime and Misconduct Commission (CMC) matter no-one took responsibility for ensuring or coordinating further action:

- The ESU did not refer the matter to the Human Resources (HR) Division within the Public Safety Business Agency (PSBA), or actively follow up with QFES to ensure action was being taken.
- The Deputy Commissioner was incorrectly assured that the matter was in hand and did not actively pursue it.
- The Assistant Commissioner did not communicate effectively with the Inspector, who was unaware of the ESU advice until June 2014.
- Nobody followed up regularly with the police, or sought advice about likely timeframes for completion of their investigation.

In managing responses to serious conduct complaints, it is my experience that good practice would include:

- mechanisms for immediate escalation of the issue
- clear accountability for actions to be taken by individuals and for overall coordination
- regular review mechanisms to ensure the matter does not “fall off the radar”.

None of these elements were clear in this case. As well as the lack of personal accountability there was also a lack of clarity about agency accountability—the issues related to which have been canvassed elsewhere in this review.

### Lack of recognition of impact of delays

After the flurry of activity in the first few days after the matter came to light, the ESU advice seemed to lead to a perception that nothing could be done within QFES, given that the matter had already been referred to police for investigation. In fact, it would have been possible for a properly constituted investigation to have been commenced at that point, with any disciplinary action arising from it completed relatively quickly. This would have enabled the complainants, and those officers involved in the creation and dissemination of the offensive material, to have some early resolution of the matter. Such a process may well have allowed some “clearing of the air”, an apology and open discussions about the behaviour and conversations that are acceptable in any workplace.

As things stand, it may well be that the matter is still unresolved some 10 months from the original complaint being made. The uncertainty this has created has been extremely stressful for the women firefighters through no fault of their own. There is no doubt that it is also stressful for officers whose behaviour is subject to investigation.

### Failure to inform and support complainants

Any effective complaints management protocol involves the provision of regular updates to the complainant/s, whether they are internal or external. This demonstrates a seriousness of intent in addressing the issues raised by the complainant. Even if the final outcome is not what the person had hoped for, the degree of effort made by the organisation in this regard can assist the person in coming to terms with what has occurred.

In this matter, the organisation failed in the first instance to inform C2 and C3 that they were the subject of offensive material which had been disseminated. It was left to C1 to advise her colleagues. Both C2 and C3 were concerned about being seen to collude against male colleagues and how this might further impact their acceptance as firefighters on their own merits. Consequently, the women

were not in a position to even provide support for each other, nor were they, at the time, offered access to FireCare—the employee assistance scheme.

A further characteristic of effective complaints management protocols is that the complainant deals with the same person handling the matter over time, so that the details of the complaint are known and do not have to be repeated and the person can confidently advise of all aspects of the organisation's response. Again, this did not occur in this case, with the complainants dealing with a number of senior officers over time, some of whom were not fully informed of the matter.

### Communication and confidentiality

Throughout this Review a consistent theme has been the management and communication of information within QFES. Operational staff are required to log their whereabouts on duty on an operational system that is visible to all other colleagues. As a result, it has been very well known who has been attending interviews as part of the investigation, and when they have been interviewed. This has created further difficulties in maintaining any kind of confidentiality about the investigation process and has added to the pressure experienced by all participants.

On a related note, a number of officers have reported that personal information about new recruits, especially but not exclusively women, is freely circulated between academy staff and the regions to which recruits will be allocated. It is of concern that this information has included confidential information such as results of psychological testing.

Finally, there is the issue of the appropriateness of methods and timing of communication throughout the process. Apart from the impact of delays in communication referred to above, QFES attempted to engage with complainants in an informal way when it again commenced active involvement in September 2014. Not only was this seen as confusing, but it also served to undermine confidence in how seriously the matter was being taken by QFES.

## 5. Assessment of organisational responses to incident – PSBA

I have been asked to review this matter with respect to the adequacy of the organisational responses of Queensland Fire and Emergency Services (QFES) and Public Safety Business Agency (PSBA). The involvement of the PSBA was much more peripheral and I propose to deal with it first.

The Public Safety Business Agency became involved in this matter at two key points. The first was when advice was sought from the Ethical Standards Unit (ESU) just after the complaint first came to light in late March 2014, and the second was when the advice of the Executive Director, Human Resources was sought in September 2014, regarding the investigation strategy proposed by QFES. Organisational context is highly relevant to reviewing the PSBA's role in this matter. The PACSR Report envisaged a mature and collaborative partnership between the PSBA and the agencies to which it provided services, suggesting that the relevant Commissioners, in consultation with the Chief Executive Officer, would set improved corporate performance measures to be achieved. Although the original intention was that the PSBA would “hold all the infrastructure, fleet and information and communication technology assets of the portfolio and...would manage HR, legal and policy, media management and strategic planning” (PACSR report, p. 42), the practical implementation was not as definitive about scope. However, it appears to me that there is significant Government commitment to build the portfolio model collaboratively.

PSBA offered QFES a catalogue of human resources (HR) services and policies. However, there was a lack of clarity about which services were to be provided to QFES, as there was no formal agreement and documentation about scope (such as a service agreement or memorandum of understanding). Consequently, this created uncertainty about which policies prevailed at the time of the incident and initial response. Given that this corporate services model goes beyond traditional shared services models, more clarity is required about what will be delivered and by whom, especially in the early stages of maturity. While focusing on outcomes rather than inputs, an agreement between PSBA and QFES should clearly particularise the duties and responsibilities of each party.

It is also probably fair to say that QFES would have preferred to establish their own human resource policies, so that they could be more tailored to the QFES environment. As it was, the policies of the former Department of Community Safety were supplemented by procedural guidance to QFES staff on SIOPP (the statewide Integrated Operational Planning System).

In this environment of reluctant participation, PSBA did not press for certainty and formality, and it may not have been clear to QFES what the capacity of the PSBA was in certain areas. For example, at the time the incident first came to light, the ESU comprised only two people, the third being on a secondment to the Ethical Standards Command in the Queensland Police Service.

As a result of the size of the unit, the work of the ESU was limited to involvement in cases involving alleged official misconduct as defined in the *Crime and Misconduct Act 2001*, and certain other serious matters referred by the Chief Executive Officer. This staffing level is clearly inadequate to provide ethical standards services to QFES, whose workforce consists not only of permanent and auxiliary firefighters, but the many thousands of rural fire and SES volunteers. I also note that the ESU is located in Ministerial and Executive Services within the PSBA, and lacks a direct nexus with HR, the earlier involvement of which may have led to much more timely resolution of the matter.

The opinion of the ESU was sought by the QFES as to whether the matter was one that appeared to meet the criteria for CMC referral. At this time, it is relevant to consider that:

- there was no definite information about who had created the offensive material, so it was unknown if the person was an employee
- there was no information about the circumstances in which the material was created, so it was unknown if there was a nexus between the conduct being alleged and official duties
- the focus of concern of the QFES was the Facebook post that triggered C1's complaint, rather than the offensive material to which it referred
- C1 had been advised to refer the matter to police on the basis that QFES did not see how they could progress the matter in the absence of information about who was responsible.

On the advice available, the Manager of the ESU formed the view that the matter was not one which should be referred to the CMC, and consequently would not be managed by the ESU. One of the reasons given was the unlikelihood of Facebook administrators disclosing information that would identify a responsible individual, except to police issuing a warrant. The ESU Manager further noted that the matter had been referred to police for investigation. He offered some views about how he would progress the matter if he were dealing with it, and offered to provide "assistance as required".

It is my view that the advice was narrowly sought (given, for example, that there was information to hand that indicated an officer from another department may have posted the offensive material to Facebook) and narrowly given. The ESU Manager did not follow up the offer of advice to the QFES, and did not seek to escalate the matter to the Executive Director, HR, PSBA.

The second point at which the PSBA became involved was in mid-September 2014 when the advice of the Executive Director, HR, was sought about the proposed conduct of an investigation by a panel of QFES officers. Appropriately, her advice was to have the investigation undertaken externally. This advice was accepted and enacted the same day.

My assessment of the PSBA role in this matter is that:

- the CEO should have established and formalised the clear responsibility of the PSBA to deliver the full suite of corporate HR policies and services to QFES as envisaged by the PACSR report, and ensured that there was organisational capability to undertake this effectively
- although the ESU Manager had very limited capacity and a mandate that reflected this, the information was so concerning that it should have been escalated within the PSBA to the Executive Director, HR for follow up, direction and support, or with QFES to determine what action was being taken
- the advice of the Executive Director, HR, regarding the launch of an independent inquiry was appropriate, but not sought early enough.



## 6. Assessment of organisational responses to incident – QFES

### 6.1. Establishing an investigation

The initial response by the Queensland Fire and Emergency Services (QFES) when the incident first came to light in late March 2014 was quite promising – C1's distress was recognised, the matter was immediately escalated to senior officers and external advice was promptly sought about whether it should be referred to the Crime and Misconduct Commission (CMC).

After the advice was provided by the Ethical Standards Unit (ESU) that the matter did not meet the threshold for CMC reporting (given the limited amount of information known at the time), QFES failed to take a number of actions that would have been reasonable in the circumstances. These included:

- informing C2 and C3 of the existence of the offensive material that concerned them
- informing all three firefighters of the steps QFES intended to take to investigate and deal with the matter, options open to them, and the details of the person who would be regularly keeping them informed of the progress of the investigation
- advising the three firefighters of the availability of support for them within QFES and/or through FireCare
- ensuring that relevant information about the matter was passed back through the chain of command at least to Inspector level determining what immediate action (if any) needed to be taken to locate and secure evidence
- allocating responsibility to a single senior officer to coordinate action in relation to the matter, and ensure key time frames were met
- seeking specialist advice from the Public Safety Business Agency (PSBA) about how to investigate the matter in the absence of a CMC referral
- providing early advice to the Minister.

It was open to QFES at this point to commence a formal investigation. A reasonable starting point for this would have been to interview officers in the limited number of fire stations where all three firefighters had worked at some time, to determine any knowledge they had of the matter. Given the nature of the material, it does not take a huge stretch of the imagination to consider that officers involved in the creation or sharing of the material were most likely colleagues of the women firefighters.

Organisational action taken at the time of a complaint being made is critical to ensure effective management and timely resolution of it. Similarly, actions not taken or alternative courses of action

not explored can jeopardise long term organisational outcomes or the satisfactory resolution of the matter from a complainant's perspective.

In this case, the actions not taken at the outset have created a more complex set of problems for the organisation. These actions include:

- assigning single point accountability early on
- developing a plan of action, with time frames to be met
- engaging quickly and sensitively with all complainants, and giving them a contact person, and
- seeking expert human resources (HR) advice from the Public Safety Business Agency.

## 6.2. Managing an investigation

Queensland Fire and Emergency Services did not regroup after the ESU advice to consider what should be done next. For example, a review of the ICT system in QFES to determine if the offensive material had been created, stored or disseminated using departmental equipment was not conducted until September 2014.

Instead, organisational action effectively ceased from mid-April until mid-June 2014 when the ESU advised the Inspector that it had not referred the matter to the CMC. The Inspector had not been aware of this prior to mid-June 2014, which meant that his earlier communications to complainants provided false assurances to them that the matter was being dealt with.

The Complaints Management System, the use of which is required under the QFES Business Rule *D3.7 Coordinate Complaints*, was not used to lodge the complaint relevant to this incident. The complainants, who had since identified this business rule through a quick search on the QFES portal, have indicated that had the business rule been followed in the first place the issue is likely to have been resolved more quickly.

It was the usual practice in QFES for the management of significant complaints or performance management issues to be overseen by a Deputy Commissioner. Although a Deputy Commissioner was involved early on in this case (coordinating the referral to ESU, for example), he ceased active oversight of the matter until mid-June, based on assurances from the relevant Assistant Commissioner that everything was in hand.

It took some informal communication in June to trigger the Deputy Commissioner's reinvolved, and he sought further advice on progress of the matter and support being provided to complainants. He also directed that all officers in the region undertake generic Code of Conduct training, which

occurred in mid to late July. In practise, the good intent of this training backfired with the annoyance of many officers at having to attend being directed towards the complainants.

In early September 2014, the complainants were invited to an informal meeting with the relevant Assistant Commissioner, who actively discouraged the attendance of a support person as requested by one complainant. He advised that the other two complainants did not want a support person in attendance. This was factually incorrect, as the others had not expressed a preference either way.

During the extended meeting that followed, the complainants formed the view that the relevant Assistant Commissioner was not fully briefed on the facts of the case, and were uncomfortable with the attempts at informality. It took until early September 2014 for a Deputy Commissioner to take control of the matter again, and further efforts were then made to engage and support the complainants. A decision was taken to form an investigation panel of three QFES officers, but on advice from the Executive Director, HR, this idea was abandoned in favour of an external investigation, which commenced immediately.

At this point, it was almost six months since the offensive material came to light. On 15 September 2014, the Minister received brief verbal advice of this matter in the context of another meeting, and a formal briefing note on 29 September 2014. The effects of early failures become cumulative in effect over an extended period and this became evident during the middle phase of the response from mid-April to mid-September 2014. The failure to seek external expert advice about how the matter could be progressed meant that QFES did nothing for a few months, effectively losing control of the situation.

Some of the most obvious problems in the management of this matter are around communication, specifically:

- There was poor communication up and down the chain of command, as evidenced by the Inspector being unaware of the ESU decision until June and the Deputy Commissioner accepting regional advice that all was proceeding well.
- There was a failure to communicate well with the complainants, as there were not only long periods of no communication at all, but a lack of a consistent approach by a single person.
- There were problems with the style of communication in some instances, such as the use of email to convey information about the lack of an outcome of the police investigation to date, which was potentially distressing information.
- There was a failure to escalate this matter to the attention of the Minister in a timely way.

Even where there were clear attempts to get this matter back on track, the process was dogged by poor judgement or clumsiness of approach. For example, over time, the complainants were interviewed by a number of senior officers and essentially required to recount their experiences again and again, without being given any clear sense of how the organisation intended to resolve the matter.

### 6.3. Support to complainants

Even if there was a genuine belief in the first instance that nothing could be done to identify the person or persons responsible for creating and sharing the offensive material, QFES had a duty of care to the three firefighters concerned to inform and support them throughout the process, and they manifestly failed in this regard. It is a great testament to the character and loyalty of these firefighters that they continued to believe for many months that QFES was actively pursuing the matter, and would ensure that a fair outcome was achieved.

Although C1 reported the matter to police herself, she did so on the advice of a senior QFES officer that this was the only option open to her in the absence of identifying information about the person or persons responsible. No advice was sought before this opinion was given to C1, and as a result the advice was incorrect. It is noted that C2 and C3 never made a formal complaint because they were convinced that QFES would take the initiative and formally join them to the original complaint. Unfortunately, this was misinterpreted as their reluctance to progress the matter.

It is difficult to appreciate the level of stress experienced by the complainants after the material first came to light. They were aware that the material was most likely created by some of the colleagues with whom they had worked and continued to work, and by whom they had thought they had been accepted as equals over time. They felt unable to provide support to each other lest this give rise to allegations of collusion in relation to the original complaint.

The formal advice from more senior echelons of QFES was either sparse or absent. Although the complainants took varying periods of recreation leave mid-year, it was not until late July or early August that C1 was advised by the Inspector that no further action had been taken by the ESU.

Despite the lack of official information received, the informal communication channels were well and truly functioning. The complainants were asked frequently for information about what was happening, and received a range of gratuitous advice, such as “you girls should just get over it”. Some male colleagues were highly supportive, but perhaps not aware of the stressful impact of their questioning, or of confidentiality requirements constraining the complainants.

There is a fundamental lack of understanding about the impact on complainants of this matter dragging on over a number of months, without resolution. It was not until September that complainants were referred to FireCare, the employee assistance scheme provider, and their experience of this service was mixed at best.

In the course of events to date, one of the complainants was moved at her request to another region after some months, and another of the complainants moved on the initiative of a Deputy Commissioner, although to an area to which she was happy to relocate.

In any workplace investigation, the issue of whether complainants can safely remain in the same workplace as those under investigation is generally one that receives early consideration. Often, people can remain in the same workplace (especially in a shift work environment) if there are protocols in place and effective management oversight. Further, in the event that it becomes clear that the complainant continues to be exposed to unacceptable behaviour or otherwise does not feel safe, it is a generally accepted principle that the complainant should not be the one to move.

Certainly, this matter is one where it has taken some time to identify the people involved, and it is further complicated by the numbers potentially involved. However, the request for transfer by one complainant and the direction to transfer to another is an indication that this situation has not been managed well at the local level.

#### 6.4. Assessment of QFES response

It is relevant to the assessment of the QFES response in this matter to consider that it is an organisation that has only recently acquired departmental status in its own right. PSBA, which provides QFES's corporate services, was also recently established as an outcome of the PACSR review. The effectiveness of this model will be reliant on mature collaboration skills, and a sophisticated understanding of the full range of organisational responsibilities of a Department. In addition to incorporating its broader range of responsibilities, QFES is still at an early stage of maturity in working within a collaborative portfolio model.

My assessment of the QFES role in this matter is that:

- The organisation had a very limited understanding of how to respond to this matter, especially once it was deemed not to constitute official misconduct, and did not seek the expert advice they needed to effectively manage it as a workplace issue.
- Although a number of individuals have tried to "do the right thing" in recent months, the lack of senior leadership and single point accountability from the outset meant that the

organisational response was uncoordinated, needlessly protracted and unnecessarily traumatising.

- The organisation has failed to provide reasonable information and support to the complainants and has exacerbated the stress of the situation for them by not ensuring their safety in the workplace nor acting to resolve the matter within a reasonable time frame.
- There is little organisational recognition that the behaviours that gave rise to this issue (e.g. creating and sharing offensive material about female colleagues), when considered along with other information, might suggest more pervasive cultural issues that should be addressed.

## 7. Further complaints

In the course of this review, a number of other complaints were forwarded for consideration. These complaints relate primarily to voluntary members and paid employees in the Rural Fire Service and auxiliary firefighters, and could be characterised as matters where individuals consider they did not receive fair treatment.

All of the complainants referenced the independent nature of this review as a reason for their coming forward at this point. Unfortunately, given the specific nature of the terms of reference and the limited time available for this Review, it was not possible to consider these other matters at this time.

Experience with reviews of this nature would indicate a likelihood of similar matters being raised by other new complainants following the conclusion of this process. Some individuals would prefer to wait and make their own assessment of the organisation's commitment to change before having the confidence to proceed to make a complaint. Others may simply be unaware that certain behaviours are unacceptable in the workplace. Both the Queensland Fire and Emergency Services (QFES) and the Public Safety Business Agency (PSBA) need to be prepared for this possibility and have the necessary resources in place for an effective response to any such complaints.

It is recommended, however, that these matters be reviewed in a separate but related process. Although there have been a number of other reviews relating to fire services, the most recent of which has been the Malone Review, these have focused largely on structure and function, and have not provided an opportunity to explore some of the "people issues" these complaints represent. It is important to tease out these issues for four reasons:

- A duty of care exists to these employees, whether they are voluntary or paid.
- The Queensland community depends on an effective mix of rural, auxiliary and urban firefighters, and emergency volunteers, to minimise risk and respond to fire events and disasters across the entire State, so it is important to ensure that functional working relationships exist and that different areas of expertise are recognised.
- The particular importance of engaging volunteers cannot be under-estimated in a system that depends on their effort and relies substantially on their good will.
- It is important to understand the nature of any tensions that may exist in order build the integrated "tenure-blind organisation" envisaged by the PACSR Report.

## Part B – Building an inclusive fire service

The second part of this report deals with observations about the culture of the Queensland Fire and Emergency Services (QFES) that gave rise to the incident in question. It provides wide-ranging recommendations to improve the environment in which women firefighters are recruited, trained, assigned, supported and promoted. It focuses on areas that are highlighted in national and international research as being vital to building a safer and more inclusive organisation.

During the course of this review, a number of QFES officers offered the lack of complaints, especially by female officers, as evidence of a lack of systemic problems in the organisation regarding harassment and bullying. The literature on reporting of workplace bullying and harassment suggest measurement of the number and type of complaints is generally a poor indicator of whether such behaviour is occurring in a workplace.

There are a number of reasons for this, including:

- lack of understanding of what is unacceptable behaviour in the workplace
- minimisation of the unacceptable behaviour (e.g. “it was just a joke”)
- lack of certainty about how and when to complain
- fear of not being believed or supported
- fear of organisational repercussions.

Therefore, it is highly possible for a situation to occur where people say that their organisation is a great place and that they love their jobs, and at the same time for those people to be experiencing or exposed to unacceptable behaviours. This was found in the 2011 review into the treatment of female cadets at the Australian Defence Force Academy (ADFA). Reports by staff and cadets indicated that “the predominant view was that for most women, most of the time, ADFA was a good environment.”

However, a survey called the *Unacceptable Behaviour Survey* was administered by ADFA in 2011 to all cadets. Its findings included:

- although 86.3 per cent of all respondents reporting experiencing the behaviours listed in the survey, fewer than half (44%) identified their experiences as “unacceptable”
- just under 75 per cent of women indicated they had been subject to “unacceptable gender or sex-related harassment behaviour”, and
- over 55 per cent of women had “experienced the spread of malicious rumours or public statements of a derogatory nature about themselves or another person”.



Similarly, a number of officers who have contributed to this review have expressed that being a firefighter is the “best job in the world” at the same time as disclosing their experiences of unacceptable workplace conduct.

This Review, announced on 3 October 2014, was designed to be conducted within short timeframes in order to ensure that the ongoing impact on complainants was minimised to the greatest extent possible. As a result, the Review identifies a range of issues that remain for more detailed analysis in the implementation phase. This will require the engagement of a larger range of people than was possible during this process.

This Review prioritised meeting with key people within QFES and the Public Safety Business Agency (PSBA) and speaking with a range of experts with knowledge of good practice nationally and internationally. A review of the literature also assisted in identifying key areas for consideration in building a safer, more inclusive and more innovative organisation for male and female firefighters alike.

## 8. Fire service culture

An understanding of organisational culture is critical to achieving any level of sustained organisational change, and change strategies that do not address this are doomed to fail. A well-known management author, Peter Drucker, famously said that “culture eats strategy for breakfast”. It is especially important to understand the values that lie at the heart of organisational culture, and the differences between the espoused values of the organisation (*what we say we do*) and the integrated or expressed values (*what we actually do*).

A number of writers provide this simple but useful definition of culture as “the way we do things around here”. There have been numerous studies and articles about the particular culture of urban fire service employees. Hulett (2008) reflects the common themes identified in these studies:

*Firefighting’s traditional culture is proud and noble, with shared perceptions that the occupation is dangerous and difficult; the key performance requirements are strength and courage; only an elite subset of individuals are capable of performing its duties; and generous pay and prestige reflect these circumstances. Ironically, these perceptions continue to be used to justify absence of women firefighters as the evolving occupation itself erodes their relevance.*

She goes on to point out that the culture is so strong and self-sustaining that “departments cannot simply hire women firefighters and allow them to ‘sink or swim’ but instead need proactive strategies to ensure their inclusion”.

### 8.1. How culture is expressed

During the course of this review, a number of matters were brought forward that indicate a culture that is, at best, awkward about and unprepared for the inclusion of women in its ranks, and, at worst, actively and overtly hostile. Further, a number of male officers freely express these negative attitudes in the workplace without apparent concern that they might incur social disapproval or be more formally sanctioned for doing so.

Women recruits and firefighters alike are often called an offensive term for female genitalia by instructors, colleagues and more senior officers. One officer indicated he heard this term on every shift. Other Queensland Fire and Emergency Services (QFES) staff in positions of responsibility (such as Station Officers and academy instructors) have expressed their intention to prevent women firefighters from achieving academically or being promoted.

It also appears that selection and training related information about recruits is circulated widely before their assignment to a particular station. This occurs universally with women recruits, but also

with male recruits who do not fit the cultural norm. It is of concern that, in one case, it appears that the confidential details of a recruit's psychological testing were made available to their Station Officer and thereafter became more generally known.

All the women firefighters interviewed for this review had experience of being told directly by colleagues and station officers that women were not wanted in the fire service. In one case, an officer was told on her first day, "I don't want you here. I don't want to see you, I don't want to smell you; and I don't want your girly deodorant in my truck".

There are pervasive (and untrue) rumours that the women who enter QFES must have been subject to a lesser standard of physical fitness, or permitted other favourable treatment to pass the course. In some cases, it is openly asserted that sexual favours must have been provided in exchange for successful completion of the academy program.

The nature of the work undertaken by urban firefighters is quite different to that of other emergency response services, as it involves large periods of down time at the station once the essential chores are completed. At the same time, all officers must remain present at the station in case of a call out. Also, firefighters are appointed to a particular employment location, which is no more than four stations, and will generally stay in that location for four years. This creates an environment where "getting on" and "fitting in" is highly valued.

In a review of the available literature on firefighter culture, one of the prevalent concerns by men about women joining urban fire services is that the behaviour of male officers will need to be constrained or curtailed. One area where this is evident is in the robust nature of interpersonal exchanges, and the way humour is used in the workplace. Although humour can have an important role in workplaces which value team cohesion and to alleviate tension related to the difficult and sometimes traumatic work that is undertaken, it is clear that there is a low level of awareness of the impact of some of these "jokes" on others. What some officers may see as ribald humour may be perceived as offensive or even threatening by those on the receiving end.

Making a complaint in this environment is difficult when unacceptable behaviour is defended by the assertion that it was "just a joke", and can result in the complainant being seen as "a wimp or a whinger" who is socially excluded, or exposed to even more extreme behaviour.

What is evident in this matter, and established through the review, is a tolerance for behaviour that would be completely unacceptable workplace behaviour in other environments, and a failure to recognise the seriousness of particular behaviours. When one female officer made a complaint to a senior officer about the sexually aggressive behaviour of a male colleague, and provided some

evidence to support her allegation, the officer's response was that it probably wouldn't be considered sexual harassment as there was no touching involved. Despite the woman indicating she felt unsafe with the colleague, she continued to be rostered on with him.

## 8.2. How culture is changed

Culture is not changed overnight, especially in circumstances where the benefits of change are not readily apparent to those within an organisation. In the 2007 national American study on women firefighters, lead author Denise Hulett lists five elements necessary to achieve successful cultural change.

### Commitment by top leadership

In mid-2013, information came to light about unacceptable behaviour by a number of army personnel, which was then the subject of investigation both by military and civilian police. The Chief of the Australian Army Lieutenant General David Morrison AO determined that he wanted to be able to speak directly to all army officers, and he did this by posting his address on YouTube. He was clear and unequivocal in his statements:

*The Army has to be an inclusive organisation, in which every soldier, man and woman, is able to reach their full potential and is encouraged to do so. Those who think that it is OK to behave in a way that demeans or exploits their colleagues, have no place in this army.*

He also reinforced that officers at all levels were responsible for the culture of the organisation, saying that "the standard you walk past is the standard you accept".

In the context of QFES, it will be critical to have its most senior leaders commit to gender equity, be able to express why this is important for the future of the organisation and communicate this often and in a range of ways. It will be equally important for all QFES officers to understand that every action taken and every word spoken in the workplace is an expression of that organisation's culture.

The Commissioner QFES, when announcing this Review to staff, took a strong stand in relation to harassment and bullying. His broadcast email clearly stated "Anyone who observes, participates or condones behaviour such as this is not upholding the values of this organisation." He also reminded staff of their responsibilities under the Code of Conduct. These actions provide a clear message to staff about what will not be tolerated, and point to a positive set of values and behaviours that are expected by the organisation's leaders.

### Monitoring and accountability

Progress towards achieving the revised goals of the organisation needs to be measured and monitored, and managers at all levels must be held accountable for achievements against their role

descriptions. In matters such as this, organisational climate surveys can be useful to get an informed perspective of organisational improvements.

### Human resource procedures

Given the unconscious nature of bias that can affect the participation of women in the workforce at all stages, from recruitment and selection practices to particular work assignments and promotional opportunities, Hulett suggests that all human resource (HR) procedures be reviewed “to embody transparency, objectivity and performance-relatedness”.

### Changing individuals’ behaviour

This element includes both training and development to increase understanding of discriminatory workplace practices, and their impact on others, as well as the establishment of a zero tolerance policy for language and behaviour that offends clear workplace standards.

### Sustained effort

Some of the literature suggests it can take from three to five years to affect deeply embedded cultures. Long term achievement of change requires the momentum to be sustained over an extended period. An example of this is the two year annual audit process that was implemented following the initial Broderick Report in 2011 on Australian Defence Force Academy (ADFA) and the 2012 report on the Australian Defence Force (ADF).

## 8.3. Other jurisdictions

Even the most limited opportunity to research issues related to the treatment and integration of women firefighters reveals that some of the issues reported in this review have been experienced in recent times in other Australian jurisdictions and other western countries.

Earlier this year, a review was conducted on the Australian Capital Territory Fire and Rescue Service’s response regarding two serious incidents involving women firefighters. One of the incidents involved organisational failure to address concerns about offensive material posted in the workplace over an 11 year period, despite repeated complaints. Instead, the officer was told to remove the material herself, which she did on many occasions. The second incident involved a video camera concealed in the women’s toilet, and the filming of a firefighter in a toilet cubicle, which was initially characterised as a “practical joke gone wrong”.

The review found that, although the Australian Capital Territory Fire and Rescue Service espoused a commitment to diversity in the workplace, this was not evident in the way the organisation operated, including

- trivialising the nature of earlier complaints
- active discouragement of officers from pursuing complaints
- a lack of appreciation of the impact of inappropriate workplace behaviours on those to whom it was directed
- a close-knit culture that adopted a “fit in or leave” approach.

Information provided by the Australasian Fire and Emergency Service Authorities Council (AFAC) indicates that participation rates for female firefighters across Australian fire services range from about 1.5 per cent to about 4 per cent. Fire and Rescue New South Wales has the highest number of female firefighters at approximately 120, almost double that of Queensland’s 69 female firefighters. These low numbers cannot be resolved only with recruitment strategies, as AFAC explains:

*Whilst a number of initiatives and strategies can be implemented which focus on targeting particular cohorts (e.g. women) to apply for firefighting roles, focus also must be on the organisation’s culture and ensure the inclusion and acceptance of diversity within the organisation.*

Research indicates that in recent years, the inclusion and participation of women firefighters has been an issue in the jurisdictions of the United Kingdom, America and Canada. As early as 1999, the Home Office in the United Kingdom delivered a report *Equality and Fairness in the Fire Service* which found that “the bodies responsible for giving leadership to the fire service had so far failed to date to provide sufficient leadership in respect of equality and fairness”.

In America, women firefighters only make up 3.4 per cent of the workforce, and a number of fire services (including Chicago and New York) have been the subject of successful litigation about discriminatory recruitment practices. National American research in 2007 – *Enhancing Women’s Inclusion in Firefighting* – found two sets of issues were most important in determining women’s access to and satisfaction with firefighting careers.

The first of these can be grouped together as “incidents in the workplace” which refers to “discrimination, harassment or exclusion in their daily work life, combined with lack of response to these incidents by supervisors”. The second set of issues was about fairness in employment practices, and referred to discrimination in hiring practices, work assignments and promotional

opportunities. The report noted that neither of these groups of issues “involves special treatment for women or lower standards for physical performance”.

In Canada within the past 18 months, extensive publicity was given to separate incidents in the Toronto and Vancouver fire services, involving inappropriate social media posting in one case, and a “prank” in which “sexually suggestive” items were mailed to a fire department that had recently hired two women.

The *Report on the Review into the Treatment of Women at Australian Defence Force Academy*, commissioned by the Federal Minister for Defence in April 2011, following an incident of unacceptable sexual conduct at ADFA, is also of relevance, given the strict hierarchical nature of both uniformed organisations. The review was led by Elizabeth Broderick, the Sex Discrimination Commissioner, and reported in November 2011. This was phase one of the Review into the Treatment of Women in the Defence Force.

The report made wide ranging recommendations about measures to improve gender equity, improved response to complaints and a commitment to longer term cultural change including greater representation of women in more senior ranks of the ADF. The Commissioner noted the “deep and unwavering commitment” of the Chief and Vice Chief of the ADF, as well as the Service Chiefs, to the reform program.

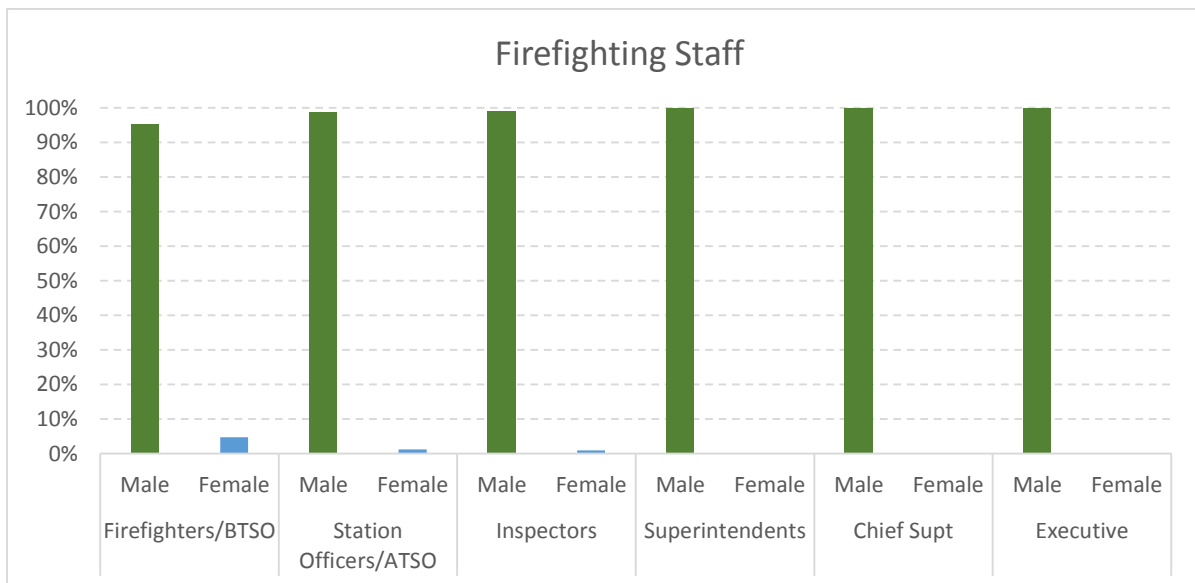
A further report, entitled *Report on the Review into the Treatment of Women in the Australian Defence Force, Phase Two of the Review into the treatment of women in the Australian Defence Force* was released in August 2012. Progress towards implementing the recommendations was audited on an annual basis over the next two years, with the most recent report being delivered in March 2014.

## 9. Current Demographics of the Fire Service

### 9.1. Gender

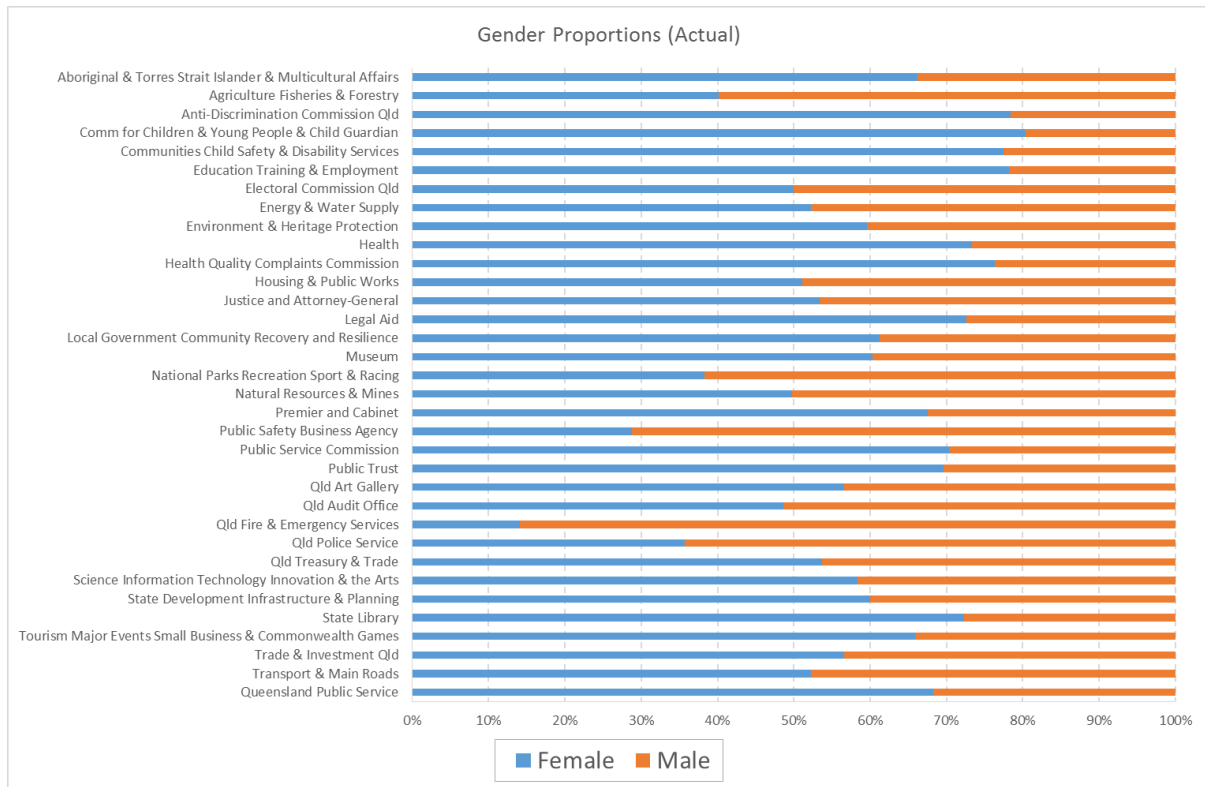
The Queensland Fire and Emergency Services (QFES) has been recruiting women into permanent firefighting roles since 1995. Three female firefighters commenced service in 1995. Since then the numbers have gradually increased with 16 female firefighters in 2005, 37 by 2010 and now 69 permanent female firefighters in Queensland.

According to data provided by QFES, these 69 female firefighters represent approximately 3.1 per cent of the total cohort of operational staff, which comprises approximately of about 2,240 permanent firefighters. Not only are female firefighters fewer in number, they are disproportionately represented at the lower ranks. There are 65 female firefighters between the rank of Recruit Firefighter and Leading Firefighter, three women who have reached the rank of Station Officer, and one woman who has substantively reached the rank of Inspector. The below graph illustrates the proportion in each group of rankings.



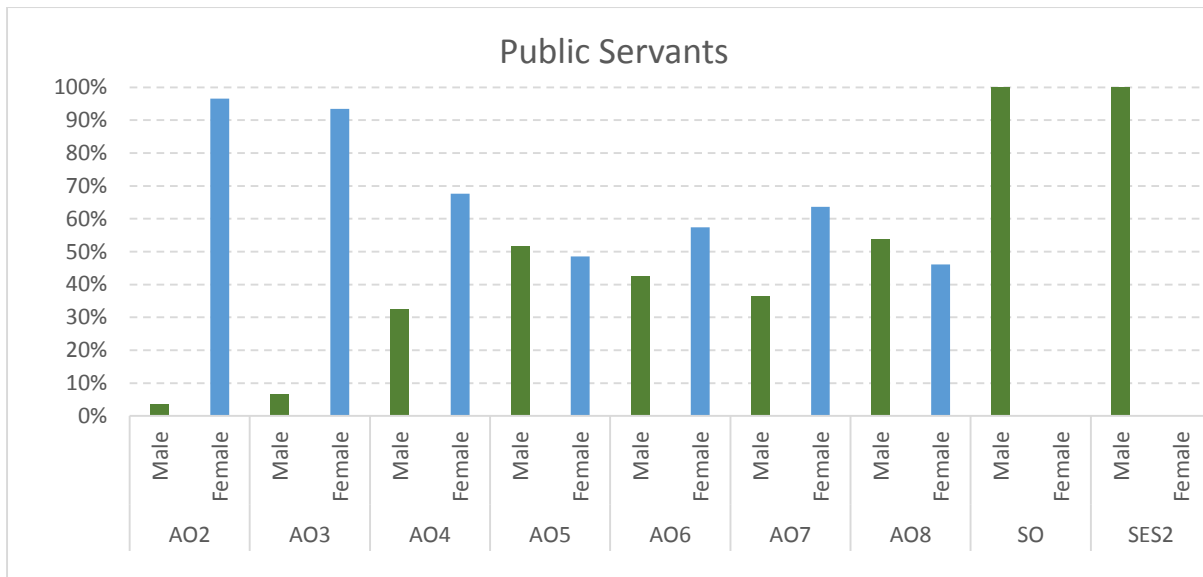


According to the Public Service Commission’s (PSC) report *Queensland Public Service Workforce Characteristics 2013/14* (p. 3) QFES has by far the lowest proportion of female employees of any organisation in the Queensland Public Service, with only 14 per cent of the workforce headcount being women, as the following graph shows.



Because the data in the graph above includes auxiliaries, communications staff and QFES public servants it actually shows a more generous picture of the proportion of female staff than when the data only includes firefighting staff (in which case, as discussed above, the proportion is only 3.1% female firefighters).

Although there are greater numbers, in absolute terms, of female public servants than female firefighters within QFES, there remains a level of inequity in this cohort as well. The following graph of QFES public servants by gender shows that female public servants are unevenly distributed across both the lower and the higher ranks, with a disproportionately high number in the lower levels and a disproportionately low number in the higher levels.



## 9.2. Turnover

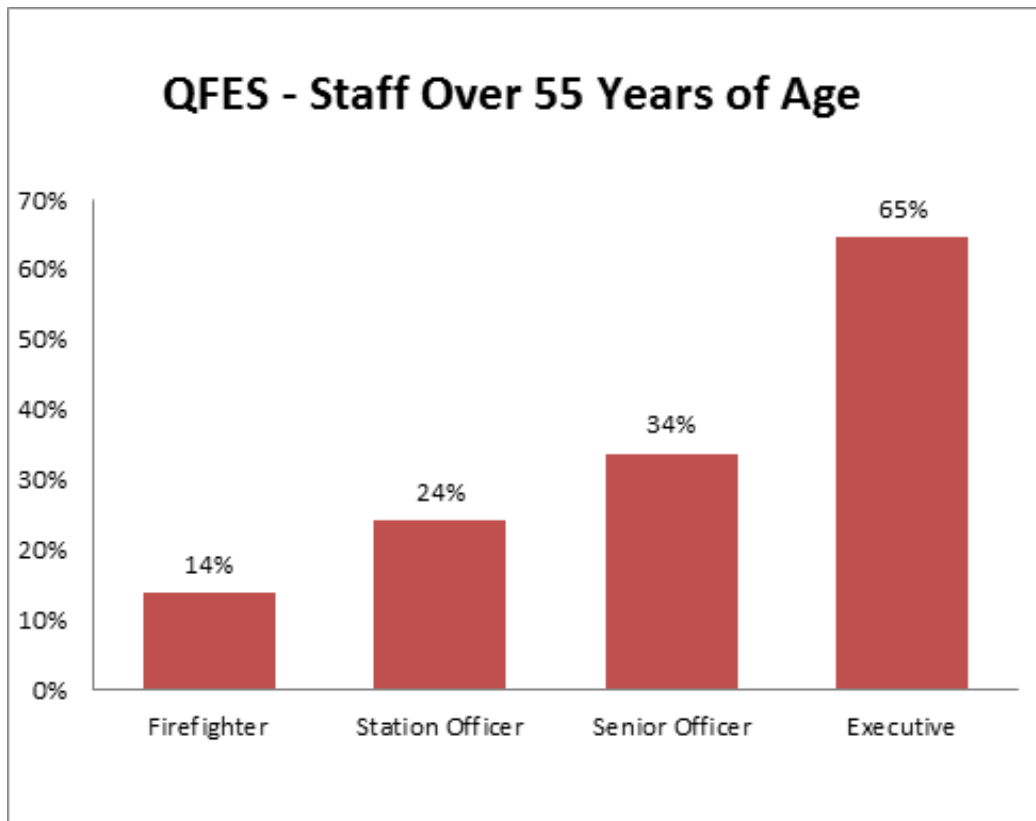
A number of stakeholders indicated over the course of the review that the low turnover rates in QFES are impacting its ability to recruit new staff. Turnover rates over the last ten years have averaged 2.77 per cent (generally between 2% and 3.5%). In contrast, the public service's overall turnover rates tend to average between 5 per cent and 8 per cent.

According to the Public Safety Business Agency (PSBA), it is predicted that only 6.89 per cent of QFES employees will retire in the next five years. This is similar to the rate in the Queensland Police Service where 6.78 per cent of the current workforce is projected to retire over the next five years. These are very low rates compared to the Queensland public sector average, which is 19.92 per cent over the same period, and reflect the characteristics of occupational groups that tend to stay in a single organisation over the course of their working lives. The low turnover rate can serve to make workforce renewal more challenging.

## 9.3. Age

The *Fire and Emergency Services Act 1990* provides for the mandatory retirement of firefighters at age 65. Because of this the age of operational employees is a relevant consideration, as it gives some indication of the workforce planning required to fill roles over time. The average age of QFES operational staff, including communications staff, is 46.66 (QFES data). In contrast, the average age of the public service is 44.02 (PSC data). Female firefighters tend to be a younger cohort with an average age of 38, which is perhaps to be expected given that the fire service only began recruiting women in 1995.

Since the establishment of this review, both QFES and PSBA officers have indicated that there is a significant cohort of firefighters aged over 55 years with likely retirement intentions in the next few years. However, this does not seem to be borne out by evidence, as is illustrated by the graph below. It does suggest, though, that workforce strategies to address foreseeable shortages in management capability need to be addressed.



According to data provided by PSBA, as at 30 November 2014, 65 per cent (N = 17) of QFES executives (which includes the Commissioner, Deputy Commissioners, Assistant Commissioners and any staff at the Senior Executive Service level) are over the age of 55 years, as shown in the graph above. This provides a timely opportunity to refresh the senior management group via lateral as well as internal recruitment to meet the challenges of a broader mandate. Similar opportunity exists for roles such as Station Officer and Officer.

It is clear that natural attrition of firefighters through retirement alone will not produce a level of turnover that will support workforce renewal. Queensland Fire and Emergency Services will need to pursue a deliberate strategy to increase both the number of female firefighters recruited and the percentage of the workforce they represent.

## 10. Governance and policy

Good governance is central to the effective functioning of any complex, devolved organisation, and its importance is even greater during times of organisational change and reform. Fire and Rescue New South Wales has been actively engaged in a program of workplace reform over a five year period, and has indicated the centrality of effective governance arrangements in providing a framework for an organisation that “tolerates poor behaviour less, prevents it more and deals with it appropriately”.

Fire and Rescue New South Wales has implemented a range of governance strategies, including a Workplace Conduct Unit that delivers prevention strategies, grievance handling and high order disciplinary services. They have also introduced clear guidelines and a tracking system for grievances, meaning greater transparency around these issues.

### 10.1. Governance

Queensland Fire and Emergency Services has a governance structure that reflects its status as a department (and the Commissioner’s duties as an accountable officer under the *Public Service Act 2008* and the *Financial Accountability Act 2009*) and its relationship with PSBA.

The overarching governance committee is the QFES Board of Management (BOM) which comprises the Commissioner, three Deputy Commissioners, two Assistant Commissioners on a rotational basis, the Executive Director, Operations Business and Strategy, the Deputy CEO of PSBA, and the Executive Director, HR, PSBA. The BOM meets on a monthly basis, and its terms of reference outline a scope focused on QFES’s higher level issues including strategy, capability, engagement, culture, and statutory and organisational obligations.

This committee’s work is supported by a range of other committees, the key one of which is the Senior Executive Management (SEM) group, the purpose of which is to ensure alignment between the operations of the organisation and the strategic direction set by the BOM. The Senior Executive Management group is led by the Commissioner, and includes Deputy Commissioners, Assistant Commissioners and two Executive Directors.

In terms of senior management oversight of employment matters, there is a standing item on the SEM meeting agenda which is usually addressed by the Commissioner's Staff Officer, which is focused on the (human resources) HR dashboard (e.g. turnover rates, leave balances). Further senior oversight of key HR indicators occurs through the following:

- fortnightly meetings with the Deputy Commissioner, his Staff Officer and the Ethical Standards Unit on discipline matters and other industrial matters with the unions and employees
- bi-monthly meetings between the Employee Relations Unit (ERU) and Deputy Commissioner with United Firefighters Union – Issues Forum
- bi-monthly meetings between the ERU, Assistant Commissioners, Queensland Auxiliary Firefighters Association (QAFA) – Charter and Issues Forum
- report prepared regarding current matters for Deputy Commissioner meetings
- quarterly Public Service Commission reports (all matters under Categories 2 and 3 of Conduct and Performance Excellence - CaPE).

Queensland Fire and Emergency Services also prepare a report on complaints allegations using data from the complaints management system. According to QFES, the most recent report was in February this year to the Senior Executive Management team. Given that the Terms of Reference for the BOM include the monthly status of complaints report as a standing item, this is well overdue for consideration.

In any event, these are unlikely to give a full picture of HR issues in the organisation, with lower level disciplinary matters being dealt with at regional level and not recorded centrally. In progressing recommendations made in the report, it will be essential for QFES and PSBA to ensure that comprehensive data is collated throughout the State on all complaints and disciplinary outcomes and that effective management oversight is maintained.

## 10.2. Policy

Prior to the establishment of QFES as a department, the former Department of Community Safety (DCS) provided overarching corporate policies, which were supplemented by procedural standards issued by QFES. This provided consistency of approach at the organisational level with some flexibility of application in each of the operational divisions within DCS.

In accordance with the new portfolio model implemented following the PACSR Report, PSBA are responsible for policy development. When requested to provide a list of the policies and procedures relevant to QFES at the time of the incident in question, PSBA provided the list below, noting that: “the policies and procedures that continue to apply to QFES are those that applied to them when they sat within Department of Community Safety.”

The following documents continue to be branded as DCS documents, although DCS ceased to exist as an entity following the 2013 PACSR Report:

- Sexual Harassment Policy Statement
- Complaints Procedure
- Harassment and Bullying Policy Statement
- Managing Unsatisfactory Performance and Conduct Procedure
- Guide for Managing Complaints
- Harassment and Discrimination Procedure
- Managing Unsatisfactory Performance Guide
- DCS Employee Complaint Notification Form.

QFES was also asked to provide a list of the relevant policies and procedures, which supplemented the above list with:

- A Guide for managing workplace issues and employee complaints
- Workplace Investigations Guide.

Conversations with the CEO, PSBA indicated that it may be beneficial to undertake a full review of policy and procedures applying to QFES to ensure their suitability and relevance. However, in the context of the public safety portfolio model, policy ownership must remain with PSBA. It is for PSBA to ensure all portfolio partners are satisfied with the policy framework, including that it is relevant, accessible, user-friendly and contemporary.

## QFES Business Rules

To assist with the implementation of policies, the Capability and Performance Standards Branch within QFES develops business rules. The business rules should not amend or change the policy intent but rather provide practical information to ensure they are implemented consistently across QFES (e.g. flow charts etc.). Queensland Fire and Emergency Services provided the following business rules:

- Coordinate Complaints
- Access to Rural and Remote Incentives
- Management of Pregnant Firefighters

The Queensland Fire and Emergency Services has indicated that the QFES Business Rule *Coordinate Complaints* was released in 2010. Since then, although DCS released HR procedures on Employee Complaints Management in 2011 and an updated version in 2013, QFES has not yet released an updated Business Rule.

One of the key issues with QFES's translation of PSBA procedures is that changes can be missed. Consequently, the QFES business rule *B3.7 Coordinating Complaints* informs the reader that Ethical Standards deals with complaints regarding workplace or sexual harassment, when in fact at the time of the incident, Ethical Standards was limited to only dealing with matters of official misconduct.

There are also inconsistencies about when an employee should lodge a complaint directly with Ethical Standards. The business rule provides that this may be done when the complaint involves sexual harassment, whereas the DCS procedure suggests it may only be done where the complaint involves the employee's supervisor or the Director-General. This situation of effectively supplementing PSBA authored policies with QFES authored procedural guidance creates inevitable confusion for managers and complainants alike, and reduces the chances of the issue being managed effectively.

For this reason, it is my view that a single set of HR policies and procedures be developed and adopted, and that the practice of providing supplementary business rules cease. There is also a need to ensure that they are readily accessible on the PSBA intranet site, and the QFES intranet site provide a direct link to these policies and procedures.

### 10.3. Complaints Management Policy

The quality of content, availability and ease of use of the employee complaints management policy (including procedures) is a central issue in this review. My assessment is that the policy was inadequate on a number of counts.

### Consistency and currency

The PSBA (ex-DCS) policy was inconsistent with the QFES business rules, and neither had been recently reviewed.

### Clarity and simplicity

At the relevant time, the PSBA published separate policies on sexual harassment and harassment and bullying, a general procedure on employee complaints management, a guide on management of complaints in the workplace, and QFES published their business rule “Coordinate Complaints”. The PSBA policies are one page statements of principle. The PSBA general procedures set out a schema consistent with well-recognised stages of complaint management (local action, internal review, external review), but is overly complex in its drafting.

### Access to policies

During the course of this review, it was discovered that the QFES intranet link to the Complaints Management System was not active. It is unclear how long this had been the case.

### Reporting of complaints

The policy did not reflect best practice in relation to reporting of sensitive or serious complaints, with direct reporting to ESU only permitted where the matter relates to an officer’s line manager or the Director-General. The Business Rule also requires the complaint to be in writing. This is problematic in two important respects.

Firstly, it serves as an active discouragement for people to make complaints of a sensitive nature and fails to recognise that these matters are often difficult for the person to disclose. The review heard of a number of examples where concerning disclosures were made to senior officers verbally, with the senior officer then refusing to act on those matters before they were received in writing.

Secondly, even when complaints are made, the insistence on written complaint limits an organisation’s capacity to deal effectively with employee complaints. Even at the low end of seriousness, it inhibits prompt workplace intervention and resolution.

### Support for complainants

As discussed in section one of this Report, where it relates to serious complaints, including sexual harassment cases, an effective complaints management system should ensure that employees are provided sufficient support throughout the process. However, the steps outlined in the relevant procedure for management of complaints did not include the provision of support to the complainant. The procedure also did not provide any indication about the numbers of managers that



may be involved in any complaint. As was seen in the incident in question, multiple points of contact can cause confusion and stress to the complainants.

### Organisational monitoring of complaints

When asked to produce information on the number of complaints, QFES provided information on disciplinary matters, indicating that the broader category of employee complaints is not regularly reported upon within QFES. The Public Safety Business Agency was able to provide a list of higher level complaints that had been submitted to the ESU for evaluation. These facts indicate the need for improved governance and training in relation to complaints, which are both necessary pre-conditions for a safe and ethical organisation.

### Compliance with policy

The policy, procedures and business rules – which emphasise, among other things, the need for timely resolution of complaints – were not complied with in this case. A number of QFES officers indicated that, had the business rule been followed, the issue could have been resolved considerably earlier.

## 10.4. Social media policy

Although further investigation into the incident that precipitated this review revealed that social media had a less significant role than originally alleged in the media, the general issue remains an important one in relation to harassment and bullying, especially as it has become a mainstream medium for communication between friends and colleagues alike.

At the time of the incident, a Social Media Quick Reference Guide was in existence, published by the former Department of Community Safety, which contained clear information about the use of social media. This guide clearly set out that “employees are expected to treat their peers with respect both in the physical workplace and online”. It also set out that employees are personally responsible for the content they publish in a personal capacity while at work or at home. In case there remained any doubt, the guidelines clearly prohibit posting material that is, or might be construed to be, harassing, bullying or discriminatory towards the employee of the department or of another agency.

It is not clear whether this had been promulgated widely, and a reference guide does not necessarily suggest an authoritative document. Consideration could be given to reviewing and re-issuing this guide in policy form to clarify its status and confirm its content.

In any event, the Code of Conduct (which applies to all Queensland Government employees) is unambiguous in its requirement to demonstrate a high standard of workplace behaviour and personal conduct. This includes treating co-workers with respect, ensuring conduct reflects a

commitment to a workplace that is free from harassment, and ensuring private conduct maintains the integrity of the public service.

### 10.5. Employee Assistance

The provision of a confidential and independent Employee Assistance Scheme (EAS) is a fundamental tool for the support of employees who may be experiencing some difficulties that affect their work, including matters of a personal nature. Characteristics of effective schemes include:

- the ability for officers to contact the EAS directly, and to access a number of sessions (often up to 3) before any organisational approval is required to provide further assistance. When approval is sought to provide further services, this is handled confidentially, generally through HR
- the capacity of the EAS to provide a service with coverage across the entire organisation (in this case, statewide) within a reasonable timeframe – this is especially important to ensure timely debriefing of QFES officers involved in critical incidents such as road accident rescues
- the EAS organisation must be independent of the organisation to which employees services are provided, and must be perceived to be so by staff
- the capacity for the EAS to provide organisational feedback that de-identifies individuals but allows the organisation to reflect on issues they may need to address.

In Queensland Fire and Emergency Services, the EAS is known as FireCare, and is provided through PSBA HR which engages contractors in other parts of Queensland. However, these arrangements are problematic for two reasons:

- Access to the service must be arranged through HR and cannot be sought directly. This gives rise to concerns about confidentiality, specifically that colleagues may find out that help is being sought, and bully the officer for not coping. Although no breach of confidentiality from this process has been identified, the disclosure and dissemination of other confidential data (such as psychological testing on entry) creates an inherent lack of trust that deters people from seeking help.
- One of the service providers has been heavily involved with the QFES for a number of years and currently provides a range of other services, including leadership development programs (including Station Officer training), change management services, and advice on selection processes and criteria. This has created a perception among users and potential users of the service that the primary loyalty of these providers is to QFES, and not to the individual seeking help.

## 10.6. Equity Adviser Network

As part of the 2011 Review into the Treatment of Women in the Australian Defence Force Academy (ADFA), the Sex Discrimination Commissioner, Elizabeth Broderick, made a number of recommendations to improve cadets' understanding of acceptable workplace behaviour, especially in an environment where people are living and working alongside each other, and to improve mechanisms for reporting of, and response to, unacceptable behaviour. Ms Broderick supported the continuation of the Equity Adviser Network, which also operated in the Australian Defence Force. This voluntary network included cadets as well as ADFA and academic staff who had completed an Equity Advisers course. She noted that:

*The role of an Equity Adviser is to help prevent and resolve harassment, discrimination and other forms of unacceptable behaviour. Commanders and managers at every level are responsible for ensuring that areas under their control are free from harassment and discrimination. Equity Advisers provide them with support in implementing equity and diversity initiatives. They also provide support to personnel with issues they face. It is important to note that an Equity Adviser does not act as an advocate or speak on behalf of a complainant.*

She proposed that the existing network be better publicised as many cadets were unaware of its existence or purpose, and proposed that the names and photographs of equity advisers be placed on notice boards and the like. The establishment of such a network would be very useful within QFES for recruits, staff and volunteers. Further work would need to be undertaken to estimate the number required to provide services across the State, especially having regard to the size of the volunteer cohort in the SES and Rural Fire. It is proposed that training and support of the network be provided by the HR Division within the PSBA.

## 10.7. Other employee support

Queensland Fire and Emergency Services is fortunate to have the services of an HR recruitment team member who, when travelling Queensland, sets aside time to meet with female firefighters. These informal meetings enable firefighters to discuss issues and provide them with a level of mentorship and support. It is noted that this practice is not part of the formal practices and procedures of the organisation, meaning that it is not formally embedded in any planned risk management or duty of care approach. If this employee left the organisation, it is to be assumed that this practice would not continue.

Employee Relations within the PSBA provides a workplace issues consultancy service that provides advice, support and practical assistance to employees, their supervisors and managers seeking to resolve negative workplace behaviour, manage workplace conflict, and restore positive, professional

and productive workplace relationships. This unit also offers a range of training services, including conflict management and mediation. However, as the unit comprises only two staff, their services are not widely promoted. Nonetheless, indications are the QFES has begun to use these services since the creation of the PSBA.

Given the risks inherent in the work model, discussed elsewhere in this report, it is difficult to see these training and support measures as altogether adequate to support a safe workplace for either men or women, particularly given the lack of consistency and coverage across regions and ranks. Compared to other organisations with a strong commitment to safe workplaces, such as the Queensland Police Service, with its bi-annual requirement for code of conduct training, the QFES approach could be much improved.

## 11. Building an ethical culture

### 11.1. Conduct of employees

In reviewing an organisation's ethical climate and their performance management capability, it is essential to consider a range of factors, including:

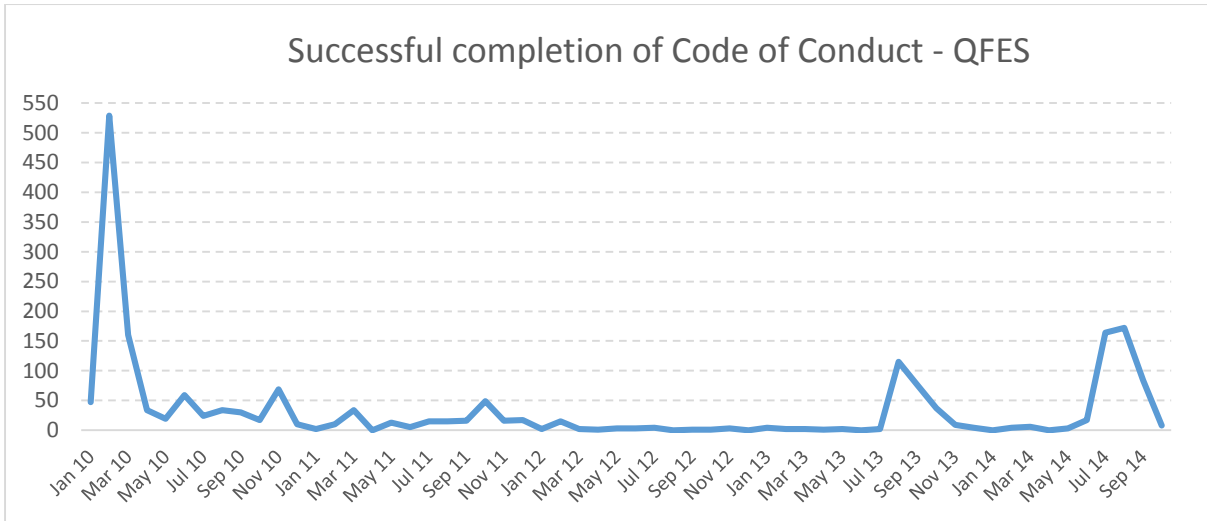
- the framework that is in place to guide employees about their personal conduct and behaviour, whether in the workplace or not
- how information is conveyed to employees about the organisation's expectations of behaviour
- how often that information is reinforced
- the extent to which managers at all levels model acceptable conduct
- how ethical matters such as conflicts of interest are dealt with
- whether there is a good range of organisational responses to situations where behaviour is unacceptable, from immediate correction in the workplace right through to dismissal.

This section will focus on three of these issues, as others (e.g. managers modelling acceptable conduct) receive comment in other parts of the report.

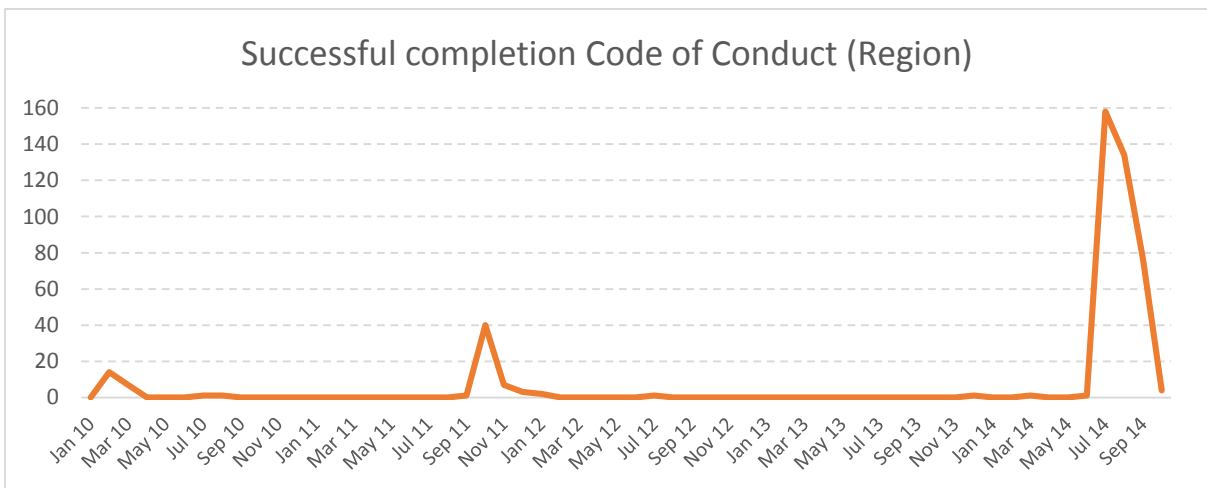
### 11.2. Code of Conduct training

Code of Conduct training is offered at various junctures in a firefighter's career. This starts with self-paced learning and question time on day one of recruit training, and then after about four years, if firefighters wish to progress past the mandatory increments to become a senior firefighter or station officer, they will undertake Code of Conduct training in the Officer Development Program. Apart from this, information provided by QFES indicates that Code of Conduct and related training (e.g. managing conflict) are conducted periodically. This is not conducted at regular intervals, but tends to spike following organisational occurrences of unacceptable workplace behaviour.

The following is a graph which illustrates the number of full-time firefighters successfully completing Code of Conduct training between 2010 and 2014. The review was provided information that a significant event which included the termination of an employee occurred in 2010, and the other spike in training relates to the Deputy Commissioner's direction in response to the incident that precipitated this Review.



The pattern is even starker when the data is confined to the region in which the incident occurred. This shows a significant spike in Code of Conduct training directly in response to the incident, as seen in the graph below.



Examination of all regional data indicates varying levels of Code of Conduct training.

There is a need to ensure the delivery of Code of Conduct training at more regular intervals throughout an officer’s career. However, there is also a need to ensure that the training is engaging and uses work-based scenarios to which officers can relate. The inadequacy of generic training packages alone was referred to in the Human Rights Commission review of the Australian Defence Force Academy (ADFA) and the Australian Defence Force (ADF), and asserted that if sexualised conduct in the workplace was an issue, this needed to be addressed explicitly in any training provided. In contrast to generic training programs such as the online package delivered to QFES recruits, the report highlights the importance of engaging methodologies, such as small discussion groups.

*The Report on the Review into the Treatment of Women in the Australian Defence Force Academy* (2011) highlights that single training sessions have a limited impact on changing the behaviours being targeted. Training on gender relations, sexual ethics, conduct and respectful relationships needs to be contextualised within a program of ongoing training and education and accompanied by a range of other strategies, including strong messages from leaders. It is also important that aspects of the training program are delivered by an external expert.

Broderick (2011) points out that complaints management training, in particular, needs to be tailored to specific roles and levels of responsibility. In the QFES context, this could mean that management level staff (such as station officers) would receive training focused on how to manage staff through the complaints process, including how to lodge complaints, and base grade firefighters would receive regular updates on where to seek advice and what they should expect from the complaints process. Finally, it is important that these training programs are regularly evaluated and standardised to ensure consistent language is being used throughout the training program and in any accompanying policy.

### 11.3. Dealing with conflicts of interest

The nature of QFES 10/14 operational rostering means that it is easy to carry on another business during periods when not required for operational duties, so it is much more common for QFES to undertake secondary employment than it is in other public sector agencies.

In many cases, there will be no conflict of interest, or any other factor (e.g. fatigue) that would impact on their duties as a firefighter. Given that some of the expertise of firefighters is at least potentially of commercial value (e.g. advice on acceptable fire safety standards) it is important to ensure that secondary employment is managed in a transparent and ethical way.

Currently, officers are required to submit a form seeking approval for their secondary employment or businesses, if they consider there might be a conflict of interest. A number of other Queensland Government agencies have departmental policies requiring declaration of secondary employment.

Given its prevalence in QFES, my view is that there is a case for all secondary employment to be declared in the first place, with the officer also encouraged to identify and declare potential conflicts of interest. This change would strengthen the ethical climate of the organisation by increasing transparency and ensuring consistency across the State. It will also better allow QFES to exercise its duty of care to employees by having oversight of matters that might impact on workplace health and safety.

#### 11.4. Responding to unacceptable behaviour

One of the issues that can give a good indication of how well an organisation deals with the conduct of its members is to review available information on discipline matters. Queensland Fire and Emergency Services provided two documents for consideration, one relating to more substantial discipline matters regarding employees since 1 July 2012 (matters regarded as less serious are dealt with regionally and there are no central records of these) and one related to firefighter recruits over the last five years. What is surprising is that not a single QFES employee has been sacked during the period from 1 July 2012 to the present. In each of the five cases initially involving dismissal, the employee was allowed to resign instead. Four of these involved the matter being brought to the Queensland Industrial Relations Commission (QIRC), and settled in that forum.

With respect to recruits, it is noted that five unnamed recruits were terminated in early 2013 for a range of bullying and harassing behaviours. Apart from that, the most common matter related to academic misconduct is that of plagiarism. It is noted that none of these seven matters resulted in the termination of the recruit's employment. The most common response appeared to be that the recruit needed to re-sit the relevant unit, and their entry to QFES was deferred for six months.

This data suggests to me the need to strengthen the organisation's performance management regime. Academic plagiarism is a serious matter, and is something unlikely to occur unintentionally. It also suggests that some individuals might be struggling with the academic component of training. Whereas physical fitness can be improved through effort over a period, it is less certain that there is any benefit in deferring consideration of an applicant who is not managing the academic workload, quite apart from the issues of deceptive conduct and passing off the work of others as their own.

In cases where serious misconduct is established, dismissal is the appropriate outcome, and allowing resignation to be substituted significantly weakens the effect of the penalty, especially as it potentially allows for re-employment at a later time. It is equally important to ensure that the lesser range of penalties to which staff can be subject are known throughout the organisation. It may well expedite the finalisation of complaints if officers are aware that potential outcomes for particular matters do not include dismissal.

#### 11.5. Assignment of officers—rostering and transfers

The issue of how firefighters are assigned to particular stations, the process of rostering them for particular shifts, and how they transfer to other stations is one that has emerged as having quite a central role in building an ethical culture in QFES. A general observation is that the movement of staff is far too constrained, that there is inadequate management flexibility to best deploy the QFES workforce, and that staff allocation and transfer processes lack transparency and accountability.



## Assignment

The initial assignment of officers to stations following their successful completion of the academy program is critical to ensure that early employment experiences reflect training and development needs, and that their line managers model good organisational practices. There is opportunity to provide greater support to women officers in the early days of their employment by assigning them to work in the same station as other women, for example.

It is standard practice in organisations seeking to increase the representation of any equality of employment opportunity (EEO) target group to provide opportunities for peer support, and to ensure that managers can provide any guidance and support necessary. At the moment, it is the exception, rather than the rule that this ever occurs.

## Rostering

There are a number of employment conditions, including those prescribed in the Award, that guide the rostering of officers. These include requirements for crewing levels, annual leave blocks and the availability of staff for overtime to backfill emergency leave. There does not appear to be an explicit policy statement about how staff are assigned to rosters.

It is apparent that the role of developing and posting rosters (which is handled differently across different regions) involves a level of discretionary decision making that is quite unaccountable in its present form. Rosters can be a vehicle to harass and intimidate staff by ensuring a person's roster is undesirable or even damaging. Several female officers reported having their rosters changed regularly, as a result of representations to the rostering officer by colleagues committed to not having to work with women. Other officers reported that they continued to be rostered with colleagues against whom bullying allegations had been made. Rostering officers should be aware of, and include in their planning, significant HR issues within their region.

There is no written policy on how to seek change in the roster, although this would usually be managed in the first instance by a line manager. My view is that there should be increased oversight of roster development and approval of changes, to ensure that any amendments are for suitable reasons only, including management of employee complaints being investigated.

## Transfer

Other large agencies in the Queensland public sector routinely manage the transfer of significant numbers of employees, notably teachers and police. The features of these systems include clear guidelines about the circumstances in which the organisation may transfer an individual, or the

individual may request a transfer. The process and criteria are clear, as is the employee's entitlement to have that decision reviewed.

Where the employee initiates the transfer request outside the transfer cycle, they are generally required to submit evidence of the emergent or compassionate reasons for their request. Transfer systems generally try to strike a fair balance between ensuring organisational stability of staffing resources, and the need to respond to the individual or family circumstances of an employee.

In QFES, when fire officers accept employment, they are required to serve a minimum of four years in a specific employment location. They will not be eligible for transfer before these four years have elapsed, other than in exceptional circumstances.

The rationale for this practice is related to the need to retain staff in remote locations. In contrast the Queensland Police Service applies a more flexible model in which new police officers are placed in locations across the state, based on organisational requirements. These postings generally require tenure of around three years, although tenure may be as low as two or as high as five years, depending on the location and other circumstances.

QFES's four year requirement is extended to rest of the state to suit its resource allocation model, in which staffing numbers are allocated to individual regions. Regions are required to manage their staffing levels within this allocation. Although QFES advice is that this model would be significantly complicated if frequent transfers were permitted, this should be balanced with the needs of staff to move, especially in circumstances where a person's safety and wellbeing at work requires it.

Once fire officers have been permitted to transfer, they are required to stay in the new location for a further four years. Voluntary transfers and mutual exchange transfers are subject to a series of instructions, and are submitted to the Assistant Commissioner for approval. Fire officers can also submit applications for compassionate transfers to the Deputy Commissioner. Transfers within a region are approved by the Assistant Commissioner at their sole discretion.

It is difficult to get a sense of how the transfer system works in practice, except that decisions are made at a very senior level (Assistant or Deputy Commissioner), and officers have a view that a form of seniority operates in informing a transfer decision.

It appears that most regions will have a list of those who wish to transfer out of the region, however the decision making processes around how and when people will be transferred is not transparent, nor at all evident to staff. As such, rumours abound about unfair treatment, favouritism and rotting of the system. This has a deleterious effect on morale and can foster a staff perception that managers do not need to be accountable for their decisions.

Because staff are appointed to a region, as opposed to being appointed to the Service (as is the case with Police) staff may choose to remain in one place, perhaps for their entire career. If those fire officers choose to forgo developmental opportunities beyond compulsory training and if their stations are not receiving new staff, there is a risk that these regions will not be challenged by innovation and new ideas.

Not only does the process of authorising transfers need to be more flexible and more transparent, the whole notion of transfer needs to be more actively encouraged as a key anti-corruption strategy, and as a way for managers to ensure that any undesirable local cultures are not embedded, and that good practice is replicated.

## 12. Leadership and management

Because of the short time within which this Review has been completed, there has been limited opportunity to focus on leadership and management to the extent that would have been desirable. As well as the specific role of management in the organisational response to the incident, it is clear that organisational leadership at all levels is critical to the achievement of the reform program envisaged by this Review.

Queensland Fire and Emergency Services (QFES) has invested significantly in training of its leaders, including an Officer Development Program to make firefighters eligible to progress to Senior Firefighter and potentially Station Officer roles. This training includes modules which address code of conduct, conflict management and managing staff performance and behaviour issues. The course is optional.

There is also a Command Leadership Management (CLM), delivered by a private provider who also delivers Employee Assistance Scheme (EAS) services, targeted mainly to Station Officers and Senior Officers. This course includes subjects around leadership, diversity and conflict resolution. The course is provided on a relatively ad hoc basis however, with level one of the program offered to 644 persons and level two to 217 persons to date. In both cases, by far the highest completion are in the Brisbane Region (just under 40%) for level one, and (more than 60%) for level two. The question of how statewide participation can become more equitable should be further considered.

The Positive Workplaces Program was offered by the former DCS to all staff, including QFES staff, between April and September 2012. The aims of the program were to inform DCS managers about their responsibility to manage unacceptable workplace conduct and provide practical skills and confidence to manage these issues. Subjects included managing workplace harassment and bullying, managing diminished performance and managing conflict and grievances.

It appears, from records provided by QFES, that at least 187 QFES staff (both firefighting and corporate staff) attended this training. These records do not indicate the rank or region of staff, nor is this training recorded on the QFES's central Learning Management System, so it is difficult to assess the coverage or impact of this training. Currently, another private provider is delivering an executive development program across government being accessed by a number of senior QFES officers. It is advised that this same provider is currently developing a leadership program for the "top 200" in QFES, although no details are available at this point.

Some regions provided information to the Review about ad hoc training and awareness sessions provided to staff. For example, in one region an HR officer had provided code of conduct training "as

part of her normal role at stations”. However, as this HR officer had since left the organisation, those sessions had apparently not continued. Another region had accessed sexual harassment, conflict management and employee relations training provided by PSBA’s Employee Relations Unit. Other regions had on rare occasions trained small groups of staff in issues such as managing complaints and “HR issues”.

One of the issues that has emerged in this review is management and leadership capability. There has been a good effort to provide access to executive development opportunities for more senior QFES managers (generally Inspector level and above), and it is recommended that preference be given to programs provided within a broader public sector context, to expose officers to a broader range of thinking.

There is also great potential to consider further opportunities for inter-operability within the portfolio. PSBA is ideally placed to leverage common training needs in relation to command, leadership and management across all portfolio agencies.

Finally, although development for officers at a more junior level has a strong focus on operational command, it is equally important to focus on the “people management” aspect of their roles and to understand their direct accountability for the culture in their workplace.

## 13. Recruitment and Selection

This section describes the detailed recruitment and selection process utilised by Queensland Fire and Emergency Services (QFES), with a focus on entry level roles. Firefighting is a highly attractive career with a large pool of candidates, and given this, there is a need to ensure that processes are both comprehensive and fair to ensure the best applicants are chosen from this pool. This section focuses on a number of areas for closer consideration to ensure greater fairness and that firefighters are best equipped to meet the challenges of delivering contemporary fire and emergency services.

### 13.1. Attraction

There is never a shortage of male applicants aspiring to become firefighters, so there has not been a need to deliver specific strategies to attract this cohort. On the other hand, firefighting has not tended to feature as a career aspiration for many girls and young women.

In order to attract more women applicants, QFES (then QFRS) developed a campaign in 2010 to market QFES as an employer of choice to large numbers of fit and active men and women – QFES sponsored the Enticer Triathlon Series and attended the Brisbane Fitness and Employment Expo. Male and female firefighters staffed these events. The campaign, entitled *Fitness + Challenge + Career = Firefighter* attracted strong interest, with genuine enquiries from fit and active women.

In 2012, QFES partnered with the Office of Women and WomenSport Queensland to develop and deliver a number of information sessions to women involved in sport. WomenSport Queensland provided a network of sporting codes, associations and clubs. Current female firefighters delivered the information session in conjunction with recruitment staff.

In addition to events marketing, the QFES Campaign materials included posters that featured images of women and women firefighters, and images of female firefighters alongside their male colleagues. QFES also offers information materials such as fact sheets about wages and conditions and the physical abilities test, which feature an image of a group of female firefighters. This new focus on targeting women who are highly fit seems to arise from an observation in about 2005 that too many women were failing the fitness test – from which QFES concluded that “we were testing the wrong women, so we started aiming more at sporting women.”

QFES has also indicated that word of mouth is an important attraction tool for new recruits of both genders, and that half of all applicants report that they received information about recruitment from a firefighter who is a family member or friend. This appears to be a common phenomenon across fire services. Baxter-Tomkins & Wallace (2009, p.9) point out that over-reliance on this type of recruitment can have negative consequences and can result in a “closed, club-like mentality that

culturally excludes those who do not fit existing membership profiles". This type of recruitment can enable individuals to exclude firefighters whose beliefs or behaviours are seen as a threat to the group norm (Baxter-Tomkins & Wallace, 2009, p.9).

A further attraction strategy which may have particular resonance for women is the family friendly nature of the role, as a result of the rostering and leave arrangements. QFES could also consider emphasising the potentially broad range of the role, which could include community liaison, search and rescue and a broader role in disaster management

### 13.2. Advertising of base grade roles

Since 2005, QFES has utilised a continuous recruitment process, which allows candidates to apply at any time. Rather than advertising specific vacancies, the practice is to encourage potential candidates to apply to enter the selection process at any time.

Recent practice in QFES has been to advertise in publications likely to spark interest in relevant candidates (including CONTACT magazine, Police Down Under Magazine, Careers Guide Wall Chart and MultiSport Magazine) without specifying a close date for applications. However, given the size of the current applicant pool (1,200 applications, 300 of which are currently eligible for short-listing), there has been a temporary cessation in new applications which has been in place since August 2013. This is an extraordinarily extended period to effectively deny new applicants a chance to compete on merit.

### 13.3. Eligibility criteria for applications

The minimum requirements on application include a manual medium rigid licence or a minimum one year manual class C drivers licence, an apply first aid certificate, at least two years full time work or the equivalent, successful completion of year 12 or equivalent, and Australian citizenship or residency status. Once an application has been accepted, applicants are asked to undertake a number of assessments at their own pace. These include:

- aptitude assessments (literacy, numeracy and mechanical reasoning)
- a characteristics assessment
- a fitness assessment
- a physical abilities assessment.

At this stage of the process, QFES reports that EEO target groups are assisted through personal contact with members of the recruitment team. For example, female applicants receive an additional letter to confirm their application has been accepted, and this offers them access to

resources which will assist in preparation for the aptitude and physical abilities assessment. Women are also offered the opportunity to be mentored by existing female firefighters.

#### 13.4. Application process generally

Following these assessments, candidates are interviewed and a medical assessment is performed. Once the candidate has passed all these stages, they are eligible for selection, at which point a clinical psychological assessment and criminal history check is performed.

The QFES process enables candidates who have been unsuccessful in an assessment component to re-sit assessment for that component only after a prescribed period of time has passed (for example, they may only be able to take a physical assessment once in six months). The literature offers differing perspectives on this practice. For some, this practice provides improved chances for women to become firefighters. Generally, this view is held because of the perceived increased likelihood of women passing the fitness and physical capabilities testing if they have prior experience of what is required. This is not an issue in QFES as applicants of either gender can attend the academy at specified times, undertake sessions to familiarise themselves with the equipment and requirements, and practice what they will be required to do during the actual assessment.

Arguably though, it also adds a greater burden on limited recruiting resources and can act as an argument against any kind of affirmative action as it places the onus on candidates to “struggle their way into the service to prove their commitment” (Equality and Fairness in the Fire Service, 1999, p.34). In Queensland, many applicants remain in the pool for periods up to six years, making repeated attempts to be successful in demonstrating all the necessary criteria. It is noted that the Fire and Rescue New South Wales has now adopted an annual recruitment and selection process, at the end of which all unsuccessful applications are lapsed. People wishing to apply again can do so, without any limits on the number of times this is permitted. On balance, I prefer the New South Wales approach. It does not seem fair that there may be outstanding individuals currently unable to apply and compete for a position against applicants who are in the pool, but may be less capable in one or more respects. It also diverts the efforts of the recruitment team to management of the applicant pool at the expense of other more productive activities.

#### 13.5. Aptitude assessments

Candidates undertake literacy, numeracy and mechanical reasoning aptitude tests. Although every jurisdiction in Australia tests for literacy and numeracy skills, the Australasian Fire and Emergency Service Authorities Council (AFAC) advise that only a small number of Australian jurisdictions (including the Country Fire Authority in Victoria and the Western Australian Department of Fire and Emergency Services) conduct mechanical reasoning tests. Research indicates that there may be a



bias against women in mechanical reasoning assessments as there is a lower likelihood that women will have been exposed to this skill in either formal or informal educational settings. For example, Hulett et al (2008, p. 4) found that male and female firefighters tend to have differing backgrounds, with men being more likely to have military and construction backgrounds and women being more likely to have been recruited from sporting background and high schools.

### 13.6. Characteristics assessment

The purpose of the characteristics assessment is to ensure the selection of firefighters who are temperamentally suited for QFES work. The characteristics assessment matches candidates against a “preferred personality profile” (QFRS Recruiting Project Psychological selection report, 2004, p.4).

This personality profile was initially developed in 2004 using the following process:

*Area Directors and Station Officers from various regions across the State were asked to nominate firefighters who were high performers. High performance firefighters are those members of the QFRS who have been deemed as most suitable to be firefighters. Their suitability not only considers application to task, but their personal attributes which make them effective members in an unique and specialised team environment. (p.4)*

The profile of these firefighters was then applied to a common Australian characteristics test (the 16PF5-AUS) to fine tune the profile range for future desirable QFES firefighters. A small sample size (53 persons) was selected, including one female officer. Four years later, in 2008, QFRS (now QFES) commissioned a report by Livingstones Australia to “explore the use of the QFRS preferred profile with female applicants... to ensure that the preferred profile was not impacting on the implementation of (the recruitment of female firefighting staff” (Pijnenborg, T. 2007, p.3). This report found that there were differences between the current QFRS standard and the actual characteristics of female officers. (Pijnenborg, T. 2007, p.8), so a separate female profile was developed.

The report recommended that “female applicants be assessed against the female profile”. The report also concluded “Given that there are differences between the QFRS preferred profile and the female profile, continuing to use the QFRS preferred profile could unfairly discriminate against female selection in the QFRS”. (Pijnenborg, T. 2007, p.8). QFRS did not implement this recommendation, but worked with Livingstones Australia to develop an adjusted combined profile, to be used where applicants’ scores fell just below the cut off point.

In 2008, the former QFRS moved to further mitigate the impact of the characteristics assessments by enabling candidates who scored at the “below requirement” level on the characteristics assessment,

but who performed acceptably on other aptitude assessments, to have the “report and any other available information” reviewed by a committee (comprised of representatives from the recruitment team and Livingstones) to determine applicant suitability.

Given the limitations of the original assessment instrument – the small sample size, inherent bias against women officers, and a now dated 10 year old view of what is required on the job – it is timely to consider whether a new gender neutral instrument could be developed that also reflects the skills, interests and diversity to support the expanded range of QFES responsibilities.

### 13.7. Fitness assessment and physical abilities assessment

The fitness assessment comprises a shuttle run (also known as a beep test) to assess whether the candidate has the necessary levels of aerobic and cardiovascular fitness. The QFES physical abilities assessment comprises a series of tasks conducted in sequence to simulate tasks which may occur at an emergency incident. There are significant differences in success rates between women and men for both assessments:

QFES Assessment		2010	2013
Fitness Assessment	Male	97%	96%
	Female	83%	87%
Physical Abilities Assessments	Male	98%	97%
	Female	49%	53%

It is an essential role requirement for firefighters to have good strength, stamina and agility. This is not in dispute. QFES provided the following comment to the review:

*Compromising, lowering or having different standards for any applicant group is unacceptable as physical capacity is inherent in the role of a firefighter.... Feedback from existing QFES female firefighters overwhelmingly singles out that a reduction or compromise on any of the standards for assessment for any (EEO Target) group would do nothing to enhance the validity or credibility of current or future firefighters within those groups. In particular they singled out the negative impact of any reduction or compromise in the standards for the Fitness Assessment or Physical Abilities Assessment for female applicants.*

QFES has introduced a range of strategies to improve success rates for candidates, without compromising standards. This includes a preparation DVD for female applicants, case management for unsuccessful applicants, advice from an exercise physiologist and existing female firefighters, and

the practice sessions referred to earlier. A study in Milwaukee, cited by Hulett et al (2008, p.6) found that success rates are strongly influenced by preparation, for both men and women.

It is not in dispute that all applicants should be able to meet the same criteria. It is equally important to address that:

- the criteria actually reflect the tasks required to be undertaken by firefighters
- any inherent bias (e.g. overemphasis on upper body strength at the expense of other indicators of fitness such as agility and endurance) that would prevent candidates from having similar chances of success.

QFES bases the physical abilities assessment on the Candidate Physical Ability Test (CPAT) which is used in many fire services internationally and which tends to have a higher ratio of pass rates for women – 77.4 per cent compared to other similar tests (Hulett et al, 2008, p7). However, Hulett et al note that the job relatedness of the test has never been statistically validated:

*Key aspects of the test which appear directly related to this adverse impact on female job candidates and for which there is no proof that they accurately predict on-the-job performance include: the level of the test's strength requirements; its emphasis (on) strength over aerobic capacity; its requirement that all 8 test tasks be completed in a continuous, timed sequence; its applicability in climates and altitudes different to where the test was developed; and its tendency to test coaching on "tricks of the trade" rather than actual physical abilities. (Hulett et al, 2008, p.7)*

The International Association of Firefighters *Diversity Initiative* found that one of the chief obstacles to achieving and retaining a diverse fire service workforce is having a selection process that does not measure the most important skills and abilities. Fire and Rescue New South Wales has developed a *Women's Employment and Development Action Plan*, a key strategy of which is to review the physical aptitude test to ensure the physical requirements are a good reflection of the actual requirements of the job. Consequently, Fire and Rescue NSW commissioned research by Wollongong University to develop a pre-employment screening test for firefighters. This research, completed in 2013, involved identifying critical tasks, quantifying the physical demands arising from those tasks and developing a physical aptitude test that would reflect those requirements.

Although a diminution of physical fitness standards is not recommended, it is clear that standards should demonstrably reflect job requirements, as a first principle. If standards and testing accurately and transparently reflect the true requirements of a firefighter's role, and have appropriate regard to different aspects of fitness, pass rates then become principally an issue of safety and efficacy.

### 13.8. Selection and placement

The process to shortlist candidates for selection is almost as complicated as the recruitment process itself.

As vacancies occur, candidates' entire application is reviewed for shortlisting. Queensland Fire and Emergency Services uses a "whole-of-application" approach to selection. This means that every applicant who is eligible at the time of each shortlisting is considered on the basis of their entire application and assessment results. Competitiveness for shortlisting includes consideration of education level, written assessment scores, related work history, emergency volunteer service and general volunteer service.

Shortlisting and selection of candidates is also dependent on a number of other factors, including:

- an applicant's residential location
- an applicant's nominated employment location preferences
- the number of positions available in specific employment locations
- the number of applicants in the pool of eligible applicants, and
- how competitive an applicant is within each location's applicant pool.

The issue of location is important as it impacts on the merit and ranking of applicants. For example, a person willing to accept a position in a less popular location, but who is less meritorious than other applicants, may be appointed ahead of applicants who have scored higher, if the latter applicants select a more popular location.

Short-listed applicants attend interviews and medical assessments. The most suitable applicants are chosen for further consideration and QFES undertakes final checks including a criminal history check and a clinical psychological assessment before appointing candidates to commence recruit training.

According to figures supplied by QFES, the rate of successful female applicants (i.e. the percentage of those who are appointed as permanent firefighters) has increased over the years. In 2007, women comprised 3.5 per cent of appointments, in 2010 this had increased to 4.8 per cent and is now, in 2014, about 7.9 per cent of new appointments.

### 13.9. Recruit instructors

The Firefighter Development Unit, usually referred to as the Academy, has eight permanent Staff Development Officers (recruit instructors). In addition to these permanent staff, recruit instructors may be rotated into the academy from Station Officer positions. This is part of QFES's broader requirement for Station Officers to move, from time to time, into "day work" roles (which also include building fire safety and community safety roles). Although some officers enjoy these

opportunities, it often results in a temporary loss of income for them, given the lack of access to shift penalties.

Upon arrival at the academy, they undergo a gap analysis to ensure they have the appropriate training certificates and will undergo a Learning Styles Analysis along with recruit candidates prior to commencing as an Instructor. Given the influence these officers have on new recruits, forming their expectations about the service's values and norms, it is proposed that a necessary pre-requisite for instructors should include equity and diversity training. It is also important to ensure female representation in recruit programs, both to support and mentor female recruits and to model an inclusive culture to all recruits.

## 14. Other matters for consideration

### 14.1. Ongoing fitness requirement

In a submission to this Review, QFES quoted Hulett et al (2008) in saying:

*To perform fire suppression and rescue duties safely and effectively, it is beyond question that firefighters need strength, stamina and agility.*

For an organisation that – quite rightly – places a high value on the physical fitness of applicants aspiring to be firefighters, it is curious that fitness standards are never again assessed throughout a firefighter’s career. This is not unique to QFES, and appears to be the case across fire services nationwide at the moment. This is in contrast to the regular testing of other skills and knowledge that continues for some years as firefighters progress through the ranks.

These circumstances led the New South Wales Auditor-General to conclude in 2014 that “Fire and Rescue NSW does not know with any certainty whether its firefighters are currently fit to perform their full range of operational duties”. The New South Wales Auditor-General’s report recommends the introduction of ongoing health and fitness assessments for firefighters, to increase in frequency in the years leading up to retirement.

Fire and Rescue NSW has also undergone a significant review of its physical employment standards to ensure they represent the actual requirements of the role. This dual strategy will help to ensure that employment standards are appropriate, fair and form part of a transparent risk management approach.

While ongoing fitness testing may appear to be beyond the scope of this review, the importance of firefighter strength, stamina and agility in the safe performance of their duties challenges QFES to exercise their duty of care to ensure fitness throughout the whole of a firefighter’s career, and not just on entry to the organisation.

### 14.2. Opportunities for greater organisational integration

The Police and Community Safety Review concluded that the urban fire service view of its own role tended to be limited to “putting out fires” despite this representing a declining percentage of its work. The recommendations of the review have provided substantial opportunity for the new QFES to re-establish itself with a broader mission in terms of fire management, a critical role in the management of disasters in Queensland communities, and a central role in the engagement and development of the more than 40,000 volunteers skilled in rural fire management and emergency response.

A further opportunity for QFES exists with their organisational strategies currently being considered by the Public Sector Renewal Board. The Government's renewal agenda requires Departments to develop and implement a range of strategies to improve customer services and deliver efficiencies in service delivery. Each department's proposals are thoroughly reviewed by the Public Sector Renewal Board (PSRB), headed by Dr Doug McTaggart (the Chairman of the Public Service Commission).

Queensland Fire and Emergency Services also faces a number of challenges in the current environment, including improving the sometimes uneasy relationship with rural fire services. Their role in the disaster management coordination and response is also at a relatively early stage of maturity. New skills in community engagement will be required to develop these relationships, but the arrangement also offers much promise in terms of improving statewide responses to emergent situations. The current arrangements in QFES reflect that the first stage of integration is now in place, with the establishment of a separate division responsible for volunteer services, as recommended by the Malone Review. It is intended to integrate the structure more fully at the regional level, to improve operational responses and services to the Queensland communities who receive the services delivered by all parts of QFES. Fire stations, located as they are in communities across Queensland, are uniquely positioned to coordinate delivery of community focused emergency management services.

As PACSR noted, utilising the latent capacity within QFES to build stronger relationships with local disaster management groups and with the community itself offers a significant opportunity.

*By taking on a broader role, it is expected that fire-fighters should see themselves as delivering a broader set of emergency and disaster management services for the community. This is change will be fundamental to its ongoing relevance and value for money.*

A strategy to bring station-based firefighters along this journey offers many advantages, both to the community and to the service itself by ensuring that firefighters' time on shift is productively spent, delivering community-focused services.

## Conclusion

The current situation within Queensland Fire and Emergency Services (QFES) regarding the treatment of its female employees is reflected in the experience of many other Western fire services, and other organisations with a traditional command and control culture, such as the Australian Defence Force. What is also evident from examining these comparable agencies is that change can be effected over time, given strong organisational commitment and leadership. These changes are about establishing workplaces that meet contemporary expectations of acceptable workplace behaviour, and statutory obligations to ensure safe environments that are free from harassment and bullying for all employees. The changes are not about special treatment for women or creating differential standards. Women firefighters take great pride in knowing that they have met the exacting standards required for entry to the organisation. They want only to be able to get on and do the job they were trained to do, in an environment of trust and respect.

The path to achieving these changes is not through a “business as usual” approach. It should not be expected that women firefighters accept the use of derogatory terms, sexualised behaviour or aggression in order to be accepted as colleagues. This is not merely a matter of clarifying a few organisational rules and requirements. It is about a serious review of the organisation’s culture (*the way we do things around here*), policies and practices to determine whether unconscious bias has limited our understanding of apparently fair processes. Elizabeth Broderick’s report on the treatment of women in the ADF (2012, p. 2) comments that:

*Certainly, there are circumstances where it is appropriate to treat men and women identically, such as where any significant gender differences are not relevant and where a ‘level playing field’ already exists. This must be balanced with circumstances where identical treatment will lead to inequality; such as when existing policies and practices are assumed to be neutral but in fact are embedded in a ‘male norm’.*

She also notes that some change strategies might be perceived as challenging for both genders.

*ADF women strongly believe that when they are singled out, it makes it harder for them to fit in...this is most likely in part to avoid the backlash that inevitably trails any treatment perceived as ‘preferential’.*



Again, it is emphasised that this is not about creating two different sets of rules for entry to, and employment in QFES. The review of entry criteria, for example, is driven by:

- the need to ensure that competencies being tested reflect 'on the job' requirements, given the change in workplace duties (such as the reduction in structural firefighting) over time
- the increased statutory duty of employers to provide a safe environment for staff
- the government's commitment to public sector excellence.

It is also anticipated that some of the changes to be implemented over time will bring QFES more into line with the mainstream public sector, and its expectations of commitment to ongoing reform and renewal. The first steps towards this have already been taken with the government's acceptance of the PACSR report, and the establishment of QFES as a department in its own right.

PSBA is also in the process of establishing a task force including external representation to review employment equity issues across the portfolio.

Further work is being undertaken to consider the greater structural integration of the new emergency management function, and to better recognise and support the enormous contribution, and distinctive skills, of rural fire and SES volunteers. This work will inevitably result in a much greater on community engagement over time, and will prepare QFES for its expanded role in disaster management.

At the same time, QFES is also working with the Public Sector Renewal Board, as are all Departments, to consider a range of reforms that will improve the efficiency and responsiveness of the organisation. All of these recent changes have resulted in enormous opportunity for QFES, and I am optimistic about their capacity to embrace further change that will position them as an organisation known as much for its commitment to equity as it is for contributing to community safety.

## Recommendations

### Leadership and oversight of implementation

1. That implementation of the following recommendations be overseen by a small gender representative committee with an independent chair, reporting directly to the Minister for Police, Fire and Emergency Services, and including but not limited to:
  - the Commissioner, QFES
  - the Commission Chief Executive, Public Service Commission or senior representative
  - the Director-General, Department of the Premier and Cabinet or senior representative, and
  - the Chief Executive Officer, Public Safety Business Agency.
2. That the above committee develops and publishes a comprehensive implementation plan to:
  - end discriminatory behaviour in the workplace, and
  - create greater gender equity across the entire organisation, including volunteerswithin an expedited time frame to be approved by the Minister for Police, Fire and Emergency Services. The Plan should include the recommendations of this report that are approved by Government and be audited by the committee after 12 months.

### Legislation

3. That the *Public Service Regulation 2008* be amended to ensure that the provisions of Chapter 1 Part 3 of the *Public Service Act 2008* apply to persons employed under the *Fire and Emergency Services Act 1990*.
4. That, on the next occasion public sector employment legislation is reviewed, consideration be given to including QFES employees (other than the Commissioner) within its ambit, rather than the *Fire and Emergency Services Act 1990*.

### Separate review of other complaints

5. That a further time-limited review process be commissioned to consider and respond to the complaints made to this review, regarding human resource management in the rural and auxiliary fire services, that are outside the scope of the current review.

6. That PSBA and QFES agree on the strategy and resources necessary for immediate response to any further bullying and harassment complaints triggered by this review.

### **Organisational governance matters – PSBA and QFES**

7. That the Commissioner, QFES and the CEO, PSBA, develop a formal agreement detailing the range of corporate services to be provided by PSBA to QFES.
8. That PSBA assume full responsibility for the delivery of all corporate HR services, policies and procedures for QFES, and the review, simplification and electronic publication of these such that all staff have ready access.
9. That PSBA and QFES review policies and processes to ensure the confidentiality of personal records of recruits and employees is protected, and that organisation-wide protocols exist to manage access to, and dissemination of, such information.

### **Management of harassment and bullying allegations**

10. That QFES and PSBA ensure that comprehensive data is collated statewide on all employee complaints and disciplinary matters
11. That the CEO, PSBA, establishes a Workplace Conduct Unit within the HR Division, in place of the Ethical Standards Unit, that will
  - develop and implement workplace strategies to prevent unacceptable workplace conduct
  - oversight the conduct and timely resolution of workplace grievances, and
  - manage cases involving allegations of serious workplace misconduct, including those where disciplinary action is likely and/or the matter may involve corrupt conduct.
12. That the review of policy and procedures referred to in Recommendation 8 above have an immediate focus on HR policies concerning harassment and bullying and complaints management, including the requirement to ensure:
  - effective case management is provided by an officer of the Workplace Conduct Unit
  - the complainant is supported and, where necessary, protected from further harm
  - the matter is dealt with quickly and effectively, and
  - confidentiality of the process is maintained to the greatest degree possible.

13. That a network of trained equity advisers be established in QFES and PSBA to provide advice to QFES employees concerned about discriminatory behaviour in the workplace, or incidents of harassment and bullying, including sexual harassment.
14. That arrangements be made for the Employee Assistance Scheme (EAS) to be provided by an organisation that is independent of any other contractual arrangements with the QFES, and that access be provided on the same basis as other public sector schemes (with direct self-referral allowed and a number of sessions provided before further organisational authorisation is required).
15. That all QFES officers of the rank of Station Officer or above receive training in:
  - acceptable workplace conduct, and their responsibility to ensure this
  - complaints management procedures and skills, including case studies about what should be reported, and
  - the support of staff who have made complaints related to bullying or harassment.
16. Staff below the rank of station officer should receive information on how to commence the complaints process and what they can expect to occur once a complaint has been lodged.

## Recruitment and Selection

17. That a comprehensive review of the entry requirements and selection process for firefighters be undertaken, with a view to:
  - ensuring that physical, psychological and intellectual testing of applicants for firefighter positions reflect the actual competencies required for the position currently and in the context of future organisational requirements
  - determining whether any component of the entry requirements or selection process unfairly excludes women from consideration for appointment as a firefighter, and
  - including a greater emphasis on cognitive abilities, verbal and written communication skills and teamwork.
18. That the current practice of maintaining an applicant pool for firefighter positions over a number of years be ceased, and

- all candidates who have been on the list for greater than 12 months be advised that their application has lapsed, and they will need to make a fresh application to be considered,
  - the situation of all candidates who have been on the list for less than 12 months be reviewed to confirm currency of interest and suitability for further consideration, and
  - a new process be developed to manage an annual recruitment cycle.
- 19.** That a new, targeted recruitment campaign be developed to promote firefighting as a career for women, both in permanent and auxiliary positions, with implementation to be approved by the committee specified in Recommendation 1, having regard to improvements in organisational climate.
- 20.** That QFES and PSBA develop and implement policy to support lateral recruitment at middle and senior management levels to support organisational renewal.

### **Training and development**

- 21.** That the Queensland Combined Emergency Services Academy review its curriculum to:
- ensure the inclusion, at an early stage of the firefighter recruit program, of examinable course content on ethics, Code of Conduct, and acceptable workplace conduct
  - have the above program delivered by content specialists via face to face delivery, and
  - provide information about the availability of services and supports for any officer affected by bullying or harassment.
- 22.** That Academy instructors receive equity and diversity training as a prerequisite of the position.
- 23.** That QFES develops a package of strategies to support female recruits at the Academy, including ensuring that there are at least two women on each program.

### **Ethics and conduct**

- 24.** That the Commissioner requires that all QFES officers engaging in secondary employment declare this employment to improve transparency around this practice and better enable QFES to meet its duty of care to staff.
- 25.** That Code of Conduct training, with an explicit focus on acceptable workplace conduct, be undertaken in QFES:
- within the next 6 months to all staff, and
  - on a mandatory basis at least every two years thereafter
- and that all participation in this training be formally recorded in the Learning Management System and reported on annually to the Board of Management.
- 26.** That PSBA, in consultation with QFES, develops a strategy (including a training program) to prevent harassment and bullying in the workplace, to encourage reporting through the complaints management system, and to highlight the responsibilities of officers at all levels to ensure a safe and inclusive work environment.

### **QFES working environment**

- 27.** That the assignment of firefighters to particular locations following the successful completion of the Academy program give priority to the placement of women officers in groups of two or more.
- 28.** That the current transfer system for firefighters be reviewed to reduce current limitations on the transfer of officers (whether initiated by the organisation or the individual) and a new organisational policy be developed, with clear application and decision criteria, and review processes.
- 29.** That PSBA and QFES identify a set of minimum standards for facilities to ensure that female firefighters are afforded appropriate levels of privacy, and conduct an audit in accordance with those standards of all QFES fire stations, with a view to incorporating necessary works in the QFES capital or minor works program.
- 30.** That QFES implements statewide procedures to ensure improved oversight of roster development and approval of changes.

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