

CONDUCT AND ETHICS

CONDUCT

Code of conduct

Fire and Rescue NSW is committed to the highest standards of conduct, honesty, ethical behaviour and fairness to support our reputation as a highly trusted organisation. This Code of Conduct establishes those standards for all permanent, part time and temporary employees and contractors.

An ethical Fire and Rescue NSW

NSW government employees are required to maintain certain standards of conduct so that the functions of government are carried out in an efficient, fair and impartial manner. Such standards are designed to ensure the public sector acts, and is seen to act, with integrity.

Everyone in Fire and Rescue NSW has both an individual and organisational responsibility to act ethically. Every employee and contractor is responsible for observing the spirit, intent and content of this Code of Conduct in their work for Fire and Rescue NSW.

In addition, Fire and Rescue NSW has a corporate responsibility. In practice, this means that Fire and Rescue NSW must have equitable ethical policies, systems, procedures and practices for delivering services and managing employees (permanent and temporary) and contractors. There must be appropriate management systems to detect and resolve ethical dilemmas as they arise and to respond to potentially unethical decisions and practices when they are identified.

Commissioner and Executive Leadership Team responsibilities

The Commissioner and the Executive Leadership Team are responsible for:

- establishing and maintaining ethical policies, systems and procedures for all aspects of Fire and Rescue NSW work, including the conduct and management of employees and contractors
- ensuring that employment policies and practices are fair and equitable
- ensuring that mechanisms for detecting and responding to potentially unethical circumstances (eg grievance and complaint handling systems) are appropriate and effective
- ensuring that areas of work that are of inherently higher risk in terms of ethics and corruption are identified, preventive strategies are put in place and employees working in such areas are supported
- monitoring the ethical health and culture of Fire and Rescue NSW and responding to any problems identified.

Managers' responsibilities

Managers are responsible for:

- monitoring their workplaces to prevent, identify and address situations likely to raise ethical dilemmas (eg establishing good procedural guidance for decision-making, particularly around the exercise of discretion)
- ensuring that employees and contractors are not placed in potentially difficult situations (eg by providing appropriate support for employees in the field where they may face compromising situations)

- being available and supportive to employees and contractors who require guidance on ethical dilemmas
- fostering a work environment free of harassment, discrimination, victimisation, corruption, maladministration and waste
- ensuring that employees and contractors are aware of and understand the principles contained in this Code of Conduct and the established systems and procedures for addressing ethical problems
- supporting and protecting employees and contractors who report, in good faith, instances of potentially unethical or corrupt practices
- ensuring that employees and contractors are treated fairly, equitably and in accordance with legislation and policy (eg ensuring employees have fair and equitable access to training and other development possibilities)
- taking action where misconduct, fraud or corrupt conduct are alleged or suspected
- maintaining strict confidentiality in relation to allegations and their investigation.

Employees' and contractors' responsibilities

Employees and contractors have a duty to:

- read and ensure they understand this Code of Conduct
- act ethically, lawfully and in accordance with the principles contained in this Code
- report potentially unethical or corrupt practices via the established mechanisms.

Respect for people

Fire and Rescue NSW employees and contractors must at all times treat members of the public, colleagues and other people they deal with at work with respect, courtesy, honesty and fairness, and have proper regard for their interests, rights, safety, health and welfare.

They must take all necessary steps to prevent and deal with harassment, bullying and discrimination in the work environment and report it if it occurs.

Working in the emergency services requires that employees work closely and cooperatively with, and are supportive of, one another. This does not mean, however, protecting colleagues if they act improperly.

Integrity

Fire and Rescue NSW employees, like all other NSW public sector employees, are expected to promote confidence in the integrity of public administration and always act in the public interest. This means protecting the reputation of Fire and Rescue NSW, including by not engaging in activities, at work, that would bring Fire and Rescue NSW into disrepute.

Outside employment or business

Fire and Rescue NSW employees must not undertake secondary employment or business that could adversely affect their Fire and Rescue NSW duties, give rise to a conflict of interest or in any way be perceived as having a negative impact on the integrity of Fire and Rescue NSW.

Personal information obtained through work with Fire and Rescue NSW and Fire and Rescue NSW information that is not available to the public may not be accessed, used without authority or disclosed in secondary employment or business. Similarly, Fire and Rescue NSW facilities, equipment and systems must not be used for secondary employment or business purposes or any other unauthorised purposes.

More guidance on outside employment or business is set out in the policy and guidelines on [Conflicts of interest](#) on page 373 and in the [Secondary employment policy for administration and clerical staff](#) on the intranet.

Gifts, benefits and hospitality

Fire and Rescue NSW employees and contractors may only accept gifts, benefits or hospitality without reporting them if the gift, benefit or act of hospitality:

- a. is token in nature (that is, has a value of less than \$50), and
- b. acceptance is reasonable and would appear reasonable to others (that is, acceptance would not cause, or seem to anyone else that it would cause the recipient to have any obligation to the giver).

All other offers of gifts, benefits or hospitality should be refused. In the event that a gift cannot reasonably be refused, these gifts become Fire and Rescue NSW corporate property. Information about such gifts and their location must be reported to your manager and must be sent to the Manager Corporate Risk for entry in the *Gifts register*.

Any attempted bribes must be immediately reported to your manager.

Items registered in the *Gifts register* are subject to audit and are not to be kept at the homes of employees, contractors or managers. Items suitable for display at a Fire and Rescue NSW office, station or other work location may be kept by the workplace which received them. If appropriate, other items should be donated to charity.

Employees and contractors must also take reasonable measures to ensure their immediate family members do not receive gifts, benefits or hospitality that could be seen as an attempt to influence the employee or contractor in the conduct of their official duties. If anyone gives, or attempts to give, family members such gifts, the employee or contractor must report this to their manager or the Manager Corporate Risk.

If employees or contractors receive a gift, benefit or prize above a nominal value of \$50 as a result of entering a competition or lucky draw while engaging in official duties (including attending conferences), it must be recorded in the *Gifts register*. The gift, benefit or prize then becomes Fire and Rescue NSW property.

More specific guidance on dealing with offers of gifts, benefits or hospitality is set out in the policy and guidelines on [Gifts, benefits and hospitality](#) on page 370.

Conflicts of interest

Employees have an obligation, when at work, to put the interests of Fire and Rescue NSW first. Similarly, contractors engaged by Fire and Rescue NSW have an obligation when working for, or dealing with work matters relating to, Fire and Rescue NSW to put the interests of Fire and Rescue NSW first.

Personal interests that could conflict with the interests of Fire and Rescue NSW can be financial or non-financial, and they include the personal interests of people or organisations close to the employee or contractor.

A conflict of interest exists where:

- an employee or contractor could be influenced by a personal interest in carrying out their Fire and Rescue NSW work or duty, or
- a reasonable person might think they could be influenced by a personal interest in carrying out their Fire and Rescue NSW work or duty.

Examples of conflict of interest include:

- Being on a staff selection panel where a relative is one of the applicants.
- Inspecting a business owned by your spouse's employer.
- Deciding on which supplier to use in a situation where one of the suppliers has offered you secondary employment or another benefit.

The onus is on employees and contractors to identify they have an actual or perceived conflict of interest, to disclose it by reporting it in writing to their manager, and to take action to address it.

Options for managing a conflict of interest include:

- **Restrict:** Place restrictions on the employee's or contractor's involvement in the matter affected by the conflict of interest.
- **Recruit:** Recruit an independent third party to undertake or oversee part or all of the process of the matter affected by the conflict of interest.
- **Remove:** Remove the employee or contractor from the matter affected by the conflict of interest.
- **Relinquish:** The employee or contractor relinquishes the personal interest that is creating the conflict.
- **Resign:** The employee or contractor resigns.

The best approach is usually for the person with a conflict of interest to be removed from dealing with the matter giving rise to the conflict. This must be the default option, to be followed except where there are strong reasons for using another option.

Conflicts of interest and agreed action to manage them must be recorded in the *Conflicts of interest register* held by the Manager Corporate Risk.

Employees or contractors and their managers must continually monitor their chosen management strategy for the duration of the conflict of interest. If significant changes to the situation occur, employees or contractors and their managers will need to formally identify the current situation and any conflicts of interest that apply, before adopting a revised management strategy.

More specific guidance on identifying and dealing with conflicts of interest is set out in the policy and guidelines on [Conflicts of interest](#) on page 373.

Corruption, fraud, maladministration and waste

Fire and Rescue NSW does not tolerate corruption, fraud, maladministration, or serious and substantial waste of public money, and strongly supports employees who report such conduct.

In broad terms, corrupt conduct is the conduct of any person that could adversely affect the honest and impartial exercise of official functions by that person or any other public official. Fraud is one form of corruption. It is a deliberate and premeditated act which involves deception to gain advantage from a position of trust and authority.

This means, for example, that an honest mistake in making an expenses claim, or making a claim where the entitlements are subject to dispute, is not fraud, because such claims do not involve a deliberate attempt to deceive.

Examples of fraud and corruption include:

- Bribes offered to influence a public official's conduct or decision making.
- Employees or contractors knowingly claiming for time they did not work, or expenses they did not incur as part of their Fire and Rescue NSW work.
- Managers allowing overtime to be worked when it is not necessary.
- Employees or contractors purchasing goods or services for personal use through Fire and Rescue NSW.
- Awarding a contract for Fire and Rescue NSW work where a conflict of interest is known to exist.

Maladministration is conduct that involves action or inaction of a serious nature that is contrary to law, or unreasonable, unjust, oppressive or improperly discriminatory, or based wholly or partly on improper motives. Examples include:

- Ignoring a legal requirement when conducting an inspection.
- Discriminating against a business in a decision because you dislike the business-owner.
- Deciding that administrative action should be taken against a person without considering the merits of the case.

Serious and substantial waste refers to the uneconomical, inefficient, improper or ineffective use of resources, authorised or unauthorised, which results in a loss or wastage of public funds or resources. Examples include:

- Spending much more on a contract than was agreed.

- Not having appropriate safeguards, leading to significant thefts of equipment or supplies.
- Purchasing amounts of materials that are of such poor quality that they are not fit for use.

More specific guidance on identifying and dealing with corruption, fraud, maladministration and waste is set out in the policy and guidelines on [Fraud and corruption prevention](#) on page 380.

Post-Fire and Rescue NSW employment

Fire and Rescue NSW employees must not use their position to solicit opportunities for future employment. They must not allow themselves or their work to be influenced by plans for, or offers of, employment after they leave Fire and Rescue NSW.

Former employees may not use or take advantage of confidential information obtained in the course of their employment, nor breach Fire and Rescue NSW intellectual property rights.

All employees and contractors should be careful in their dealings with former employees to ensure they do not give them, or appear to give them, favourable treatment or access to privileged information.

Professionalism and diligence

Fire and Rescue NSW employees and contractors must perform their duties diligently, impartially, and conscientiously to the best of their abilities. Employees and contractors must:

- ensure their work habits, behaviour and personal and professional relationships contribute to a harmonious and productive work environment
- deal with all functions consistently, promptly and fairly in accordance with approved procedures and without bias
- seek to obtain value for public money they spend and avoid waste and extravagance
- as far as practicable, keep up-to-date with advances and changes in their area of expertise
- comply with relevant legislative, industrial or administrative determinations, agreements and policies (eg drugs and alcohol, equal employment opportunity, privacy, personnel practices, purchasing and engaging consultants)
- not take improper advantage of, or misuse, information gained in the course of their employment
- ensure, when using discretionary powers regarding the merits of a particular case, that all the relevant facts are taken into consideration and irrelevant factors ignored.

Supervisors and managers

All supervisors and managers are responsible for ensuring the work of their employees and contractors is effective and efficient and that the objectives of the organisation are pursued. Supervisors and managers must:

- communicate effectively with employees and contractors to ensure they understand their tasks and responsibilities
- provide material and other support to assist employees and contractors in carrying out their functions

- ensure employees and contractors are aware of this Code of Conduct and, as far as practical, make sure employees and contractors adhere to its principles.

Supervisors and managers are accountable for employees' and contractors' unsatisfactory acts or omissions that are so serious, repeated or widespread that the supervisors should have been aware of them and taken steps to correct them.

Dress

Fire and Rescue NSW employees need to meet community expectations for professionalism, which includes appropriate dress and may also require the wearing of personal protective equipment (PPE) in accordance with the [Recommended practice for wearing of uniforms and personal protective equipment \(PPE\)](#). In addition, the uniformed arm of Fire and Rescue NSW has to comply with Fire and Rescue NSW dress codes.

Political participation

Employees must ensure that participation in political matters does not conflict with their primary duty as a public sector employee to serve the government of the day in a politically neutral manner.

If an employee identifies any potential conflict of interest, real or apparent, they should immediately raise it with their manager and, if necessary, more senior managers. If a conflict does arise, the employee may have to stop participating in the political activity or withdraw from areas giving rise to the conflict.

Public comment

Fire and Rescue NSW employees, as members of the community, have the right to make public comment. However, there are some circumstances where public comment is inappropriate. Examples include:

- Where the comment may appear to be in some way an official comment of the government or Fire and Rescue NSW, but such comment has not been authorised.
- Where the comment indicates that the employee is unwilling to implement or administer the policies of the government of the day as they relate to their duties.
- Where the matter is controversial.

Any requests for comment that do not relate to employees' immediate areas of responsibility should be referred to the employee's manager, and in most cases to the Media, Ministerial and Communications Unit who will organise an authorised Fire and Rescue NSW response. Any request for comment made to a contractor should be referred immediately to the contractor's manager.

Fire and Rescue NSW acknowledges that employees who are authorised representatives of their union will from time to time be required to make public comment as part of that role. In such cases, comment will be considered appropriate, provided it has been authorised by the relevant union.

Accountability

Information and privacy

Fire and Rescue NSW employees and contractors are responsible for ensuring the creation and maintenance of proper documentation to record decision-making activities in accordance with Fire and Rescue NSW policies and procedures.

Information obtained in the course of Fire and Rescue NSW work may not be used for private purposes, including secondary employment or other business activities.

Employees and contractors must take appropriate steps to protect personal and confidential information obtained through their work. The requirements of the [Privacy and Personal Information Protection Act 1998](#) and the [Health Records and Information Privacy Act 2002](#) must be complied with, as outlined in Fire and Rescue NSW's [Privacy policy](#) on page 616.

Official information or documents must only be used for the purposes originally intended.

Intellectual property

Anything Fire and Rescue NSW employees develop, invent or create, either alone or in collaboration with others in the course of their employment or engagement with Fire and Rescue NSW, remains the intellectual property of Fire and Rescue NSW.

Intellectual property contracted or purchased by Fire and Rescue NSW must be strictly preserved. Employees, contractors and temporary personnel have no right to disclose, or use, any of such original material for any purpose other than in the course of their Fire and Rescue NSW duties, unless expressly authorised to do so.

Security

Employees and contractors must take the utmost care to secure Fire and Rescue NSW property against theft, damage or misuse. Steps should also be taken to ensure that unauthorised access to information (including hard copy and electronic information), or access to information for purposes other than those intended, cannot occur.

Economy and efficiency

Use of resources

Employees and contractors are expected to be efficient and economical in the use and management of resources and not allow unauthorised use or abuse of Fire and Rescue NSW property and services. Given that much of Fire and Rescue NSW's equipment is specialised and costly, and required for saving lives and property, appropriate use of Fire and Rescue NSW resources is particularly important.

Fire and Rescue NSW employees must not use firefighting, rescue, hazmat or any other such equipment for private purposes.

Use of other Fire and Rescue NSW resources is permitted if:

- the use is both limited and reasonable, and it is restricted to the Fire and Rescue NSW employee (that is, other people do not use the item)
- the use does not hamper Fire and Rescue NSW activities
- permission for the specific use has been obtained from the relevant manager.

Borrowing a Fire and Rescue NSW item must not materially use up, wear, or diminish the value of the item.

Generally, items should not be removed from Fire and Rescue NSW premises for private use. If they are removed for private use, employees must obtain their manager's written permission for the removal and use of the item. Such items must be returned as quickly as possible and in good repair, and a record kept of the item's removal and use.

Where the use of the resources requires special qualifications, training or experience, then the item may only be used for private purposes by an employee with the requisite qualifications, training or experience.

Employees or contractors may not:

- use any Fire and Rescue NSW resources (eg equipment, clothing, insignia, computers, other people's time) for secondary employment or business purposes or any other unauthorised use
- gain a private benefit from training or practice activities (eg arranging chainsaw instruction to remove branches from their own property).

Breaches of this code

Breaches of this Code may result in disciplinary action, and corrupt or criminal conduct will be reported to the relevant authority.

Reporting breaches

Employees and contractors must report any breaches of this Code that they become aware of, or which they have reasonable grounds for suspecting. In particular, employees and contractors must report identified or reasonably suspected conflicts of interest, fraudulent or corrupt conduct, maladministration, or serious and substantial waste of public money.

Employees and contractors can make reports to their manager, the Manager Professional Standards and Conduct (who is Fire and Rescue NSW's Disclosure Coordinator) or the Commissioner. If concerned about making a public approach they can put their report in writing, or request a meeting in a discreet location away from the workplace.

Alternatively, employees and contractors can report to the relevant investigating authority:

- **Ombudsman** for maladministration
- **ICAC** for matters involving corrupt conduct (including fraud)
- **Auditor-General** for matters involving serious and substantial waste of public money in agencies other than councils.

In addition, under the [Protected Disclosures Act 1994](#), employees may make a report (a 'protected disclosure') to a journalist or Member of Parliament in relation to a matter involving corruption, maladministration, or serious and substantial waste of public money, but only if certain conditions are met.

The *Protected Disclosures Act* provides protection for people reporting misconduct - that is, making a protected disclosure - in accordance with the provisions of the Act. Information and guidance on the making of a Protected Disclosure is set out in the Fire and Rescue NSW policy on [Fraud and corruption prevention](#) on page 380.

Contact Officer: Assistant Director Workplace Standards, (02) 9265 3954

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In Orders 2009/14, with amendments

Gifts, benefits and hospitality

Policy

Fire and Rescue NSW employees may not ask for gifts, benefits or hospitality, and certain gifts, benefits or hospitality must be refused. In particular, employees must refuse:

- gifts of cash
- gifts which might influence them at work
- gifts which are given with the intention of influencing them
- gifts which might be seen as influencing them or meant to influence them
- gifts which are more than just token gifts
- gifts that are inappropriate because of their position, role or activities.

Gifts, benefits or hospitality may be accepted if they are token (that is, have a value of less than \$50), providing acceptance would not be seen as affecting your integrity. That is, providing acceptance is reasonable, and would appear reasonable to others.

Generally, gifts must not be accepted on behalf of Fire and Rescue NSW by anyone other than the Commissioner or a member of the Executive Leadership Team, unless the Commissioner or a member of the Executive Leadership Team has agreed in advance to the acceptance.

Employees must report to their manager all offers of gifts which are more than just token gifts, and all attempts at bribes.

The guidelines accompanying this policy explain how it is to be implemented and must be followed.

IMPLEMENTATION GUIDELINES

No soliciting of gifts, benefits or hospitality

You may not, under any circumstances, ask for gifts, benefits or hospitality for yourself, your friends or your family from any of the people you deal with in the course of your work for Fire and Rescue NSW.

Gifts, benefits and hospitality to refuse

The following gifts, benefits or hospitality must always be refused:

- Gifts or loans of cash.
- Gifts, benefits or hospitality that are, or may be considered by others to be, bribes or corruption.
- Gifts, benefits or hospitality which you think the person is offering you to try to influence your decisions or the way that you do your work, or which other people might reasonably consider are being offered to influence you.
- Gifts, benefits or hospitality where you think you might feel obligated to the person or organisation, or where other people might reasonably consider that you might feel obligated.

- Gifts, benefits or hospitality that are more than just token.
- Gifts, benefits or hospitality that are inappropriate because of your position, role or activities.

When assessing whether or not a gift, benefit or hospitality is a token gift you need to consider how often the person or organisation offering the gift has given you other gifts, and whether these gifts are being generally offered or only to you or a few selected people.

There are many examples of when it would be inappropriate to accept any gifts, benefits or hospitality. For example:

- When you are on a tender panel it would be inappropriate to accept even token gifts from a tenderer.
- When you are undertaking regulatory activities it would be inappropriate to accept even token gifts, including lunch or dinner, from a person or organisation being regulated by Fire and Rescue NSW.
- When you are making an administrative decision that has a significant effect on those involved, it would be inappropriate to accept even token gifts from a person or organisation significantly affected by the decision.

The value of discounts offered is to be considered as a gift or benefit.

A gift, cash back offer, or similar benefit that is received because of a Fire and Rescue NSW purchase is the property of Fire and Rescue NSW.

Gifts, benefits and hospitality that may be accepted

Gifts, benefits or hospitality may be accepted if, and only if:

- a. they are token, and
- b. they do not appear on the list of gifts, benefits or hospitality that should be refused, and
- c. other factors listed in this policy do not indicate that they should be refused, and
- d. it is reasonable - and would appear reasonable to others - to accept them.

Token gifts of alcohol may be accepted, subject to compliance with the [Drug and alcohol protocol](#).

Other considerations

If staff receive a gift, benefit or prize above a nominal value of \$50 as a result of entering a competition or some sort of lucky draw while engaging in official duties (including attending conferences), it must be recorded in the *Gifts register* and become Fire and Rescue NSW property.

Gifts, benefits or hospitality that are deemed acceptable should be shared among staff when ever this is practicable. For example if an organisation sends tickets to a sporting event each year and it is considered that they should be accepted, the tickets should be used by different members of staff each year.

It is important that people and organisations do not attempt to bypass the provisions of this policy by giving gifts to your family. You need to take all reasonable measures to ensure that your immediate

family members are not the recipients of gifts and benefits that could be perceived to be an attempt to influence you in the conduct of your official duties.

If anyone gives, or attempts to give, gifts to family members this should be reported to your manager and the relevant Executive Leadership Team member/s. They will in turn determine whether any further action should be taken in relation to the matter.

Offers of gifts, benefits and hospitality to be reported

You must report to your manager any offers of gifts, benefits or hospitality which are more than token.

You must report to your manager or to the Manager Corporate Risk:

- any offers that are or could be seen to be bribes or corruption
- any offers where you think that the person is trying to influence your decisions or the way that you do your work.

In these circumstances you must make notes about what was said by the person, when the offer occurred, anyone else who was present, and any other relevant details.

All managers receiving reports of inappropriate offers of gifts, benefits or hospitality must pass on those reports and copies of the reporting person's notes and their own notes to the Manager Corporate Risk.

Token gifts, benefits and hospitality

Token gifts, benefits or hospitality have a value less than \$50, and are generally promotional rather than personal in nature.

Generally the value of a gift, benefit or act of hospitality is assessed as the highest of:

- the estimated or actual price paid by the giver, or
- the estimated monetary value of the item, or
- the price normally charged for the item.

Gifts accepted on behalf of Fire and Rescue NSW

Gifts to Fire and Rescue NSW are usually made as part of a formal presentation, and accepted by the Commissioner or another member of the Executive Leadership Team. Generally gifts must not be accepted by any other employees on behalf of Fire and Rescue NSW unless the Commissioner or another member of the Executive Leadership Team has agreed in advance to the acceptance.

In circumstances where it is considered that the gift offered cannot reasonably be refused, it may be accepted on behalf of Fire and Rescue NSW. This may occur, for example, where you are hosting an official international fire service guest. Such gifts should only be accepted where it is also clear that the gift:

- would not be seen as a bribe or corruption
- would not create a sense of obligation, and
- is not likely to have been offered to influence a decision or the conduct of a Fire and Rescue NSW employee.

Where a gift is accepted on behalf of Fire and Rescue NSW the giver of the gift should be informed that the gift is being accepted on behalf of Fire and Rescue NSW, not any individuals.

Detailed information about gifts accepted on behalf of Fire and Rescue NSW must be sent to the Manager Corporate Risk for entry in the *Gifts register*.

Items in the *Gifts register* will be subject to audit and are not to be kept at the homes of staff or managers.

Items suitable for display at a Fire and Rescue NSW office, station or other work location may be kept by the workplace which received them. In these cases the display location will be noted in the *Gifts register*. These gifts remain Fire and Rescue NSW corporate property.

If suitable, all other items should be donated to an appropriate charity. A receipt should be obtained from the charity and sent for filing in the *Gifts register*.

If the item is not suitable for donating to a charity, the item should be destroyed, with an appropriate signed letter or note advising of this destruction being sent for inclusion in the *Gifts register*.

Contact Officer: Assistant Director Workplace Standards, (02) 9265 3954

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In Orders 2009/14, with amendments

Conflicts of interest

Policy

Employees have an obligation, when at work or dealing with work matters, to put the interests of Fire and Rescue NSW first. Similarly, contractors engaged by Fire and Rescue NSW have an obligation when working for, or dealing with work matters relating to, Fire and Rescue NSW to put the interests of Fire and Rescue NSW first.

In circumstances where an employee's or contractor's private interests conflict with Fire and Rescue NSW's interests, this conflict must be identified, and a method for managing the conflict worked out with the relevant manager. This arrangement must be registered, and the agreed strategy complied with for as long as the conflict remains.

The onus is on employees and contractors to identify that they have an actual or potential conflict of interest, and to take action to address that conflict in accord with this policy and the related implementation guidelines.

IMPLEMENTATION GUIDELINES

What is a conflict of interest?

As an employee, you have an obligation, when at work or dealing with work matters, to put the interests of Fire and Rescue NSW first.

Personal interests that could conflict with the interests of Fire and Rescue NSW can be financial or non-financial and include the personal interests of people or organisations close to the employee. Some conflicts of interest relate only to a specific decision-making process, activity or function while others may be ongoing.

A conflict of interest exists where:

- you could be influenced by a personal interest in carrying out your Fire and Rescue NSW work or duty
- a reasonable person might think you could be influenced by a personal interest in carrying out your Fire and Rescue NSW work or duty.

Conflicts of interest may arise with individuals and organisations, including family members, friends, neighbours, businesses, clubs and associations.

Examples of conflicting interests include situations where an employee:

- Is on a selection panel and a relative is one of the applicants.
- Is inspecting a business owned by their spouse's employer.
- Is deciding which supplier to use and one of the suppliers has offered them secondary employment.

Checklist for identifying a conflict of interest

In assessing whether you have an actual, reasonably perceived or potential conflict of interest, it may be helpful to ask yourself the following questions:

- Would I or anyone associated with me benefit from, or be detrimentally affected by, my proposed decision or action?
- Could there be benefits for me in the future that could cast doubt on my objectivity?
- Do I have current or previous personal, professional or financial relationships or association of any significance with an interested party?
- Would my reputation or that of a relative, friend or associate stand to be enhanced or damaged because of the proposed decision or action?
- Do I, or a relative, friend or associate, stand to gain or lose financially in some way?
- Do I hold any personal or professional views or biases that may lead others to reasonably conclude that I am not an appropriate person to deal with the matter?
- Have I contributed in a private capacity in any way to the matter being dealt with?
- Have I made any promises or commitments in relation to the matter?
- Have I received a benefit or hospitality from someone who stands to gain or lose from my proposed decision or action?
- Am I a member of an association, club or professional organisation or do I have particular ties and affiliations with organisations or individuals who stand to gain or lose by my proposed decision or action?
- Could this situation have an influence on any future employment opportunities outside my current official duties?

- Could there be any other benefits or factors that could cast doubt on my objectivity?
- Do I still have doubts about my proposed decision or action?

Checklist for the perceptions of others

When assessing whether others could see a potential conflict of interest in the matter, ask yourself:

- What assessment would a fair-minded member of the public make of the circumstances?
- Could my involvement in this matter cast doubt on my integrity or Fire and Rescue NSW's integrity?
- If I saw someone else doing this, would I suspect that they might have a conflict of interest?
- If I did participate in this action or decision, would I be happy if my colleagues and the public became aware of my involvement and any association or connection?
- How would I feel if my actions were highlighted in the media?
- Is the matter or issue one of great public interest or controversy where my proposed decision or action could attract greater scrutiny by others?

Checklist for identifying a pecuniary interest

A pecuniary interest is also known as financial interest or a material personal interest. Money does not have to change hands - the benefit could be an increase in the value of property or other material interest.

When assessing whether you or an associate have a potential pecuniary interest, ask yourself:

- Is there a realistic expectation that I will, directly or indirectly, gain a financial or other material benefit or suffer a financial or other material loss?
- Will the matter affect my earning capacity or financial situation?
- Will it have an impact on the value of any shares or property that I own?
- Do I have a second job or private business that may be affected by the matter?
- Do I have any debts owing to a person who will be affected by the matter?
- Have I accepted hospitality, sponsored travel or other benefits from a person who will be affected by the matter?
- Is there a realistic expectation that someone in a personal or business relationship with me will, directly or indirectly, gain a financial or other material benefit or suffer a financial or other material loss?
- By nature of my relationship with this individual would any benefit or loss they receive be expected, under normal circumstances, to flow through to me?

Declaring conflicts of interest

If you have a conflict of interest you must declare it in writing to your manager as soon as practicable, and your manager must acknowledge receipt of the declaration to you in writing.

In addition, if your manager agrees that you should continue to be involved with the matter which has given rise to the conflict of interest, you must declare the conflict and request it be minuted in meetings at which the matter is dealt with. The minutes should include the nature of the conflict and how it was handled.

For certain processes or activities it may be appropriate for people to declare that they have no conflicting interest in relation to the decision, process or activity. For example, at meetings of tender evaluation panels and staff selection panels, this declaration is useful to help ensure transparency and probity.

Signed copies of the declaration of a conflict of interest, the manager's acknowledgement of the declaration and the agreed method for managing the conflict (see below) must be sent for inclusion in the *Conflicts of interest register*. This register is held by the Manager Corporate Risk.

Managing conflicts of interest

The options for managing conflicts of interest (often known as the 5Rs) are to:

- **restrict** involvement in any matter where a conflict arises
- **recruit** a third party to help manage the conflict
- **remove** the person with the conflict from dealing with the matter at all
- **relinquish** the interest which is giving rise to the conflict
- **resign** from the position or organisation, so that the other interest is no longer relevant.

These following guidelines are based on information from *Managing conflicts of interest in the public sector toolkit* by the Independent Commission Against Corruption and the Crime and Misconduct Commission.

Restrict

If your involvement in matters is restricted because of your conflict of interest, you must:

- not be involved in any critical criteria setting or decision-making role in the issue
- refrain from taking part in any debate about the issue
- abstain from voting on affected proposals
- withdraw from discussions on affected proposals and plans
- have restricted access to information relating to the affected matter
- be denied access to sensitive information relating to the affected matter.

Recruit

If a third party is recruited to help manage the conflict of interest, your role as a manager or employee is to:

- arrange for the affected decisions to be made by an independent third party
- engage an independent third party or probity auditor to oversee or review the integrity of the decision-making process
- increase the number of people sitting on decision-making committees to balance the influence of an employee who may have a conflict of interest but has a reason to remain on the committee
- seek the views of those likely to be concerned about a potential, actual or reasonably perceived conflict of interest about whether they object to the employee having any, or further, involvement in the matter.

Engaging an independent third party is particularly appropriate where:

- there is a reasonably perceived, but not actual, conflict of interest or
- the conflict of interest is only identified at, or near, the conclusion of the process or after the making of the decision.

Remove

The best approach for managing a conflict of interest is usually for the person with the conflict to be removed from dealing with the matter giving rise to the conflict. This must be the default option, to be followed except where there are strong reasons for using another option.

If you have been removed from a matter because of a conflict of interest, you must do one or more of the following:

- remove yourself from any involvement in the matter
- abstain from any formal or informal discussion about the matter
- remove yourself from the situation where you may still exert, or be perceived to exert, a covert influence on decisions or actions taken in the matter
- re-arrange your duties and responsibilities to a non-conflicting function
- transfer to another project
- transfer to another area of the organisation
- transfer to another organisation
- ensure you do not supervise another employee who has been allocated that matter in which the conflict of interest arose.

Relinquish

If you are asked to relinquish your involvement in the matter which caused the conflict of interest, you must:

- liquidate your private interest in an arm's-length transaction
- divest yourself of, or withdraw your support for, your private interest (the exception may be where the interest is an essential part of your qualifications for a position, such as membership of a professional body)
- assign your conflicting interest to a genuinely 'blind trust' or 'blind management' arrangement for the duration of the conflict.

Resign

If the conflict of interest causes you to resign, you may request transfer to another organisation or take early retirement if that option is feasible.

Monitoring the chosen management strategy

To ensure that the chosen management strategy remains relevant until conflicts of interest are resolved, it is important to regularly review and assess the:

- original situation that gave rise to the conflict of interest
- initial determination and management decision
- strategy put in place to manage the conflict of interest
- actions taken in implementing the management strategy
- changes in the situation that may have an impact on the management strategy
- perceptions held by others that the conflict of interest is having an improper influence on the matter
- changes made to the management strategy and its implementation.

If changes to the situation are significant, you will probably need to re-start the complete management process. This means commencing with a formal identification of the current situation and any conflicts of interest that may apply before adopting a revised management strategy.

Formal records should be kept of all reassessments and decisions made and actions taken. You need to keep a copy, your manager needs to have a copy and a copy needs to be sent for the *Conflicts of interest register*.

Conflicts of interest and corruption

If, in carrying out your work responsibilities, you put your own personal interest ahead of your duty to Fire and Rescue NSW you are likely to have engaged in corrupt conduct.

Roles and accountabilities

As an employee you are responsible for:

- identifying your own conflicts of interest
- declaring conflicts of interest in accordance with the *Code of conduct* (see [page 361](#))
- managing your conflicts of interest in accordance with instructions from your managers and based on probity principles
- seeking advice from managers when you are unsure about conflicts of interest and how they should be dealt with
- monitoring, reassessing and managing your conflicts of interest
- documenting conflicts of interest and their management, and ensuring the information is provided to your manager
- reporting employees, whom you become aware of, or suspect on reasonable grounds of breaching the *Code of conduct*.

As a manager, you are responsible for:

- complying with the *Code of conduct* with respect to your own conflicts of interest
- ensuring compliance of those you supervise by:
 - being aware of the risks of conflicts inherent in the work of the employees you manage
 - monitoring the work of employees and the risks they are exposed to
 - making employees aware of the *Code of conduct* and the procedures for complying with it
 - recording the receipt of disclosures of conflicts of interest reported by employees and ensuring that the documentation is entered in the *Conflicts of interest register*
 - documenting and monitoring the management of conflicts of interest, in accordance with Fire and Rescue NSW procedures, and ensuring that the documentation is entered in the *Conflicts of interest register*
- seeking advice when you are unsure about the *Code of conduct's* application
- handling reports of conflicts received in accordance with the *Code of conduct*
- reporting breaches of the *Code of conduct* which you become aware of, or suspect on reasonable grounds.

Contact Officer: Assistant Director Workplace Standards, (02) 9265 3954

File Reference: NFB/03331 and CHO/05679

In Orders 2009/14, with amendments

Fraud and corruption prevention

Policy

Fire and Rescue NSW is committed to being an organisation that does not tolerate any form of fraud or corruption, and is vigilant in the prevention, deterrence, detection and investigation of all forms of fraud and corruption.

As a Fire and Rescue NSW employee, you are required to act at all times with integrity in accordance with the Fire and Rescue NSW *Code of conduct* (see [page 361](#)) and related policies, and to safeguard the resources of Fire and Rescue NSW.

You need to be aware of the risks of fraud and corruption in your work. You are required to ensure that:

- all practical steps are taken to avoid those risks, and
- you are vigilant in your work to detect any fraud or corruption.

If you have any reasonable grounds for suspecting that fraud or corruption, or attempts at fraud or corruption are occurring or someone has plans to commit fraud or corruption, this must be reported as soon as possible.

The guidelines accompanying this policy explain how the policy is to be implemented, and must be followed.

IMPLEMENTATION GUIDELINES

What is fraud and corruption?

Fraud is:

- dishonest activity causing loss to Fire and Rescue NSW
- the use of deception to dishonestly obtain or give an improper benefit at cost to Fire and Rescue NSW and the NSW Government
- improper access to, use, or disclosure of confidential or personal information
- the improper use of your position as a Fire and Rescue NSW employee for benefit
- dishonest activity causing loss to the public or other third parties where this is associated with or connected to Fire and Rescue NSW
- attempting any of the above or conspiring to commit any of the above.

Corruption is:

- conduct of any person (whether or not a Fire and Rescue NSW employee) that adversely affects the honest performance of a Fire and Rescue NSW employee's functions or of Fire and Rescue NSW's functions
- the performance of a Fire and Rescue NSW employee's functions dishonestly or with partiality

- conduct of a Fire and Rescue NSW employee or former employee that amounts to a breach of public trust
- conduct by a Fire and Rescue NSW employee or former employee that amounts to the misuse of information or material acquired in the course of the performance of their official functions
- a conspiracy or attempt to engage in the above conduct.

The official definition of corruption is contained in sections 7, 8 and 9 of the [*Independent Commission Against Corruption Act*](#).

If you are not sure whether something is fraudulent or corrupt you should raise it with your manager or another appropriate person. It is far better to raise concerns immediately than to ignore possible fraud and corruption.

Fraud and corruption include internal fraud and corruption undertaken by Fire and Rescue NSW employees or contractors, as well as fraud and corruption aimed at Fire and Rescue NSW by outsiders.

Sources of fraud and corruption

Fraud or corruption could arise from many sources, both external and internal.

Possible external sources include suppliers, service providers, contractors, consultants, customers, members of the public, computer hackers and a range of other third parties. Examples of the ways in which they could be a source of fraud or corruption include:

- offering bribes or excessive gifts
- trying to pressure your spouse to influence you to make a decision favouring them
- improperly accessing Fire and Rescue NSW information or computers
- suppliers overcharging Fire and Rescue NSW
- contractors charging for time not worked.

Possible internal sources are employees, volunteers, work experience students, and other people within Fire and Rescue NSW. Examples of how they could be a source of fraud or corruption include:

- employees claiming for time that they did not work
- knowingly claiming expenses that were not incurred for Fire and Rescue NSW work
- managers or supervisors allowing overtime to be worked when it is not required
- items purchased for personal use through Fire and Rescue NSW
- giving a contract or job to a family member or close friend
- overlooking breaches when conducting an inspection of premises owned by a friend.

It should be noted that, for example, an honest mistake in making an expenses claim, or making a claim where the entitlements are subject to dispute, is not fraud, because such claims do not involve a deliberate attempt to deceive.

Preventing fraud and corruption

The most effective way of dealing with fraud or corruption is to prevent it occurring and to deter those who might attempt it.

You need to be aware of the risks of fraud and corruption against Fire and Rescue NSW in your work, and either report these risks when you see them or, if it is within your area of responsibility, put in place appropriate internal controls. You also need to adhere to internal controls designed to prevent fraud and corruption risks occurring.

Where you are responsible for engaging contractors and consultants, you need to ensure that they are informed that they are required to meet Fire and Rescue NSW standards in connection with fraud and corruption control and ethical conduct. Service providers, contractors, consultants and regular or large suppliers should formally be provided with a copy of Fire and Rescue NSW's [Statement of business ethics](#).

Detecting fraud and corruption

You need to be aware of the kinds of fraud or corrupt conduct that could occur and be vigilant in your work to detect them.

Supervisors and managers need to ensure that there are appropriate post-transaction reviews, management reports and other internal controls to detect any fraud or corruption that has occurred, as far as practical. Examples include reviews of:

- overtime claimed
- claims for allowances
- time worked by contractors
- inspectorial decisions
- purchases
- gifts
- materials used
- expenses.

Reporting fraud and corruption

Any suspected fraud or corruption, attempts at fraud or corruption, or plans to commit fraud or corruption must be reported. These reports should be made in accordance with the guidelines for reporting breaches set out in the Fire and Rescue NSW *Code of conduct*.

Reports must be made to:

- your team leader or manager, or
- the Manager Professional Standards and Conduct, or
- the Fire and Rescue NSW Commissioner, or

- the Independent Commission Against Corruption (ICAC).

Any Fire and Rescue NSW employee receiving a report must take complete notes about what has been reported to him or her. They should then pass the report on to the Manager Professional Standards and Conduct as soon as practical.

Any attempts at fraud or corruption, even indirect attempts, should be reported.

All suspected fraud or corruption will be investigated by Fire and Rescue NSW, as well as being reported to the ICAC who may choose to undertake their own independent investigation.

Protected disclosures

The [*Protected Disclosures Act 1994*](#) provides protection for people reporting some form of misconduct - that is, making a protected disclosure - in accordance with the provisions of the Act.

In addition, under the *Protected Disclosures Act*, employees may make a report (a 'protected disclosure') to a journalist or Member of Parliament in relation to a matter involving corruption, maladministration, or serious and substantial waste of public money, but only if all the following conditions are met:

- The employee making the disclosure:
 - has reasonable grounds for believing the disclosure is true, and
 - has already made the disclosure through the internal reporting system, or to the Commissioner or an investigating authority in accordance with the *Protected Disclosures Act*.
- The investigating authority, agency, employee or public official to whom the matter was originally referred has:
 - decided not to investigate the matter, or
 - decided to investigate the matter but not completed the investigation within six months of the original disclosure, or
 - investigated the matter but not recommended any action in respect of the matter, or
 - failed to notify the person making the disclosure, within six months of the disclosure, whether the matter is to be investigated.

Certain reports are not protected under the legislation:

- Reports made by a public official in the exercise of a duty imposed by or under an Act.
- Reports which:
 - are made frivolously or vexatiously
 - primarily question the merits of government policy, or
 - are made solely or substantially with the motive of avoiding dismissal or other disciplinary action.

In addition, it is an offence to willfully make a false or misleading statement when making a disclosure.

The *Protected Disclosures Act* requires that investigating authorities, agencies and public officials who receive protected disclosures do not disclose information that might identify or tend to identify any person who makes a disclosure. The exceptions to the confidentiality requirement are where:

- the person making the protected disclosure consents in writing to the disclosure of that information
- it is essential, having regard to the principles of natural justice, that identifying information be disclosed to the person who is the subject of the protected disclosure
- the investigating authority, employee or public official believes that disclosure of the identifying information is necessary to investigate the matter effectively or disclosure is otherwise in the public interest.

Any person who makes a protected disclosure must be notified, within six months of the disclosure being made, of the action taken or proposed to be taken in respect of the disclosure.

Under the *Protected Disclosures Act*, penalties (including fines and imprisonment) may be imposed against people who take detrimental action against a person making a protected disclosure. The definition of detrimental action includes:

- actions causing injury, damage or loss
- intimidation or harassment
- discrimination, disadvantage or adverse treatment in relation to employment
- dismissal from, or prejudice in, employment
- disciplinary proceedings.

Any employee who believes that detrimental action is being taken against them in reprisal for making a protected disclosure should immediately bring the allegations to the attention of the Commissioner or the Manager Professional Standards and Conduct who is the Fire and Rescue NSW Disclosure Coordinator.

If the employee who made a protected disclosure feels that such reprisals are not being effectively dealt with, they can contact the Ombudsman or ICAC.

Response to any detected fraud or corruption

Disciplinary processes will be followed in all cases where Fire and Rescue NSW employees have perpetrated or been involved with the perpetration of fraud or corruption, or have tolerated and not reported fraud or corruption.

Legal action will be taken where necessary to recover Fire and Rescue NSW funds or resources improperly taken, and prosecution of those involved in criminal actions will be pursued.

Roles and accountabilities for fraud and corruption prevention

Employees

- Maintain the highest standard of ethics in accordance with the *Code of conduct* and relevant Orders, policies and procedures.
- Be vigilant in your work to prevent and detect fraud or corruption against Fire and Rescue NSW.
- Cooperate in the implementation of the Fire and Rescue NSW *Fraud and corruption prevention plan* (currently under development).
- Report any suspected fraud or corruption of which you become aware or suspect on reasonable grounds.
- Assist in any investigations of fraud and corruption as required.
- Protect people who have reported fraud or corruption in accordance with Fire and Rescue NSW's reporting policy from detrimental action.
- Refrain from any activity that is, or could be perceived to be, victimisation or harassment of a person who makes a report of fraud or corruption.
- Protect and maintain the confidentiality of a person you know or suspect to have made a report of fraud or corruption.

Supervisors and Managers

- Identify and understand the risks of fraud and corruption against Fire and Rescue NSW in your area, including risks in relation to any commercial relationships with third parties (particularly ongoing relationships).
- Implement and maintain appropriate internal controls to reduce fraud and corruption risks in your area of responsibility to an acceptable level.
- Promote the importance of ethical conduct and compliance with the *Code of conduct* and related policies and procedures.
- Implement your responsibilities under the Fire and Rescue NSW *Fraud and corruption prevention plan* (currently under development), including providing staff in your area with relevant information.
- Receive and immediately pass on reports of suspected fraud or corruption in accordance with the reporting policy.
- Take appropriate measures to help ensure that employees who make reports in accordance with the reporting policy are protected from detrimental action.

Directors, Deputy Commissioner and Deputy Chief Executive

- Implement your responsibilities under the Fire and Rescue NSW *Fraud and corruption prevention plan* (currently under development).
- Maintain a high level of commitment to controlling the risks of fraud and corruption.
- Maintain a high level of risk consciousness for the risks of fraud and corruption.
- Actively promote a culture of corruption resistance and fraud prevention and detection.
- Actively promote a culture of high ethical standards.

The Executive Leadership Team

- Actively promote a sound control environment, risk consciousness, a culture of corruption resistance and fraud prevention and high ethical standards, including through adoption, implementation and monitoring of compliance with the Fire and Rescue NSW *Fraud and corruption prevention plan*.

Contact Officer: Assistant Director Workplace Standards, (02) 9265 3954

File Reference: NFB/03331, CHO/05679 and CHO/01786 In Orders 2009/14, with amendments

Public interest disclosures policy

The [Public interest disclosures policy](#) has been published on the [Administration Policies page](#) of the Intranet.

This policy establishes an internal reporting system for the reporting of disclosures of corrupt conduct, maladministration or serious and substantial waste of public money by FRNSW or its staff.

FRNSW takes its obligations under the *Public Interest Disclosure Act 1994* seriously and is committed to ensuring that staff who disclose information about wrongdoing are able to do so without fear of personal loss or harassment.

This policy applies to FRNSW employees, temporary or casual employees, consultants, contractors and any volunteer or any other person working in an official capacity for FRNSW.

Contact Officer: Assistant Director Workplace Standards, (02) 9265 3954

File Reference: NFB/11397

Commissioner's Orders 2011/24

Preventing and managing workplace bullying

Policy

Workplace bullying is a form of oppressive, anti-social and cowardly behaviour and will not be tolerated under any circumstances.

Workplace bullying has a detrimental effect on morale, safety and the provision of service to the community. It can also have serious personal consequences for the individual who is bullied.

Every employee of Fire and Rescue NSW has a role to play in preventing and managing workplace bullying. Proper vigilance and a culture of mutual respect will eradicate bullying from the workplace.

Eliminating workplace bullying promotes healthy and respectful workplace relationships and eliminates a significant occupational health and safety risk.

This policy provides guidance on how to prevent bullying in the workplace using a risk management approach, and outlines procedures for employees and managers on raising and responding to bullying complaints.

This policy applies to all Fire and Rescue NSW employees, contractors and consultants.

IMPLEMENTATION GUIDELINES

What is workplace bullying?

Workplace bullying is defined as behaviour directed by one employee towards another that could reasonably be expected to cause significant psychological, emotional or physical harm or distress to the recipient and is:

- repeated over time
- unwelcome and unsolicited
- offensive, intimidating, humiliating, undermining or threatening to the recipient
- would be considered offensive, intimidating, humiliating, undermining or threatening by a reasonable person.

Generally bullying is intentional behaviour designed to cause harm to the recipient, playing on the recipient's vulnerability or distress. Bullying behaviour can become reinforced and entrenched as the recipient becomes increasingly distressed.

In addition, workplace bullying may involve:

- unintentional behaviour, that did or would reasonably be expected to offend, intimidate, humiliate, undermine or threaten an employee
- action (verbal abuse, physical confrontation, etc)
- inaction (exclusion, withholding essential work-related information or resources, isolating the person from normal work interactions or opportunities, etc)
- groups - either perpetrators or recipients (for example, deliberate attempt by a group of employees to ostracise another employee).

Bullying may be upward (employee bullies manager), downward (manager bullies his/her staff), or lateral (peer bullies peer).

Forms of workplace bullying

Workplace bullying can involve:

- frequent yelling or verbal abuse, alone or in the presence of others
- frequent ridicule or being put down
- persistent and unjustified criticisms, especially if they involve petty, irrelevant or insignificant matters
- spreading gossip, malicious rumour, or innuendo about a person with an intent to cause the person harm (including psychological, emotional or physical harm)
- inappropriate disclosure of personal/confidential information about a person to others
- repeated threats of disciplinary action for no good reason
- insults based on a person's appearance, race, gender, sexuality
- humiliating a person through inappropriate gestures, sarcasm, criticism or insults
- any form of cyber bullying, including leaving offensive messages/images on a person's computer or phone
- offensive telephone messages
- using offensive objects or images in order to embarrass or humiliate
- deliberately sabotaging a person's work
- engaging in initiation activities or practical jokes which have the potential to physically harm, belittle or humiliate
- interfering with someone's personal property or work equipment for no valid reason
- excluding or isolating a person from workplace activities
- lodging frivolous/vexatious or otherwise mischievous grievances about an employee
- deliberately altering work arrangements to inconvenience a particular employee or group of employees
- setting unreasonable deadlines or tasks
- encouraging other employees to participate in bullying behaviour.

What is not workplace bullying?

- Relatively minor workplace incidents, such as low level arguments or interpersonal conflict.
- Single incidents will generally not be considered as amounting to workplace bullying, although a serious incident of improper workplace behaviour may result in the matter being dealt with as misconduct.
- Making a complaint about an employee, or manager's conduct, if the complaint is made in good faith and in a reasonable way.
- Providing constructive feedback, counselling or advice about work related behaviour and performance, including managing performance/underperformance issues.
- Legitimate management decisions or actions taken in a reasonable way, including:
 - ensuring that workplace policies are implemented
 - implementation of business processes such as organisational change
 - issuing lawful directions to staff, eg taking action to transfer an employee
 - allocating work to an employee and setting reasonable goals, standards and deadlines
 - making a decision not to select an employee for promotion
 - warning employees about unsatisfactory performance and allocating work in compliance with approved systems and policies.

What is harassment?

Harassment is any form of behaviour that:

- is unwanted
- offends, humiliates or intimidates, and
- targets the person because of their sex, pregnancy, race, age, marital or domestic status, homosexuality, disability, transgender (transsexual) status or carers' responsibilities.

Sexual harassment is any form of sexually related behaviour that:

- is unwanted, and
- offends, humiliates or intimidates.

As with workplace bullying, behaviour assessed as amounting to harassment will be dealt with as misconduct.

What is discrimination?

All Fire and Rescue NSW employees are subject to the provisions of the NSW *Anti-Discrimination Act 1977*.

Under the NSW *Anti-Discrimination Act* it is unlawful to discriminate in employment or in providing a service on the grounds of:

- a person's race, sex (including pregnancy), disability, marital status, age, homosexuality, transgender or carer's responsibilities; a person's presumed or perceived disability, homosexuality, transgender or carer's responsibilities
- the sex (including pregnancy), race, disability, marital status, age, homosexuality or transgender of their associate or relative
- and the presumed or perceived disability, homosexuality, or transgender of their associate or relative.

Discrimination based on sex, race, or disability is also unlawful under Commonwealth anti-discrimination laws.

What is vilification?

Vilification is a form of unlawful discrimination which may appear as bullying type behaviour.

Vilification is generally any act:

- that happens publicly (rather than privately); and
- that could incite (encourage, urge or stir up) others to hate, have serious contempt for, or have severe ridicule of an individual or a group of people, because of race, colour, nationality, descent, ethnic, ethno-religious or national origin, homosexuality, HIV or AIDS status or transgender status. This includes vilification because an individual is thought to be lesbian, gay or transgender, or to have HIV or AIDS.

As with workplace bullying and harassment, behaviour assessed as amounting to possible vilification may be dealt with as misconduct.

Criminal behaviour

In some instances workplace bullying or harassment may also amount to a criminal offence, for example physical assault, indecent exposure, stalking or threatening telephone calls. These offences may result in criminal prosecution, as well as disciplinary action.

Preventing workplace bullying

Fire and Rescue NSW has an obligation to provide a safe working environment for all employees.

Like any other hazard in the workplace, preventing bullying by identifying risks and putting in place measures to minimise the chances of it occurring or continuing to occur should be a priority for employees and managers alike.

Pre-conditions for workplace bullying

Fire and Rescue NSW is committed to eradicating any workplace conditions that might facilitate or encourage bullying behaviour. The following are some conditions which, left unchecked, may lead to workplace bullying:

- a shift of focus from public interest to self-interest
- intolerance of difference
- lack of respect
- poor work performance
- poor management practices
- inadequate communication
- unreasonable delays in addressing workplace issues or complaints
- lack of necessary skills amongst employees or management to resolve problems or conflict
- inadequate policies or inadequate implementation of policies
- ignorance of workplace policies and procedures
- a factionalised workplace
- disenchanted or disaffected employees
- an imbalance of personal power between employees
- a lack of peer support to protect vulnerable employees.

Identifying and assessing risk

Identifying and assessing the risk at the local workplace can be conducted by observing whether:

- employees and managers are communicating in a manner that aligns with the Fire and Rescue NSW Values
- employees are aware bullying will not be tolerated
- employees are treating each other with respect and using Straight Talk™ to sort out misunderstandings
- all employees are aware of and trained in behavioural standards
- any deterioration in workplace relationships is monitored
- employees know how to raise a complaint and are aware of staff support mechanisms
- policies are understood and can be accessed confidentially

- managers know how to respond to bullying.

Controlling risk

Controlling the risk of bullying involves implementing preventative and management measures to eliminate, avoid or minimise the risk of harm. These include:

- clearly stating a policy of intolerance to bullying
- ensuring employees are aware there is a clear process for raising a complaint of bullying or other workplace complaints
- ensuring employees demonstrate and understand a commitment to Fire and Rescue NSW Values and the Fire and Rescue NSW *Code of Conduct* (see [page 361](#))
- ensuring employees understand what behaviour does, and does not, constitute bullying
- ensuring employees have a good understanding of their roles and responsibilities
- ensuring managers are trained and respond promptly and effectively to complaints related to bullying.

Managing workplace bullying

Workplace bullying, as defined in this policy, is distinct from workplace conflict and complaints. Bullying requires intervention and must be reported immediately.

Fire and Rescue NSW has a separate policy for managing conflict or complaints in the workplace. Employees must contribute to a healthy and respectful workplace environment and attempt to resolve workplace complaints as soon as they arise in a respectful manner using Straight Talk™. (Refer to the [Resolving Workplace Complaints Policy](#) on page 416).

Reporting workplace bullying

An employee who believes that they have experienced workplace bullying or harassment should report their complaint immediately to their supervisor/manager. If the complaint involves their supervisor, the complaint should be reported to the next line manager (that is, the supervisor's manager).

An employee who witnesses someone being bullied or harassed in the workplace must also report the matter immediately to the appropriate line manager.

Assessing complaints

When a complaint of possible workplace bullying or harassment is received by a supervisor/manager, the supervisor/manager must treat the complaint seriously, respectfully, impartially and confidentially.

The supervisor/manager must undertake an objective assessment of the complaint as soon as possible. They should gain an understanding of the issues raised and assess whether the behaviour is workplace bullying or harassment and falls within the scope of this policy. The supervisor/manager should keep confidential notes of any discussions at this point.

If the supervisor/manager assesses the behaviour as workplace bullying or harassment, it is mandatory to refer the matter immediately to the Workplace Standards Branch (WSB). If there is any doubt about whether or not the behaviour falls within the scope of this policy, the supervisor/manager should discuss the matter with WSB who will make a determination.

Where the employee's health and safety may be at immediate risk due to the reported behaviour, the supervisor/manager must consult with senior management and the Health and Safety Branch, and ensure that immediate action is taken and the employee is provided with appropriate support.

Handling complaints

Where the WSB determines that the behaviour is bullying or harassment and falls within the scope of this policy, the matter will be dealt with as a misconduct issue and will be managed by the WSB according to the conduct and discipline guidelines.

Where a complaint involves a 'serious indictable criminal offence', such as indecent assault which may involve a sexual act, sexual assault or wounding or grievous bodily harm, the WSB will ensure that the matter has been reported to the Police.

Where the WSB determines that the behaviour does not amount to bullying or harassment within the scope of this policy, the WSB may recommend that the issue be resolved locally according to the Resolving workplace complaints policy. In such cases the WSB will monitor the process to ensure a successful resolution is achieved.

Victimisation

Victimisation involves any unfavourable treatment of a person who has made a complaint, been a party to a complaint or been involved in the investigation of a complaint.

Any report of victimisation will be dealt with as an allegation of serious misconduct.

Responsibilities for preventing and managing bullying

All employees

All employees and management at Fire and Rescue NSW have a responsibility to work towards eliminating bullying from the workplace and to respond promptly to complaints.

All employees have a responsibility to:

- uphold the Fire and Rescue NSW Values
- understand their responsibilities under the Fire and Rescue NSW *Code of Conduct* and associated policies
- take responsibility for their own actions and attempt to resolve any differences in a respectful manner directly with the persons involved using Straight Talk™
- not participate in or condone bullying or harassing behaviour
- cease immediately any unwelcome behaviour or action towards another employee, when asked to do so
- report behaviour that may breach this policy
- maintain confidentiality if involved in a complaint.

Supervisors, managers and executives

All supervisors, managers and executives have a leadership role and have a responsibility to:

- understand their responsibilities under the Fire and Rescue NSW *Code of Conduct* and associated policies and ensure that all employees reporting to them understand their responsibilities
- model appropriate respectful workplace behaviours
- actively promote and support Fire and Rescue NSW workplace bullying and harassment prevention strategies
- use Straight TalkTM to facilitate resolution of workplace complaints at the local level as soon as they arise
- identify and manage behaviour that may constitute, or have the potential to develop into bullying
- intervene early in any instance that could lead to a bullying complaint
- treat all employee concerns and complaints seriously, respectfully, impartially and confidentially
- take prompt and timely action to report cases to the WSB and implement recommendations arising from the outcomes of investigations or disciplinary action
- refer staff to the Employee Assistance Program or other support services as appropriate.

Workplace Standards Branch

The Workplace Standards Branch has a responsibility to:

- ensure that all employees are made aware of their responsibilities in preventing, reporting and managing workplace bullying and harassment
- assess complaints of workplace bullying and harassment to determine the appropriate action to be taken
- recommend the engagement of external investigators or mediators where appropriate.

Who else can help?**Workplace Standards Branch**

The Workplace Standards Branch (WSB) is responsible for the overall management of this policy and can provide advice and assistance to all parties.

The WSB can be contacted on (02) 9265 2942.

Support

Employees may seek the support of an industrial association representative or a colleague at any stage during the compliant resolution process.

Employee Assistance Program

The Employee Assistance Program (EAP) provides state-wide, confidential, professional counselling services for employees and members of their family.

Employees with a complaint and employees against whom a complaint has been raised may wish to use this free service. Managers can also use the service to gain advice and support when handling a complaint.

The contact number for the EAP provider is 1300 361 008 (24 hours a day, seven days per week).

The Manager EAP also offers confidential and independent advice and can facilitate access to these services. Manager EAP can be contacted on 0428 405 427.

Chaplains

The Chaplains can also provide confidential counselling and support to employees and their families.

To speak to a Chaplain, contact 0418 869 280 or 0418 268 754. The Chaplains can also be contacted via email: chaplain@fire.nsw.gov.au

Contact Officer: Assistant Director Workplace Standards, (02) 9265 3954

File Reference: NFB/07188

In Orders 2010/17, with amendments

Professional standards and conduct

Fire and Rescue NSW, in keeping with its commitment to support members in maintaining professional standards and good conduct has established the office of Professional Standards and Conduct. The Manager Professional Standards and Conduct is directly responsible to the Commissioner.

The function of the Manager Professional Standards and Conduct is to:

- oversee the administration of discipline within the Service;
- co-ordinate training, for all ranks, in the principles of discipline;
- review and update the disciplinary provisions and the code of conduct under the *Fire Brigades Regulation 2008* and provide written guidance on the application of the provisions and code;
- review internal and external complaints of alleged misconduct by Fire and Rescue NSW staff;
- ensure interviews with complainants are conducted with strict security and confidentiality;
- support Fire and Rescue NSW officers in ensuring appropriate procedures are followed in the conduct of disciplinary reviews or investigations;
- on behalf of Fire and Rescue NSW, attend any station either in response to an Independent Commission Against Corruption initiative or when officers of the Police Force have been summoned for alleged actions not of a minor nature;
- direct or conduct investigations into alleged breaches of good conduct of a serious nature;
- attend to any firefighter taken into custody.

Inspectors and Superintendents on becoming aware of a possible breach of the Regulation, not of a minor nature, are to immediately contact the Manager Professional Standards and Conduct and advise of the circumstances of the alleged breach.

Contact procedure: during business hours telephone (02) 9265 3923, after hours telephone (02) 9319 7000 or 1800 422 281 (Sydney Communication Centre).

In Orders 1995/3, with amendments

Complaints alleging misconduct, breach of duty or corrupt conduct by firefighters or officers

Complaints against firefighters or officers alleging misconduct, breach of duty or corrupt conduct are dealt with as follows:

1. Complaints of misconduct made by a firefighter against another firefighter:
 - the procedure as set out in the *Regulation*, [Clause 36](#)
 - the safeguards as outlined in the *Crown Employees (NSW Fire Brigades Permanent Firefighting Staff) Award 2008*, Clause 38, or the *Crown Employees (NSW Fire Brigades Retained Firefighting Staff) Award 2008*, Clause 22 where relevant.

2. Allegations of misconduct or breach of duty against firefighters or officers received from members of the public, Fire and Rescue NSW administrative and technical staff or of any other Department or Authority or any other person:
 - no matter who they are received by, complaints must be reported immediately to the Commissioner who will determine the manner in which the complaint will be investigated and dealt with. If the Commissioner decides to act on a complaint, the Commissioner must ensure a copy of the complaint is given to the firefighter against whom it is made.
 - if, as a result of investigations, a charge, whether of misconduct or such other form as may be determined, is laid against a firefighter or officer or if a firefighter or officer is suspended, the matter will proceed as outlined in Part 4 of the Regulation ensuring the safeguards in the Awards, are complied with where relevant.
3. Matters which relate to offences by firefighters or officers and which are subject of court proceedings:
 - Must take account of the *Regulation*, clauses [35\(b\)](#), [40](#) and [47](#).
4. Allegations of corrupt conduct by firefighters or officers, which are received from any person (including other firefighters or officers):
 - Will be handled in accordance with the policy and guidelines on [Fraud and corruption prevention](#) on page 380.

Note: Complaints regarding matters outlined above which are received through Fire and Rescue NSW's mail or through Fire and Rescue NSW's phone system, will be directed, in the first instance, to the Manager Professional Standards and Conduct, who will ensure that the Commissioner is informed, as appropriate, and the relevant complaint handling procedure is initiated.

In Orders 1993/18, with amendments

Criminal proceedings

Fire and Rescue NSW employees are required to report in writing to the Commissioner any criminal proceedings commenced against that employee. Reports must be forwarded immediately the employee becomes aware of criminal proceedings being commenced against them.

Fire and Rescue NSW employees who are arrested by the Police are required to report the matter in writing to the Commissioner immediately.

Reports are to be forwarded in a sealed envelope marked 'Confidential' to the Manager Professional Standards and Conduct, Level 10, 227 Elizabeth Street, PO Box A249, Sydney South NSW 1232.

Contact Officer: Manager Professional Standards and Conduct, (02) 9265 3923

File Reference: CHO/06475

In Orders 2001/10, with amendments

HONOURS AND AWARDS

Nominations for honours and awards

1 Policy

Fire and Rescue NSW recognises outstanding actions and service by its staff by awarding Fire and Rescue NSW honours and awards and by nominating staff members for external honours and awards.

Fire and Rescue NSW also recognises outstanding contributions by members of the public or members of other fire and emergency services by making Fire and Rescue NSW awards or nominating people for external honours and awards.

Fire and Rescue NSW honours and awards are listed in the policy on [Fire and Rescue NSW honours and awards](#) on page 401.

External honours and awards may include:

- awards within the [Australian Honours System](#)
- awards made by the [Premier of NSW](#)
- awards made by the [Royal Humane Society](#) and similar organisations.

The Honours and Awards Committee manages the honours and awards process.

2 Honours and Awards Committee

The Honours and Awards Committee is chaired by the Commissioner's Chief of Staff. It is responsible for:

- receiving nominations for honours and awards
- making recommendations to the Commissioner on Fire and Rescue NSW honours and awards
- making recommendations to the Commissioner on submission of Fire and Rescue NSW nominations for honours and awards to external organisations.

The Commissioner's Chief of Staff is the contact officer for the Honours and Awards Committee.

The Committee's decision on any nomination is final, and no discussion on any nomination will be entered into by the Committee unless there has been a clear error of fact.

3 Nomination form

To nominate someone for Fire and Rescue NSW or external honours and awards, send a [Nomination for recognition form](#) (available on Station Portal) to the Honours and Awards Committee.

Note: Nominations for the National Medal and the Fire and Rescue NSW Long Service and Good Conduct Medal are administered by the Office of the Commissioner. Individual nominations are not required.

The nomination should include a detailed description of the action or service concerned. The nomination must be supported or commented on by line management before it will be considered by the Honours and Awards Committee.

Send the *Nomination for recognition form* and supporting documents, marked Personnel-in-Confidence, to:

Honours and Awards Committee
C/o Commissioner's Chief of Staff
Fire and Rescue NSW
PO Box A249
SYDNEY SOUTH NSW 1232

4 Confidentiality

All matters relating to nominations are confidential. Under normal circumstances nominees are not to be made aware of a nomination.

Contact Officer: Commissioner's Chief of Staff, (02) 9265 2678

File Reference: NFB/10382

Commissioner's Orders 2011/8

AUSTRALIAN HONOURS

Australian Fire Service Medal

In 1988 Her Majesty the Queen established the Australian Fire Service Medal (AFSM) to recognise distinguished service by members of an Australian Fire Service.

The AFSM is awarded on the basis of one award per year for each 1,000 full time, permanent members and one award per year for each 5,000 part time, volunteer or auxiliary members, plus one additional award.

In December and May of each year, each Director may submit to the Executive Officer of the Fire and Rescue NSW Honours and Awards Committee one nomination for a permanent member and one nomination for a retained member from their area of responsibility.

Each nomination is to provide the following information: full name, date and location of birth, any awards and/or degrees, a brief service history stating date of appointment, dates promoted to ranks of Senior Firefighter or above, and a nomination citation of about 500 words detailing the distinguished service being nominated.

Long service is not a criterion for consideration of the award. Distinguished service is service distinguishable from other ordinary duties but may include high resourcefulness and devotion to duty in a particular situation or by the exemplary discharge of special duties above and beyond normal duties. Meritorious service is recognised by the award of Fire and Rescue NSW awards.

Confidentiality

All matters relating to the nomination must be handled confidentially and under no circumstances is the nominee to be made aware of the nomination. The Committee's decision on any nomination is final and no discussion on any nomination will be entered into by the Committee.

Nominations may be resubmitted if the nominee was unsuccessful on a previous occasion.

Contact Officer: Manager Professional Standards and Conduct, (02) 9265 3923

File Reference: CHO/00038

In Orders 1998/19, with amendments

Queen's Fire Service Medal

In 1988 Her Majesty the Queen approved the amendment of the Royal warrant governing the award of the Queen's Fire Service Medal in order to provide for use of the initials QFSM after the names of all holders of the medal.

In Orders 1969/23, with amendments

The National Medal

The National Medal is circular, made of bronze, with the arms of the Commonwealth of Australia contained within a rim carrying the inscription:

The National Medal: For Service

It is suspended from a riband having 15 alternating gold and blue vertical stripes, each stripe symbolising a year of diligent service.

The clasp to the National Medal is a bar with 10 raised hemispheres.

Fire and Rescue NSW members who wish their service in other eligible organisations to be included in calculating their length of service for the award of a National Medal must provide written evidence of that service. (Service in the Defence Force subsequent to 20 April 1982 is not eligible service towards the National Medal.)

In Orders 1995/23, with amendments

Presentation

The National Medal was established on 14 February 1975 as one of the original elements of the distinctive Australian system of Honours and Awards.

The Medal recognises diligent long service in organisations that protect life and property at some risk to their members and is awarded to persons for long service in eligible organisations who fulfil the primary function of their organisation and meet other criteria as set down in the National Medal Regulations.

Fifteen years eligible service is necessary to qualify for the medal. Clasps are awarded for each additional 10 year period.

Fire and Rescue NSW submits nominations for eligible personnel to the Office of the Prime Minister and Cabinet twice yearly.

The process of approval, engraving and return of the medal requires a further period of time before the Medal is received by Fire and Rescue NSW. In some instances the period from eligibility date to presentation can be unavoidably protracted.

Upon receiving advice that the nominations have been approved, a list of recipients will be published in In Orders. Recipients will be advised by letter when their medal has been received by Fire and Rescue NSW and will be required to advise by return post their preferred method of presentation.

In keeping with the high regard in which the National Medal is held, medals will be presented to recipients at a suitable ceremony or recipients may elect to have their medal presented to them by a Senior Officer while on duty.

Medals will not be forwarded by post unless extenuating circumstances exist.

Personnel not wishing to receive the National Medal should advise the Commissioner of that fact. Any medal not claimed within 5 years will be returned to Canberra.

Contact Officer: Manager Professional Standards and Conduct, (02) 9265 3923

File Reference: CHO/05450

In Orders 2001/24, with amendments

FIRE AND RESCUE NSW HONOURS AND AWARDS

Introduction

There are eight Fire and Rescue NSW Honours and Awards. These are, in order of precedence:

- the Medal for Conspicuous Bravery
- the Commendation for Courageous Action
- the Commendation for Meritorious Service
- the Long Service and Good Conduct Medal
- the Unit Commendation for Courageous Action
- the Unit Commendation for Meritorious Service
- the Commissioner's Commendation
- the Commissioner's Letter of Appreciation

Medal for Conspicuous Bravery

Significance

The Fire and Rescue NSW Medal for Conspicuous Bravery may be awarded to any firefighter who, while performing firefighting or emergency operations, whether on or off duty, exhibits exceptional bravery.

History

The NSW Fire Brigades Medal for Conspicuous Bravery was instituted on 15 September 1932. On 1 January 2011 the name of the medal was changed to the Fire and Rescue NSW Medal for Conspicuous Bravery.

To date, 26 Medals for Conspicuous Bravery have been awarded, two posthumously.

How it is awarded

The Medal for Conspicuous Bravery is awarded by the Commissioner on the recommendation of the Honours and Awards Committee. It may be awarded posthumously.

The names of the firefighters who are awarded the Medal are published in Commissioner's Orders and the Annual Report. A record of the citation is also entered into a historical register kept by the Commissioner.

Design

The Medal for Conspicuous Bravery is a circular medal in burnt bronze, 38 mm in diameter.

The front of the medal depicts a circa 1884 firefighter descending a ladder from a burning building carrying a child in the firefighter's right arm.

The reverse side is inscribed *For Conspicuous Bravery*, which is surrounded by a wreath. The recipient's service number and name are engraved around the outer edge of the medal.

The medal is suspended by two small rings joining the medal and a larger ring through which the ribbon is hung on a V fold. The sand ribbon is 32 mm wide with a central stripe in blood red 3 mm wide and flanked on each side by a stripe in blood red, 1 mm wide and 2 mm from each outer edge.

The miniature of the medal is a half-sized replica suspended from a miniature ribbon 16 mm wide.

The ribbon bar is 32 mm wide by 13 mm high and consists of a strip of full-sized ribbon.

Further awards

Second and subsequent awards are recognised by a bar in burnt bronze with a circa 1884 helmet superimposed in a central position on the bar. The bar is attached to the full-sized ribbon of the original medal.

When the ribbon of the medal is worn alone, an award of a bar is indicated on the ribbon bar by a representation of a circa 1884 helmet, 5 mm in diameter.

Precedence

The Medal for Conspicuous Bravery, as Fire and Rescue NSW's premier award, takes precedence over all other Fire and Rescue NSW awards and medals.

Post-nominals

There are no post-nominal entitlements for the Medal.

Wearing the medal

The medal is worn on the right breast, 3 mm above the right breast pocket, in order of precedence.

Commendation for Courageous Action

Significance

The Fire and Rescue NSW Commendation for Courageous Action is conferred on an individual for an act of courage that is worthy of special recognition.

History

The NSW Fire Brigades Commendation for Courageous Action was instituted on 7 January 1994. The insignia design was changed slightly on 25 June 2006. On 1 January 2011 the name of the medal was changed to the Fire and Rescue NSW Commendation for Courageous Action.

How it is awarded

The Commendation for Courageous Action is awarded by the Commissioner on the recommendation of the Honours and Awards Committee. It may be awarded posthumously.

The names of recipients are published in Commissioner's Orders and the Annual Report and a historical record of awards is kept by the Commissioner.

Design

The Commendation for Courageous Action is a circular medal in gilt gold, 38 mm in diameter.

The front of the medal has the NSW State Coat of Arms in a circle over a flaming torch and crossed axes within a rim carrying the inscription *Fire and Rescue New South Wales*.

The reverse side has the recipient's name within a rim carrying the inscription *Commendation for Courageous Action*.

The medal is suspended by a non-swivelling suspender bar with a fine rod through which the ribbon is hung. The ribbon is gold, 32 mm wide with a central vertical stripe in red 4 mm wide, flanked by two vertical stripes 4 mm wide in red on each outer edge.

The miniature of the medal is a half-sized replica suspended from a miniature ribbon 16 mm wide.

The ribbon bar is 32 mm wide by 13 mm high and consists of a strip of full-sized ribbon.

The recipient is also given a framed certificate signed by the Commissioner.

Further awards

Second and subsequent awards are recognised by a bar in gilt gold, 5 mm wide inscribed with a circa 1884 helmet over crossed axes, in a central position on the bar. The bar is attached in the centre of the full-sized ribbon of the original medal.

When the ribbon is worn alone, an award of a bar is indicated on the ribbon bar by a representation of a circa 1884 helmet in gilt gold, 5 mm in diameter.

Precedence

The Commendation for Courageous Action ranks after the Fire and Rescue NSW Medal for Conspicuous Bravery.

Post-nominals

There are no post-nominal entitlements for the Commendation.

Wearing the medal

The medal is worn on the right breast, 3 mm above the right breast pocket, in order of precedence.

Commendation for Meritorious Service

Significance

The Fire and Rescue NSW Commendation for Meritorious Service is conferred on an individual to acknowledge meritorious service or action that is worthy of special recognition.

History

The NSW Fire Brigades Commendation for Meritorious Service was instituted on 7 January 1994. The insignia design was changed slightly on 25 June 2006. On 1 January 2011 the name of the medal was changed to the Fire and Rescue NSW Commendation for Meritorious Service.

How it is awarded

The Commendation for Meritorious Service is awarded by the Commissioner on the recommendation of the Honours and Awards Committee.

The names of recipients are published in Commissioner's Orders and the Annual Report.

Design

The Commendation for Meritorious Service is a circular medal in cupro-nickel, 38 mm in diameter.

The front of the medal has the NSW State Coat of Arms in a circle over a flaming torch and crossed axes within a rim carrying the inscription *Fire and Rescue New South Wales*.

The reverse side has the recipient's name within a rim carrying the inscription *Commendation for Meritorious Service*.

The medal is suspended by a non-swivelling suspender bar with a fine rod through which the ribbon is hung. The ribbon is gold, 32 mm wide, with a two vertical stripes in red 4 mm wide on each outer edge.

The miniature of the medal is a half-sized replica suspended from a miniature ribbon 16 mm wide.

The ribbon bar is 32 mm wide by 13 mm high and consists of a strip of full-sized ribbon.

The recipient is also given a framed certificate signed by the Commissioner.

Further awards

Second and subsequent awards are recognised by a bar in cupro-nickel, 5 mm wide and inscribed with a circa 1884 helmet over crossed axes, in a central position on the bar. The bar is attached in the centre of the full-sized ribbon of the original medal.

When the ribbon of the Commendation is worn alone, an award of a bar is indicated on the ribbon bar by a representation of a circa 1884 helmet in cupro-nickel, 5 mm in diameter.

Precedence

The Commendation for Meritorious Service ranks after the Fire and Rescue NSW Commendation for Courageous Action.

Post-nominals

There are no post-nominal entitlements for the Commendation.

Wearing the medal

The medal is worn on the right breast, 3 mm above the right breast pocket, in order of precedence.

Long Service and Good Conduct Medal

Significance

The Fire and Rescue NSW Long Service and Good Conduct Medal recognises diligent long service and good conduct by members of Fire and Rescue NSW.

Ten years eligible service is necessary to qualify for the Medal. Clasps are awarded for each additional 10 years of eligible service.

History

The NSW Fire Brigades Long Service and Good Conduct Medal was instituted on 14 February 2004, which was the 120th anniversary of the *Fire Brigades Bill* of 1884. On 1 January 2011, the name of the medal was changed to the Fire and Rescue NSW Long Service and Good Conduct Medal.

How it is awarded

The Commissioner may award the Long Service and Good Conduct Medal to a person if they have given eligible service to the NSW Fire Brigades and/or Fire and Rescue NSW as:

- a permanent firefighter
- a retained firefighter
- a permanent administrative employee
- a permanent trades employee
- a member of the NSWFB Band
- a member of the NSWFB precision marching team
- a member of a Community Fire Unit
- a member of the NSW Fire Brigades Firefighter Championships Association.

A person has given eligible service if throughout the period of service the person has:

- maintained a level of training and skill sufficient to fulfil their duties
- served diligently, and
- maintained a satisfactory service record.

Length of service is calculated from a person's anniversary date of commencement as an employee or volunteer of the NSW Fire Brigades or Fire and Rescue NSW.

A person's total accumulated period of service applies toward the reckoning of their eligible service. For example, service as a Retained Firefighter or support employee before becoming a Permanent Firefighter counts towards eligibility.

Former employees or volunteers who had 10 years or more of eligible service but left the NSW Fire Brigades before 14 February 2004 may apply for award of the medal.

Description

The Long Service and Good Conduct Medal is a circular medal in oxidised silver, 38 mm in diameter ensigned with a circa 1884 firefighters helmet and crossed axes in oxidised silver.

The front of the medal has the Fire and Rescue NSW logo within a rim carrying the inscription *Fire and Rescue New South Wales*.

The reverse side has the inscription *Awarded to* and the recipient's name within a rim carrying the inscription *Long Service and Good Conduct Medal*.

The medal is suspended from a suspension bar which is an integral part of the medal. The bar is slotted to take the ribbon. The ribbon is 32 mm wide, red, with two black stripes 9 mm wide and 5 mm from each outer edge.

The miniature of the medal is a half-sized replica, suspended from a miniature ribbon 16 mm wide.

The ribbon bar consists of a strip of full-size ribbon with no emblem.

Clasps

The award of a clasp to the medal is recognised by a bar, 5 mm wide, inscribed with crossed axes, helmet and torch.

The first clasp is positioned on the ribbon with the centrepiece 3 mm above the medal bar. The second and subsequent clasps are added progressively from the bottom with 1 mm separation between the centrepiece of each clasp.

When the ribbon bar is worn alone, the award of a clasp is indicated by the addition of a rosette.

When only one clasp has been awarded, the rosette is positioned in the centre of the ribbon bar. When two or more clasps have been awarded, the rosettes are to be positioned at an equal distance from each other and from the extremities of the ribbon bar.

Precedence

The Long Service and Good Conduct Medal ranks after the Fire and Rescue NSW Commendation for Meritorious Service.

Post-nominals

There are no post-nominal entitlements for the Medal.

Wearing the medal

The medal is worn on the right breast, 3 mm above the right breast pocket, in order of precedence.

Unit Commendation for Courageous Action

Significance

The Fire and Rescue NSW Unit Commendation for Courageous Action is awarded to a group combined and acting as a unit who have distinguished themselves in exceptionally difficult and dangerous situations.

History

The NSW Fire Brigades Unit Commendation for Courageous Action was instituted on 7 July 1994. The insignia design was changed slightly on 25 June 2006. On 1 January 2011 the name of the award was changed to the Fire and Rescue NSW Unit Commendation for Courageous Action.

How it is awarded

The Unit Commendation for Courageous Action is awarded by the Commissioner on the recommendation of the Honours and Awards Committee.

The names of recipients are published in Commissioner's Orders and the Annual Report.

Design

A framed certificate signed by the Commissioner is presented to the unit. It must be displayed at the station or workplace of the members of that unit.

In addition, each member of the recognised unit is presented with a framed certificate and the insignia of the award.

The insignia is an enamel gilt gold rectangle frame, 32 mm wide and 3 mm deep surrounding a red and gold stripe in enamel, each 15 mm wide and 10 mm deep.

There is no insignia miniature awarded.

Further awards

Second and subsequent awards are recognised by the presentation of a further framed certificate signed by the Commissioner to the unit. Only one insignia of the commendation may be worn by recipients of this award.

Precedence

The Unit Commendation for Courageous Action takes precedence over the Fire and Rescue Unit Commendation for Meritorious Service.

Post-nominals

There are no post-nominal entitlements for the Unit Commendation.

Wearing the insignia

The insignia is worn on the right breast 3 mm above the name badge in order of precedence.

Unit Commendation for Meritorious Service

Significance

The Fire and Rescue NSW Unit Commendation for Meritorious Service is awarded to a group combined and acting as a unit who have provided service of particular note, or have distinguished themselves in a manner which is worthy of recognition.

History

The NSW Fire Brigades Unit Commendation for Meritorious Service was instituted on 25 June 2006. On 1 January 1 2011 the name of the award was changed to the Fire and Rescue NSW Unit Commendation for Meritorious Service.

How it is awarded

The Unit Commendation for Meritorious Service is awarded by the Commissioner on the recommendation of the Honours and Awards Committee.

The names of recipients are published in Commissioner's Orders and the Annual Report.

Design

A framed certificate signed by the Commissioner is presented to the unit. It must be displayed at the station or workplace of the members of that unit.

In addition, each member of the recognised unit is presented with a framed certificate and the insignia of the award.

The insignia of a Unit Commendation for Meritorious Service is a silver rectangular frame, 32 mm wide and 3 mm deep surrounding a central gold stripe in enamel, 17 mm wide and 10 mm deep, with a vertical red stripe in enamel on each side, 5 mm wide and 10 mm deep.

There is no insignia miniature.

Further awards

Second and subsequent awards are recognised by the presentation of a further framed certificate signed by the Commissioner to the unit. Only one insignia of the commendation may be worn by recipients of this award.

Post-nominals

There are no post-nominal entitlements for the Commendation.

Precedence

The Unit Commendation for Meritorious Service ranks after the Unit Commendation for Courageous Action.

Wearing the insignia

The insignia is worn on the right breast, 3 mm above the name badge, in order of precedence.

Commissioner's Commendation

Significance

The Fire and Rescue NSW Commissioner's Commendation is awarded to acknowledge meritorious service at a fire or other emergency situation by members of the public or other emergency services that is worthy of recognition.

Note: The award is not available to members of Fire and Rescue NSW.

History

The NSW Fire Brigades Commissioner's Commendation was instituted on 25 June 2006. On 1 January 2011 the name of the award was changed to the Fire and Rescue NSW Commissioner's Commendation.

How it is awarded

The Commissioner's Commendation is awarded by the Commissioner on the recommendation of the Honours and Awards Committee.

The names of recipients are published in Commissioner's Orders and the Annual Report.

Certificate

The recipient is presented with a framed certificate signed by the Commissioner.

Commissioner's Letter of Appreciation**Significance**

The Fire and Rescue NSW Commissioner's Letter of Appreciation is awarded to Fire and Rescue NSW employees and volunteers, employees of other emergency services or members of the public for action that warrants recognition.

History

The NSW Fire Brigades Commissioner's Letter of Appreciation was renamed the Fire and Rescue NSW Commissioner's Letter of Appreciation on 1 January 2011.

How it is awarded

A Commissioner's Letter of Appreciation is awarded by the Commissioner on the recommendation of the Honours and Awards Committee.

Letter

The recipient is sent a letter signed by the Commissioner.

Contact Officer: Commissioner's Chief of Staff, (02) 2956 2678

File Reference: NFB/10382

Commissioner's Orders 2011/8

OTHER HONOURS AND AWARDS

Fire Services Joint Standing Committee Commendation for Excellence

1 Introduction

The Fire Services Joint Standing Committee has approved the introduction of the Fire Services Joint Standing Committee Commendation for Excellence.

The purpose of the Commendation is to promote and formally recognise excellence in joint fire services operations and/or joint fire services community service by Fire and Rescue NSW and the NSW RFS.

2 Commendation criteria

Commendations will be awarded for excellence in joint operations and/or the delivery of joint community service and must demonstrate:

- complementary, coordinated and unified management
- appropriate recognition of both fire services' responsibilities and competencies
- integrated risk management
- resource sharing, and
- outcomes that have, or will, significantly enhance the inter-operability of the two fire services to maximise the effectiveness of joint fire service capability within NSW.

3 Award of commendation

The award of a commendation is certified by a framed certificate signed by both Commissioners.

4 Awards Committee

The Joint Fire Service Award Committee comprises the Chairpersons of the Fire and Rescue NSW Honours and Awards Committee and the NSW RFS Awards Committee, or their delegates, and one other senior officer from each service nominated by each Commissioner.

The Executive Officer of the Fire Service Joint Standing Committee will provide executive support to the Awards Committee.

The Awards Committee will meet and consider all nominations for Commendations for Excellence and will forward their recommendations to the Fire Services Joint Standing Committee for approval.

5 Nomination process

5.1 Any member of staff of Fire and Rescue NSW or NSW RFS may submit a nomination for consideration for a commendation.

5.2 Nominations may be:

- for an individual, or
- for a particular Brigade/Unit, or
- for a particular Command.

5.3 There are two categories of Commendation:

- Joint Emergency Operations, and
- Joint Community Service.

5.4 Nominations must be submitted on the [*Fire Services Joint Standing Committee Commendation for Excellence Nomination Form*](#). The form is available on the Intranet or by contacting the Workplace Standards Branch.

5.5 Nominations must include the following details:

- the rank/title and names of the people being nominated together with their postal addresses
- the Station/Brigade, units or commands involved in the joint operation or community activity
- the date of the joint project/program/operation
- the rank/title and names, together with the contact details, of the officers/managers in charge of the joint emergency operation or community activity being nominated
- a nomination statement which details the joint emergency operation or community activity which is being nominated for recognition.

6 Submission of nominations

Fire and Rescue NSW nominations must be submitted through the chain of command to the Manager Professional Standards and Conduct, who will forward them to the Executive Officer, Fire Services Joint Standing Committee, for consideration by the Awards Committee.

The recommendations for the Award of the Commendations will be considered annually at the June meeting of the Fire Services Joint Standing Committee. Nominations must be received by the Executive Officer by the preceding 31 March.

7 Confidentiality

All matters relating to the nomination must be handled confidentially and under no circumstances are the nominees to be made aware of the nomination. The Committee's decision on any nomination is final and no discussion on any nomination will be entered into by the Committee.

8 Successful nominations

The Executive Officer will advise the recipients of successful nominations. The commendations will also be published in In Orders.

Contact Officer: Manager Professional Standards and Conduct, (02) 9265 3923

File Reference: CHO/08728

In Orders 2006/18, with amendments

Premier's Emergency Service Award

The Premier's Emergency Service Award recognises special service by members of the NSW Police Force, Fire and Rescue NSW, NSW Ambulance Service, NSW Rural Fire Service and the NSW State Emergency Service.

1 The Purpose of the Award

The Award recognises contributions by members of each Service that exceed what would normally be expected of a person carrying out their duties. It could include a special achievement or success in the performance of duty in difficult or unusual circumstances or sustained performance with a focus of outcomes with recognisable benefits to the community or the individual's organisation.

Outstanding service could be shown through:

- service excellence to the public or to external clients;
- innovation in individual leadership or as part of a team;
- individual action of benefit to the Service or the community;
- achievement of more efficient processes and better service delivery.

Long service should not be used as a basis for nominations.

2 Eligibility

The Award is available to either individuals or units within each Service.

In the case of Fire and Rescue NSW, all employees are eligible for nomination.

Each Service may be eligible to receive up to four individual and four unit Awards each calendar year. The Awards will be presented on two occasions each year by the Premier and the ceremonies will involve the announcement of the citations accompanying each Award.

3 Submission of Nominations

Any Fire and Rescue NSW employee can nominate another employee for consideration of the award.

Nominations must be prepared by completing the nomination form which can be obtained by telephoning the Workplace Standards Branch on (02) 9265 2942.

The nomination statement must contain comprehensive information on the services or the achievement for which the nomination is being made. As there is a possibility that the nomination will be considered alongside other nominations, it is essential that there be a clear idea of what the nominee has done to meet the criteria of outstanding service.

The completed nomination form is to be submitted through the nominator's Director who will forward it to the Honours and Awards Committee for its recommendation to the Commissioner.

4 Confidentiality

All matters relating to nominations must be handled confidentially. Under no circumstances is the nominee to be made aware of the nomination. The Honours and Awards Committee's decision on any nomination is final and no discussion on any nomination will be entered into by the Committee.

5 Award Secretariat

Nomination Forms for the Award are available from and, after interim assessment by the Director, returnable to:

The Executive Officer
Honours and Awards Committee
Fire and Rescue NSW
PO Box A249
SYDNEY SOUTH NSW 1232

Contact Officer: Manager Professional Standards and Conduct, (02) 9265 3923

File Reference: CHO/06738 In Orders 2002/17, with amendments

Ministerial Community Service Award

Ministerial Community Service Awards recognise the courage and community spirit of individuals who assist members of the Police, Fire and Rescue NSW, Rural Fire Service and State Emergency Services. They are awarded each year.

The Award is independent of any recognition accorded by the Australian Honours System and is awarded along the following guidelines.

1. The Award is to recognise outstanding contributions by nominees who:
 - have saved a life or lives or placed themselves in danger or jeopardy in an attempt to save life; and
 - have greatly assisted the Police, Fire and Rescue NSW, the Rural Fire Service and State Emergency Services in the carrying out of their respective roles, particularly involving operations, rescue and disaster situations.
2. All nominations will be considered by a Ministerial Advisory Committee, which will advise the Minister of nominees for receipt of the Award.
3. Any member of Fire and Rescue NSW, the Police, Rural Fire Service, State Emergency Services, and the public may nominate a person for the Award. The following procedures should be adopted:
 - a. A nomination form can be obtained from the Manager Professional Standards and Conduct;
 - b. The nomination should be made as soon as practicable after the commended act and the documents must contain a full description of all events, supported, where possible, by statements from available witnesses. The telephone numbers of the nominee/s, witness/es and nominator must be included. If a death is involved, advice is to be provided whether there is to be a Coronial inquiry;
 - c. All nominations are to be kept strictly confidential and no indication is to be given to the nominee; and
 - d. The Ministerial Advisory Committee will consider all nominations and will tender advice thereon to the Minister. In no circumstances will either the Minister or his Advisory

Committee enter into any discussion or correspondence concerning any particular nomination.

Personnel who become aware of deserving individuals who by courage or community spirit assist Fire and Rescue NSW in the performance of their duties are urged to submit nominations to the Awards Committee for this most worthwhile Award.

Contact Officer: Manager Professional Standards and Conduct, (02) 2965 3923

File Reference: CHO/01112 In Orders 2000/26, with amendments

ANZAC Awards

In its desire to honour those who serve in peace as well as perpetuating the memory and gallantry of those who served in war, the Returned and Services League of Australia has established the ANZAC Peace Prize and the ANZAC of the Year award.

One Anzac Peace Prize is awarded annually for outstanding efforts in promoting international understanding and peace. Several ANZAC of the Year Awards are made for service to the community in a positive, compassionate and selfless manner.

The League has requested Fire and Rescue NSW's support for the Awards by distributing information about nominating people or groups who deserve recognition.

All enquiries including requests for nomination forms, should be directed to:

The State Secretary
Returned and Services League of Australia
ANZAC House
245 Castlereagh Street
SYDNEY NSW 2000

Contact Officer: Manager Professional Standards and Conduct, (02) 9265 3923

File Reference: CHO/02104 In Orders 2002/14, with amendments

CEREMONIAL PROCEDURES

Guide to ceremonial procedures

The [Guide to ceremonial procedures](#) is published on the [Administration Policies](#) page of the Intranet.

Key points

The *Guide to ceremonial procedures*:

- sets out the protocols for dress, wearing medals and awards, standing to attention, saluting, parades and flying flags
- provides guidance for all staff who may be called upon to represent FRNSW at a ceremony or official function
- gives guidelines on organising FRNSW ceremonies and FRNSW participation in special events, funerals and memorial services
- aims to provide staff with the ability to represent the pride and honour of FRNSW by demonstrating professionalism on ceremonial occasions, in order to reinforce the high esteem in which FRNSW is held by the community.

Who needs to read these guidelines

All firefighters need to be familiar with this *Guide*. Administrative and technical staff and volunteers should refer to the *Guide* when participating in ceremonial procedures.

Contact Officer: Commissioner's Chief of Staff, (02) 9265 2678

File Reference: FRN12/2104

Commissioner's Orders 2013/5

RESOLVING WORKPLACE COMPLAINTS POLICY

Policy

Every Fire and Rescue NSW employee has a responsibility to support a healthy workplace and to assist in resolving workplace complaints when they arise.

Employees have a right to a safe, productive, harmonious and fair workplace and to raise work-related complaints and have them dealt with in a respectful, effective and timely manner.

The Straight Talk™ approach has been adopted by Fire and Rescue NSW as a main tool for helping workplace complaints to be resolved promptly, fairly and as close to the source of complaint as possible.¹

This policy is also designed to assist supervisors and managers assess initial complaints and work to resolve them or refer more serious matters to the appropriate area within the organisation.

This policy applies to all Fire and Rescue NSW employees, contractors and consultants.

IMPLEMENTATION GUIDELINES

What is a workplace complaint?

A workplace complaint is a work-related problem or concern for which the employee seeks resolution about matters such as: interpersonal conflict, allocation of work or developmental opportunities, difficulties concerning the application of Fire and Rescue NSW policies, or perceived unfairness in the workplace.

Matters not covered by this policy

This policy does not cover:

- occupational health and safety and workers' compensation related matters
- poor performance issues
- workplace bullying matters
- serious misconduct, fraud and corruption, maladministration, or serious and substantial waste of resources
- child protection related matters
- protected disclosures as defined in the *Protected Disclosures Act 1994*
- transfer decisions that are subject to the Transfer Review Committee
- industrial disputes
- recruitment decisions.

1. TM denotes the trademark of ProActive ReSolutions Inc., used under licence by Fire and Rescue NSW.

Self resolution using Straight Talk™

Complaints are best dealt with as soon as the matter arises and as close to where the problem arose as possible. Fire and Rescue NSW has adopted an approach called Straight Talk™ to help staff and managers resolve complaints as quickly as possible. This is how Straight Talk™ works.

Discuss the complaint with the other person(s) involved using Straight Talk™ and try to resolve the issues directly. Sometimes people behave inappropriately without realising, or make decisions without considering the repercussions. Telling them of your concerns will give them a chance to stop or change what they are doing.

Straight Talk™ - 6 Steps to Clear Communication

As the speaker:

1. State the purpose of the conversation
2. Describe the behaviour specifically
3. Describe the effect of the behaviour on you
4. Give the other person an opportunity to respond
5. State what you would like them to do differently, and
6. Return responsibility to the person and offer support.

As the listener:

1. Have the conversation
2. Act respectfully
3. Clarify critical information
4. Don't argue thoughts, feelings or perceptions
5. Respect reasonable requests, and
6. Cut the other person some slack.

Seek advice

If you are unsure about how to handle the problem yourself, or just wish to get more information about what you can do, talk to your supervisor or the Workplace Standards Branch (WSB).

Resolution

In most cases your complaint will be resolved at this point, in which case nothing more needs to be done.

Resolution through your supervisor/manager

If you are not able to resolve the matter at this stage, or if you feel unable to do so, you should talk to your immediate supervisor about the complaint.

Assessment

Having raised the complaint with your supervisor/manager, they will need to assess it. There are two main steps to the initial assessment process which, wherever practical, should be completed as soon as possible (usually within 2-5 working days of your talk)¹. During this process the manager may consult confidentially with more senior managers or the WSB.

Is the matter best handled locally as a workplace complaint?

After talking with you, your supervisor or manager will assess your complaint and decide whether the matter can be resolved at the local level or, if the matter is complex or more serious and assistance from a more senior manager is needed, through the WSB.

If the complaint relates to any of the following matters it must be referred to the WSB:

- bullying, harassment or discrimination - managers are obliged to report such conduct to WSB in terms of the policy on [Preventing and managing workplace bullying](#) on page 387;
- serious misconduct (eg viewing or downloading pornography, threatening or obscene phone calls, assault or threatened assault);
- corrupt conduct, including fraud - under the *ICAC Act* the Commissioner is obliged to report any matter that he suspects on reasonable grounds may concern corrupt conduct;
- Child protection related matters - under the *Ombudsman Act* the Commissioner is obliged to notify the Ombudsman of any allegation of 'reportable conduct' and any 'reportable conviction' ie any sexual offence or misconduct committed against or in the presence of a child, or assault, neglect or ill-treatment of a child, or behaviour that causes psychological harm to a child; and
- Protected disclosures - under the *Protected Disclosures Act* the Commissioner is obliged to keep the details of a complainant (a NSW public sector employee) confidential if they have reported behaviour which shows or tends to show corruption, serious maladministration or substantial waste of money; investigate the complaint; and report to the ICAC if the complaint concerns corrupt conduct.

Who should handle the complaint?

There may be circumstances where your supervisor/manager is not the best person to deal with the concern. For example, the complaint may be about the supervisor or they may have or be perceived to have a conflict of interest in the process. In such cases, you should seek advice from the WSB about who should manage the complaint.

When the assessment is finished you will be advised if the matter is going to be dealt with locally or if it going to be dealt with through the WSB. You will also be advised who will be managing your complaint.

1. Rostering and staff availability may require all the timeframes in this policy to be extended, but the process should be completed as soon as possible.

Facilitated resolution with supervisor's assistance

Your supervisor will meet with you and with the other/s involved as soon as possible (usually within 3-7 days) and using Straight Talk™ will help you to work out with the other person/s involved:

- What happened?
- How people were affected?
- What can be improved?
- Recommendations from both parties about how the complaint may be resolved.

Resolution of workplace complaints often requires some give and take from the people involved. It should not be seen as a case of 'winners' and 'losers', but rather colleagues working cooperatively together to find an outcome that is reasonable to all parties.

Where your complaint has been resolved at this step by joint agreement, the agreement will be put in writing and signed by all parties to minimise misunderstandings. No records or notes will go on anyone's personal file, though your supervisor/manager will make a file note to that effect for inclusion in the confidential Workplace Standards database. The file note will record basic details, such as: names of parties, date, location, nature of issue and agreed resolution.

Your supervisor will monitor the situation to ensure that all parties are abiding by the agreed resolution. In the event that any of the parties or the supervisor consider that the agreement is not being adhered to, the matter may be referred to Workplace Standards.

If the local manager decides at any time that the conditions are not favourable or if an employee is not willing to participate in the process, the matter can be referred to Workplace Standards, who will consider whether the matter should be formally investigated.

The local manager may seek advice from Workplace Standards at any stage in the process. Matters managed locally do not involve lengthy or complex investigation. Detailed reports and file notes are not required for local matters. However, it is important for the local manager to obtain and document sufficient basic details (ie, names of parties, date, location, nature of issue and agreed resolution) when the matter has been dealt with. This information will be referred to Workplace Standards for inclusion in its confidential database.

Mediated resolution with external assistance

If your supervisor considers that the complaint cannot be resolved without further external assistance, they will contact the WSB. The WSB can arrange external assistance such as the involvement of a more senior manager, an independent convenor/assessor, or mediation or dispute resolution specialists.

Having consulted with the WSB, your supervisor or other specialist will meet with you and other/s involved as quickly as possible or within 2 weeks to review the basis of the complaint, what has been done to date and to work out how the complaint can be resolved and the situation improved. Both you and the other person/s involved will be specifically asked for your recommendations about how the situation may be resolved and improved.

If the complaint is resolved by mutual agreement between the parties at this point, no records or notes will go on anyone's personal file, though your supervisor/manager will make a file note to that effect in the confidential Workplace Standards database. The file note will record basic details, such as: names of parties, date, location, nature of issue and agreed resolution.

Resolution by determination

If the matter is not resolved by mutual agreement, then your supervisor will advise the WSB who will refer the matter to a more senior manager, an independent convenor/assessor, or mediation or dispute resolution specialists. Having reviewed and considered the matter, the appointed assessor/convenor will issue to all parties a written record of their decision and how it will be implemented. These decisions together with other information and reports relevant to the matter will be placed, subject in the case of firefighters to relevant award provisions, on the personal files of the parties to the workplace complaints, as well as being recorded in the Workplace Standards database.

Your supervisor will monitor the situation to ensure that all parties are abiding by the decision and that there are no repercussions and no victimisation of any of the people involved. In the event that any of the parties or the supervisor consider that the agreement is not being adhered to, the matter may be referred to Workplace Standards.

Internal review

From time to time, some or all of the parties to a workplace complaint may not be happy with the outcome or the processes followed. In such cases, the parties may request an internal review if they believe the resolution unfair, or that the resolution process was not in accordance with this policy.

A brief report outlining the reasons for requesting the internal review should be sent to the WSB no later than within two weeks of the complaint being resolved or decided.

All documentation will be reviewed by the WSB and the relevant parties will be informed of the outcome and the reasons for same, as soon as possible (usually within ten working days).

Can a workplace complaint be withdrawn?

You have the right to withdraw the complaint at any stage unless the nature of the matter requires Fire and Rescue NSW, under its duty of care or legal responsibilities, to continue to deal with the matter, for example, criminal matters, misconduct or breaches of safety requirements.

Rights and responsibilities for resolving workplace complaints

All employees

All employees have the right to:

- work in a safe and healthy workplace
- be treated fairly and with respect
- be trained in how to communicate effectively with fellow workers with Straight TalkTM and how the resolving workplace complaints process works.

Employees also have the following responsibilities:

- ensuring their behaviour is consistent with the *Code of Conduct* (see [page 361](#))
- to recognise their role in achieving harmonious workplaces
- to take responsibility for their own actions and treat others with respect and sensitivity

- if the actions of others cause them concern, to attempt to resolve differences directly with the people involved as soon as they arise
- to report to their supervisor or manager any behaviour they consider improper.

Employees with a workplace complaint

Employees with a workplace complaint have the right to:

- raise the complaint and have it dealt with promptly, confidentially, fairly, and respectfully
- be kept informed of progress and decisions made throughout the resolution process
- to have a union representative or other support person present at any meetings if they wish
- be protected from victimisation
- pursue the complaint through external agencies and/or their union.

Employees also have the following responsibilities:

- to attempt to resolve differences directly with the people involved as soon as they arise
- to take prompt action in accordance with these procedures
- to ask for realistic outcomes
- to maintain confidentiality
- to actively contribute to the resolution process
- not to raise frivolous, vexatious or malicious complaints.

Employees against whom a workplace complaint has been raised

Employees against whom a workplace complaint has been raised have the right to:

- be informed promptly of the details of the concern
- have the opportunity to respond to the concern
- have a fair and impartial investigation of the concern
- have a union representative or other support person present at meetings if they wish
- be protected against any vexatious or malicious concerns
- be represented by their union.

Respondents have the following responsibilities:

- to actively contribute to the resolution process
- to not victimise the employee who has raised the concern

- to maintain confidentiality
- to assist the parties to reach a fair outcome as quickly as possible.

Executives, managers and supervisors

Responsibility for the resolution of workplace complaints rests with line management.

All executives, managers and supervisors are responsible for:

- ensuring staff are aware of their rights and responsibilities and know how to access the workplace complaint resolution process
- actively identifying and attempting to resolve causes of concern to staff without waiting for a complaint to be raised
- providing timely and confidential advice to employees on available options
- attempting to resolve workplace complaints at the local level
- providing advice on further action if a local resolution is not achieved
- treating all workplace complaints seriously, respectfully, impartially and fairly
- ensuring all parties have access to support as needed or requested
- ensuring that their stage of resolving workplace complaints is handled as quickly as possible
- ensuring that during the resolution process, confidentiality is maintained and that the matter is logged into the Workplace Standards database and that all documentation is kept in a secure place
- ensuring that people involved in a workplace complaint are not victimised by anyone for coming forward or assisting to resolve the matter.

Workplace Standards Branch

The Workplace Standards Branch is responsible for:

- monitoring the effectiveness of the workplace complaint resolution system
- ensuring that established procedures are followed
- ensuring compliance with relevant laws, regulations and standards
- providing support and advice to all employees about the resolution of workplace complaints
- ensuring that supervisors and managers are provided with adequate support and resources to enable them to effectively resolve complaints
- undertaking internal reviews.

Disciplinary action

Disciplinary processes should not be confused with procedures for resolving workplace complaints. Disciplinary procedures are totally separate. In some cases, however, as a result of the workplace complaint, disciplinary action against an employee may be commenced.

The WSB will commence disciplinary proceedings where appropriate. The supervisor will continue to monitor the parties to the complaint and if necessary report any concerns to the officer managing the disciplinary process.

Disciplinary action can also be taken against an employee if their complaint is proven to be frivolous, vexatious or malicious.

Record keeping

Records, including the Workplace Standards database, will be kept in accordance with the *State Records Act*. This will ensure that any systemic problems can be identified and trends reported on.

Who else can help?**Workplace Standards Branch**

The WSB is responsible for the overall management of this policy and for providing advice and assistance to all parties who may be involved. The WSB may also assist with the provision of specialist resources such as disputes resolution specialists and mediators.

The WSB can be contacted on (02) 9265 2942.

Unions

Unions may be able to assist their members and can be contacted at any stage. They can provide advice to members and attend meetings as a support person at the member's request.

Employee Assistance Program

The Employee Assistance Program (EAP) provides state-wide, confidential, professional counselling services for employees and members of their family.

Employees with a complaint and employees against whom a complaint has been raised may wish to use this free service. Managers can also use the service to gain advice and support when handling a complaint.

The contact number for the EAP provider is 1300 361 008 (24 hours a day, seven days per week).

The Manager EAP also offers confidential and independent advice and can facilitate access to these services. Manager EAP can be contacted on 0428 405 427.

Chaplains

The Chaplains can also provide confidential counselling and support to employees and their families.

To speak to a Chaplain, contact 0418 869 280 or 0418 268 754. The Chaplains can also be contacted via email: chaplain@fire.nsw.gov.au

Contact Officer: Assistant Director Workplace Standards, (02) 9265 3954

File Reference: NFB/07188

In Orders 2010/17, with amendments

DISCIPLINE

Remedial action policy

The [Fire Brigades Regulation 2008](#) gives the Commissioner the power to take remedial action against a firefighter, as one of the options for disciplinary action following a finding of misconduct.

The 2008 Regulation also gives the nominated officer the power to make remedial action available as an alternative to a preliminary inquiry in the following circumstances:

- the firefighter admits the misconduct, and
- the firefighter agrees to the remedial action, and
- the nominated officer thinks it is appropriate in the circumstances to take remedial action.

Remedial action may consist of:

- counselling
- training and development
- monitoring the firefighter's conduct or performance
- implementing a performance improvement plan
- the issuing of a warning to the firefighter that certain conduct is unacceptable or that the firefighter's performance is not satisfactory
- any other action of a similar nature.

Remedial action is limited to six months, unless otherwise agreed. If a firefighter fails to undertake the remedial action, proceedings for misconduct may be commenced or restarted, or an alternative disciplinary action may be imposed.

Contact Officer: Manager Professional Standards and Conduct, (02) 9265 3923

File Reference: NFB/00715

In Orders 2008/19, with amendments

Guidelines for disciplinary interviews

1. The presiding officer shall warn all persons being interviewed that they are not required to answer questions which may be incriminating to them. However, it must be clearly understood that the person being interviewed must have sufficient reason to believe that the answer to the question will incriminate him/her before he/she refuses to answer.
2. Except in cases of urgency, an officer or who is called for interview in connection with a breach of discipline committed by or within the knowledge of that person, may have present at the interview, as an observer, a Union representative or an independent person.

Where a Union representative is not available, or cannot be available within a reasonable time, as determined by the circumstances, for example during the night, or in country areas, etc, the observer should be a person completely independent of the incident under investigation.

Where all members on duty at the station are interviewed, the observer should be obtained from a neighbouring station.

The role of the observer is to see that the interview is conducted in a fair and impartial manner and that there is not intimidation. He/she will be non-participant in the interview.

3. No more than two Officers are to conduct such an interview on behalf of the employing authority.

Dual tape recording facilities will be provided for recording the interview.

At the commencement of the interview the person being interviewed shall be asked if he/she has any objection to the use of the tape recorder. In the event that he/she declines the recording equipment will not be used and the fact of declining will not be detrimental to the interviewee.

Where the recording equipment is not able to be used then every effort should be made to record the interview to the best of the interviewing officer's ability.

At the conclusion of the interview the person concerned is to be provided with a copy of the tape recording. If a written record of the interview has occurred then the person concerned is to be requested to read and sign a copy of the record of interview but should he/she decline to do so no further action is to be taken in this regard than to record the request and the refusal.

In Orders 1983/21, with amendments

Guidelines on exercising powers of suspension

1 General information

When exercising any power conferred upon a person by way of an Act, Regulation or By-Law, that person must act in a way which will not leave themselves open to their decision or action being overturned by a court of law. Through the decades, the courts have established many principles in relation to this behaviour. Briefly they are as follows:

- 1.1 A statutory body or a person conferred with certain powers may only do those things which are specifically authorised by statute and perhaps things which may fairly be regarded as incidental to or consequential upon those things which the legislature has authorised. For example it has been held that a statutory body which was authorised to operate trams was not permitted to operate buses. An example in Fire and Rescue NSW - a person authorised to suspend a person

may not be permitted to terminate that persons' employment. That power is reserved for the Commissioner under [Clause 12](#) of the *Fire Brigades Regulation 2008*.

- 1.2 Not only is a statutory body or authorised person limited to the powers conferred by statute, it must also exercise them according to the prescribed procedure. Strict compliance with statutory requirements is especially insisted upon when the administrative action may interfere with personal liberty or the right to continue in public employment. A failure to observe a procedural rule will result in an invalid decision. An invalid decision will result where a power conferred on a particular authority or person is delegated to another authority or person, eg Inspector cannot give a Station Officer the power to carry out the suspension of a permanent firefighter.
- 1.3 If a statutory body or authorised person is given a discretionary power, then that discretion may not be used to achieve an improper purpose. For an example an Inspector who suspends a firefighter for a trivial offence mainly for the reason of having such firefighter removed from a Zone will leave himself/herself open to attack from the courts.
- 1.4 In exercising a discretionary power an authority or person must have regard to all matters which it is bound by statute, expressly or impliedly, to consider and must disregard all matters which are in the same way, irrelevant. An example of this would be the exercising of a power under the *Fire Brigades Act* only to emphasise an industrial dispute.
- 1.5 An administrative body or person will not be permitted to adopt any arbitrary rule by which it will act irrespective of the merits of the particular case, though this does not prevent the adoption by the holder of a discretion of rule which he/she asserts will govern him/her in all ordinary cases in the absence of special considerations. A desire for consistency alone must not be allowed to preclude a consideration of all the merits of each individual case. A Station Commander may have a self created rule that he/she will not issue a permit to light a fire on Sundays because there are not sufficient retained firefighters available on Sundays. However, in exercising this self created policy he/she must also look at other special considerations such as weather conditions, the availability of extra retained firefighters on a particular Sunday, etc, before granting or refusing such a permit.
- 1.6 A statutory body or person must act reasonably. The decision of such body or person may be so absurd that no sensible person would ever dream that it lay within the powers of the authority. It can be explained by the dismissal of a red haired teacher because she had red hair. That is unreasonable in one sense. In another sense it is taking into consideration extraneous matters. It is so unreasonable that it might almost be described as being done in bad faith, in fact all these things run into one another.
- 1.7 A statutory body or person who is invested with discretionary powers must exercise those powers at his/her own will and not act under the dictation of another body or person, such as the Government or superior officer. For example where this may arise, an Inspector when exercising his or her powers of suspension must decide himself/herself whether a person has committed an offence against discipline and not because the Commissioner tells him/her he/she must suspend the firefighter.
- 1.8 A decision made by a statutory authority or person must not be vague or of uncertainty. The decision must be precise and workable, eg at the time of suspending a member of the Brigade, the decision to suspend should also incorporate the time from which the suspension is to commence and not just a statement that he/she 'may be' suspended.

The above rules relate generally to all matters done by Fire and Rescue NSW, the Commissioner, Deputy Commissioner, Assistant Commissioners and all other Officers as described under the Regulation.

2 Particular information relating to powers of suspension and holding inquiries

A discretionary power is conferred upon all officers above the rank of Inspector. The discretionary power is the right to suspend a member of the Brigade who it appears to such officer has breached the Regulation. When exercising this discretionary power to suspend the particular officer must abide by the general law set out in the matters (1.1) to (1.8) above and he/she must also abide by the rules of natural justice.

At common law it is said that when a person exercises his/her discretionary power to suspend a person, thus affecting a person's right to work, then that person must act in a judicial way. Persons who are obliged to act in a judicial way must abide by the rules of natural justice. Those rules are as follows.

- 2.1 Persons who may be affected by your decisions must be given the right to be heard before you make your decision. This involves:
- a. giving each person notice that you will be inquiring into the matter and inviting them to put forward material relating to the matter. It is not enough to leave it to those persons' initiative to put things to you;
 - b. you must give each person sufficient information to know what is being alleged against them, in order that they may have the opportunity to rebut such allegation;
 - c. if an Act, Regulation, or Award allows a person to be represented by a lawyer or an agent, then you must allow that person to appear. Further if an Act, Regulation, or Award requires a person to appear in person before an inquiry, then at law that person also has a right to be represented by a lawyer or by any other agent such as Union representatives;
 - d. if a formal inquiry is being held then evidence may not be received behind the backs of either party. Both parties must be present when evidence is adduced before you;
 - e. when information is being adduced in an inquiry situation each party must have the right to cross examine the witnesses;
 - f. after making a decision under the vested discretionary powers, reasons for making your decision must be given to the parties if such reasons are asked for.
- 2.2 A body or person that is required to decide matters in accordance with the rules of natural justice must not have an 'interest' in the cause that would prevent it or them from giving an impartial decision. Thus no person should take part in determining a matter if he/she is a party to it, or has a pecuniary interest, or any substantial interest in it.

Arising out of this principle an officer who has the powers of suspension in a particular case should not use those powers if he/she is directly involved in the alleged offence. For an example, if a firefighter was insubordinate to an Inspector then that Inspector should not suspend the firefighter. The Inspector should call in an independent person who has the power of suspension to determine whether or not the firefighter should be suspended. Another example where a person may not be a judge of their own case is where that person gives a firefighter an order and that order is disobeyed or 'without sufficient cause fails to carry out any lawful order'. Because that person gives the order and later accuses a firefighter for not carrying out the order he/she cannot be the accuser and the judge of the same incident. Similarly in all matters where the officer is the accuser he/she may not also be the judge in exercising his/her powers of suspension. However, there is an exemption to this rule, that being a person may be a judge of his/her own cause where there is a necessity. That necessity would only arise say on the fireground or in a rescue situation.

3 Other matters to be taken into account when exercising powers of suspension and holding inquiries

3.1 Incriminating admissions

There is a common law doctrine which states that a person cannot be forced to incriminate themselves. That is he/she cannot be required to make a statement which may prove his/her guilt. Although a Fire and Rescue NSW member may be required to submit a report and failure to do so without sufficient cause may amount to an offence under the Regulations he/she cannot be required to put in that report any fact that may incriminate himself/herself.

It is therefore advised that if it is intended to obtain a report for the purpose of afterwards using it as evidence against a member, he/she should be told that 'he/she is not obliged to make a statement that may incriminate himself/herself but that if he/she makes any statement it may be used as evidence'.

A member should not be threatened with prosecution for refusing to supply a report intended for use against him/her.

3.2 Standard of proof

The Regulation provides for certain offences and punishment for breach of the Regulation. As they do not fall within the criminal offence category ie, punishment by way of imprisonment they are treated in law as a civil matter rather than a criminal matter. Arising from that, the standard of proof required to prove that a person has committed an offence will be that of the civil standard. That standard is 'proved on the balance of probabilities'. A person holding an inquiry under the Regulations must be satisfied on the balance of probabilities that the person committed such offence. Similarly where an officer exercising his/her powers of suspension must be satisfied, on the balance of probabilities that the alleged offender has committed the offence before suspending him/her.

4 Summary

The following is a list of things that should and should not be done when the prescribed officer under the Regulation is about to use his or her powers of suspension.

DO	DON'T
Follow any procedure set out in an Award, Act or Regulation	Do not try to achieve some purpose other than suspend a person for committing an offence under the Regulation.
Look at each case on its merits.	Do not suspend on someone else's orders. Be satisfied yourself that the suspension is warranted.
Indicate to the offender the actual time and date from which the suspension will take effect	Do not be vague about your decision to suspend.
Give reasons for your decision to suspend, if asked by the offender to do so.	Do not suspend the offender and then ask for reports.

Give sufficient notice to the offender inviting him/her to put forward his/her reply to the alleged offence before you decide to suspend him/her.

Do not be biased.

Allow representation by a lawyer or Union delegate if you are holding a formal inquiry or the Act, Regulation or Awards provide that the offender must attend in person.

Do not suspend the offender if you are directly involved in the incident. Call in another officer who will not be biased.

Allow cross examination of witnesses if it is a formal inquiry.

Do not receive evidence or statements behind the backs of the parties when holding a formal inquiry.

If outside information is received by you when holding a formal inquiry then disclose this information to both parties - ie, to the prosecutor and the offender.

Do not threaten the offender with another charge for refusing to supply a report intended for use against him/her.

When seeking reports from offenders, inform them that 'they are not obliged to make a statement that may incriminate themselves but that if they make any statement it may be used as evidence against them'.

Be satisfied on the 'balance of probabilities' that the offender committed an offence against the Regulation before suspending him/her.

The above is not intended to be a complete list of those things that you should and should not do when exercising your powers of suspension. The list represents principles laid down by the courts over the past hundred odd years and the law in this area is still expanding.

In Orders 1981/2, as amended by In Orders 2007/4, with amendments

