

Submission to the Standing Committee, Community Development & Justice.



BY SERGEANT JON
GROVES 6929



DECLARATION OF A CONFLICT OF INTEREST

At the outset I think it important to advise the Committee that I have launched a civil writ against the State of Western Australia, (Perth District Court Charge number 1/2015) for failing to provide me with a safe workplace regarding my falling seriously and chronically ill to Toxic Mould Exposure/Legionella exposure in 2012. I will endeavour to keep that matter separate from my submission, although some of the letters I provide as corroboration, and the responses received, do contain references to the issues that form part of my tort.

I appreciate that this submission may compromise some "tactical advantage" of my pending court case, but consider the matters I detail below need to take priority to bring a halt to unfair practices within W.A. Police. (WAPOL)

EXECUTIVE SUMMARY

I am a serving police officer with over 30 years of largely frontline policing. I, like many officers have had to attend and deal with fatal accidents (often on my own), and other bloodied and visceral crime scenes too difficult to mention.

I have been subject to many vicious assaults and have received significant injuries as a result of my duty. This includes over ten surgical procedures (and counting) out of two separate incidents, that occurred in a violent 24 hour period in Broome in 2004.

I have been diagnosed with depression, anxiety and PTSD. I have been admitted to hospital twice to receive treatment for these conditions. I did not have any of these conditions four years ago although I did have the "source material" for my repetitive nightmares, already stored unknown in the hidden vaults of my mind. Prior to my changing mental health I considered myself a very sociable, resilient and effective member of the police family, and in a wider public context.

I will allege that the major causal trigger for my illnesses was the sustained adverse treatment I received from my previous management team, and greatly exacerbated by my many unsuccessful attempts to have my matters recorded, or at least investigated as a workplace incident.

I now work in an environment that is extremely inspirational, supportive and progressive.

WAPOL have a prescriptive suite of policy documents regarding the "Prevention and Management of Adverse Workplace Behaviour" and the "Reporting Workplace Bullying Behaviour" These policies are designed to *"encourage employees and contractors to report all incidents of bullying behaviour"* and further that *"Duty of care requires that all reports of bullying behaviour be investigated."* (1)

With the use of letters, penned by my wife to the both the Commissioner, and the Minister for Police, and by a chain of emails exchanged between myself and high level bureaucrats within WAPOL's Health and Safety Division, I believe I can provide compelling evidence that WAPOL does not effectively record incidents of work related PTSD, but rather has a culture that places significant hurdles for officers affected by PTSD and associated disorders, in having their claims accepted.

I can provide evidence of no less than seven formal complaints to WAPOL and the Minister of Police. Each of these seven approaches should have triggered an Investigation into what I strongly allege was making me ill. None of them did – and this corporate deafness to the many approaches of my wife and I, also proved progressively more detrimental to my health.

Providing such evidence to your Committee is a difficult task for me, and may well prove career limiting, but I cannot, in all good conscience, allow what has happened to me be repeated on any officer in the future. I all likelihood I am breaching some WAPOL policy by providing this information to your Committee without authorisation, but after seeing WAPOL breach policy for over four years I believe I should be forgiven for doing so myself.

On many occasions I felt I was dealing with dubious insurance policy representatives, rather than a model employer that trumpets the value it places on the health of its people.

I believe that I have already given my employer ample opportunity to consider my matters properly. I have never asked that anyone “take my side” on my many complaints, I simply ask that someone “take an interest”. I thank the Committee for taking such interest in such an important issue.

Letters to the Commissioner of Police from my wife.

1. On the 18th August 2013, my wife, Michelle Groves, wrote to the Commissioner of Police regarding serious concerns she held regarding my treatment at work, and the effect that this was having on my health. **(2)**
2. This letter was perhaps written out of desperation after informal approaches, through the W.A Police Union, had failed to bring a halt to the adverse managerial behaviour I was allegedly being exposed to.
3. I was aware that my wife had written the letter, but at this stage I too was desperate and had already noticed my progressive decline in both my physical and mental health.
4. I was aware that the Deputy Commissioner, Mr Chris Dawson, contacted my wife by telephone soon after, and promised my wife that the matters detailed in her letter would be investigated and that Assistant Commissioner Dreibergs would advise her, my wife, of the outcome.
5. I submit that this letter alone constitutes a formal complaint of Bullying or Adverse behaviour and as such, according to WAPOL’s stated policy, it should have been investigated. My wife never received another call on the matter.
6. On the 3rd June 2014, with no response from the Commissioner’s office, and with the workplace issues continuing, my wife wrote a second letter to the Commissioner of Police. Again my wife referred to my alleged workplace, and the continuing effects that it had on my health. My wife, I believe, received a short acknowledgement of this second letter, but once again was given no further information or feedback from the Commissioner. **(3)**
7. By this time I had become almost totally socially withdrawn, hardly moved from my bed but had extreme difficulty sleeping, with vivid dreams of past policing experiences – including the smells and sounds. My condition had deteriorated to such an extent that I was flown to Perth and admitted to hospital for “Chronic Depression and PTSD?” In my discussion with the admitting Psychiatrist I spoke only of my, then, dysfunctional working relationships as the causal factor for my rapid decline.

8. I submit that this letter constitutes a second formal complaint of Bullying or Adverse behaviour, and once again should have prompted an investigation. Police Health and Welfare were aware of my condition and treatment and compelled me to consult with the Police Psychiatrist. I did as instructed, on two occasions and in her reports she described me as suffering from Anxiety, Depression and elements of PTSD.
9. Some content of the Police Psychiatrist reports was potentially shared by my Health and Welfare case officer, with my main tormentor, without my consent. In an email that was addressed to Inspector X and myself, my case officer, wrote *"On the 21st May 2014 you attended Dr [redacted] Police Consultant Psychiatrist who assessed you and made recommendations regarding your work capacity" and that " ... when I have received Dr [redacted]'s report in a few weeks I will be able to provide further information regarding same..." (4)*
10. The attached "Return to Work" program had a heading page that described my type of injury/illness as "Psychological" I felt totally betrayed by the lack of medical privacy and the fact that this information was loosely shared with those that I claim were the primary cause of my degrading condition.
11. It seems that the Doctors report, and my diagnosis were to become almost public information, but no energy seemed to be directed towards the cause of my malaise.

My complaints to WAPOL Human Resources Section.

12. In September 2013 I received the first adverse Performance Appraisal of my 30-year career. This document referred to my *"extended periods of sick leave"* and then made reference to my still *"being able to fulfil the role of Union Director"*.
13. The author of this document seemed totally unaware that I was using my monthly Union commitment to Perth to also have counselling with a WAPOL Psychologist, and attending appointments with medical specialists regarding my physical illnesses. I was doing so in an attempt to be efficient and save WAPOL money. (All my travel costs were paid for by the Union) If the author – my line Manager – had shown any interest in my condition I would have told him so. (4)
14. I made a decision shortly afterwards that I had to challenge the continuing behaviour that had made me ill. I sent an email detailing my medical conditions and the linkage to work to a person I knew with WAPOL HR on the 2nd June 2014 .(5)
15. I had a long telephone conversation with the Senior Equity Officer at WAPOL HR, and on my next trip to Perth I hand delivered an In-house Grievance to this officer. When I handed the document over I stated, *"If I could get a job licking stamps with another Government Agency and not take a pay cut, I would be out of this job"*
16. My rationale was to focus on one small topic – my performance management appraisal – in order to test my resilience and the fairness of the WAPOL processes.
17. A few days later I received an email from this officer that after discussion with her line manager she wanted to know if I would be interested in *"dealing with all the matters discussed holistically"*
18. I felt extremely heartened by this response and contacted her manager immediately stating I would be very receptive to such a resolution. This manager then encouraged me to bring a Union lawyer with me to provide an objective opinion. He then seemed disappointed that I was leaving Perth that same day and returning to Karratha, but advised me that HR would pay the cost of my airfare to attend the meeting. I was instructed by him to contact the

Equity Manager when she returned from leave to make the necessary arrangements. I even contacted the Union and organised the participation of a lawyer, and my accommodation on the date to be determined.

19. A week or so later I received a response from the Equity Manager stating that no agreement had been made about my airfares, and HR were wondering if they could schedule the meeting the next time I was in Perth for other business. I responded that I thought it highly ironic that the main issue I was roundly criticised for by my Inspector for, being my attendance at monthly Police Union meetings in Perth, was now being considered as a cost saving initiative by WAPOL to sort the problems out "*holistically*"
20. I also stated that WAPOL had now put a price on equity, and that was the price of an airfare.
21. I instructed her that I wanted my Grievance to proceed, with a covering report stating my "exceptional circumstances" for the complaint being lodged outside the stipulated 28-day period. (6)
22. On the 10th July 2014 I received a letter from the Executive Director of WAPOL HR denying my "Exceptional Circumstances" and effectively shut the WAPOL door in my face. The letter does not mention what was to occur to the other matters that a few weeks earlier were important enough to approach me about dealing with them "*holistically*" (7)
23. It was no coincidence that at this time I once again I had started experiencing severe nightmares, once again about dangerous events that I had experienced in my career.

My attempts at formal reporting of my Mental Health issues as a Workplace Incident.

24. In mid 2014, after receiving advice from the Head of Police Health and Welfare, I lodged a Work Related Claim – Supporting Statement to the Executive Manager, WAPOL Claims Management. I did not receive any receipt of these documents from this senior unsworn officer. (Note – Workplace Injuries are usually recorded on the electronic WAPOL SIMR database, and as such may be visible to other parties.
25. Due to the sensitive nature of Depression, Anxiety and PTSD, the agreed process is that documents are sent by post and no visible record exists on the WAPOL system. I fully support the privacy of this process – as long as some record is kept - and actions taken as a result. (8)
26. In my statement I made the comment that my family and I had decided to take our matters external to WAPOL due to the lack of attention shown to the many previous approaches. I concluded my report by stating "*I simply request that an OSH incident be placed on the system for the bullying behaviours I have been subject to*" I made such comment out of pure frustration, and in an attempt to appeal to the twisted bureaucratic logic that seemed to exist. i.e. "Now he doesn't want an Investigation, we shall launch an Investigation immediately" This method works on small children and I reasoned it was just as likely to work on WAPOL bureaucrats.
27. In October 2014, after having transferred to Perth, I emailed the intended recipient of my complaint and asked him if he had received my documents. He confirmed that he had the documents.
28. In April 2015, after hearing nothing more from WAPOL, I again emailed the Claims Manager. I asked "*Can you advise me what actions if any have been taken with that paperwork in accordance with WAPOL policy...*"

29. I concluded my short email with *"I appreciate and agree that these matters are not lodged on the viewable SIMR system, but **are they recorded in any way, and are they recorded in WAPOL statistics regarding incidents of alleged workplace bullying within WAPOL?**"* (emphasis mine)
30. I received a response on the 7th April 2015, when I am advised *"No action has been taken with regards this claim as there has been no supporting medical evidence provided for a causal connection between your work and your alleged condition"* I was then advised that my complaint was recorded against my original OSH Incident for my legionella/mould illness. It appears that the only action taken with my complaint was that it was *"placed on your confidential health file"*
31. I once again felt almost helpless against a system that didn't seem to encourage any sort of analysis of mental health issues.
32. On the 1st June 2015, I again the Claims Manager, and stated *"I have already established previously that Health and Welfare will not pay for a specialist to provide a report to convince your Branch of the work linkage with my 'alleged condition' (Unfortunate phrasing) as such the onus of proof seems to lie with the victim. This process can be costly in not only monetary amounts, but no doubt exacts a greater toll on the victim."*
33. I continued *"The thought of taking on those higher in rank, but lower in humanity, largely proves extremely difficult hence the reason the OSH Act establishes a duty of care that is reflected in policy."*
34. I concluded by bringing the claims manager's attention to the relevant WAPOL Policy documents, and stating *"from your email I take it that no investigation has taken place?"*
35. On the 2nd June I received a response in which he confirmed that the *"onus was upon the employee to prove his or her contentions, or claim."* He then concluded with a comment I found staggering *"OSH is a totally separate matter, to any work related claim"* (emphasis mine) when referring to my earlier email drawing his attention to policy. Apparently the policy could be selectively applied.
36. I responded again expressing my disgust at his interpretation and stated *"In a worst case scenario, I am pretty sure that the coroner would not clearly see that the OSH Act, and the handling of Work related Claims as being 'totally separate'" (9)*
37. I have heard nothing more from the Health and Safety Branch (The OSH Branch and Health and Welfare were merged as a result of the WAPOL wide organisational review) regarding this claim.

Letter to the Minister of Police

38. Whilst the above approaches were being made by me, my wife, undaunted by the lack of action by WAPOL, but still very concerned, wrote to the Minister of Police on the 6th December 2014, again repeating her concerns regarding my treatment by my local management team. **(10)**
39. Two months later my wife received a uninspiring from from the Minister that addressed only the issue of a long running mould/legionella/humidity, yet failed to mention anything in relation to the "adverse management" effect on my illness.
40. When I read the letter I again became extremely frustrated as I recognised that significant chunks of the response were hauntingly similar in phraseology to previous responses provided by WAPOL regarding the fetid working conditions at Karratha and South Hedland Police Stations. **(11)**

Freedom of Information request.

41. By this time my health had started to improve and, in the absence of any attempt at Investigation by my employer I felt obliged to commence inquiries myself. I lodged a Freedom of Information Request on the Office of the Minister of Police, in an attempt to discover the documents that lead to the Minister providing such a response to my wife.
42. The “product” of this request provided to me confirmed that the response of the Minister was almost entirely penned by a senior bureaucrat within WAPOL. Of greater concern to my wife and I, was that the file had been forwarded to the Commissioner of Police with the title **“Letter: concerns re alleged bullying in WAPOL”** yet the issue of Bullying, nor a mandatory investigation of such an allegation, was not addressed in the letter of response. Especially galling was that the WAPOL response was penned by someone who in all probability had considerable input into the implementation of our Bullying Policies. (12)
43. The “Bullying” and concerns about my psychological ailments detailed in my wife’s letter, was apparently obvious enough to a clerk within the Ministers Office, yet once again failed to trigger any interest by WAPOL in conforming to policy on receipt of the file.

Conclusion.

The matters detailed above, at first blush, may read like those produced by a disaffected police officer out for vengeance. I strongly submit that this is not the case in my matter, I still maintain significant confidence in my Executive, and even greater confidence with the vast majority of the over 6000 police officers that serve their community.

I dearly want to remain one of them – as long as my health allows.

I am however extremely disappointed about the sustained indifference WAPOL, and the Police Minister took to my matters. It almost seemed that some unsworn members high up within WAPOL were perhaps trying to protect themselves from the complaint of another supposed “botched investigation” by doing no investigation at all.

This lack of a proper, transparent Investigation into my psychological harm, has allowed WAPOL to ignore and deny what I consider to be a very strong work linkage between my mental malaises, and the actions taken against me over a long period whilst stationed in the Pilbara.

Anecdotal evidence suggest that my experiences are not unique, and as a result WAPOL do not seem to make a real attempt to capture incidents of PTSD and other disorders.

The Committee, on reading my submission, and the associated emails, feel that they are dealing with a confident and at times combatant person. Indeed at times those qualities in me had returned, and hopefully one day will again be part of my permanent personality.

For the most part however – and this may have confused my transgressors – I was masking my true condition, and shortly after any apparently robust public performance I would quickly descend again. I have been trained reasonably well over many years in not allowing my personal thoughts and condition become visible to others.

I have now become far more skilled in handling these troughs, and I look forward to working within a Police Force that pays far more consideration to its own internal policies, and even greater attention and respect to its employees that are damaged by their Service to this State.

9/11/15

List of Attachments.

1. Copy of WAPOL Bullying and Adverse Behaviour Policy Documents.
2. Copy of Letter from Michelle Groves to Commissioner of Police. 18/8/2013
3. Copy of Letter from Michelle Groves to Commissioner of Police. 3/6/2014
4. Copy of my Performance Report 23/9/13
5. Email from Sgt Groves to HR. 2/6/14
6. Copy of my Exceptional Circumstances Report and Grievance to HR.
7. Copy of Letter from Head of WAPOL HR denying Grievance.
8. Copy of my Formal OSH Complaint re my PTSD, Anxiety and Depression.
9. Copy of email detailing my response to Claims Manager. WAPOL. 2/6/15
10. Copy of Letter from Michelle Groves to Minister of Police. 6/12/2014
11. Copy of response of the Minister of Police.
12. Freedom of Information documents from office of the Minister of Police.