

**NOTE: This determination  
contains an order prohibiting  
publication of certain  
information**

**IN THE EMPLOYMENT RELATIONS AUTHORITY  
AUCKLAND**

**I TE RATONGA AHUMANA TAIMAHI  
TĀMAKI MAKAURAU ROHE**

[2025] NZERA 850  
3346120

BETWEEN	BRIDGET LOUISE DOELL Applicant
AND	COMMISSIONER OF POLICE Respondent

Member of Authority:	Andrew Gane
Representatives:	Maria Dew KC and Daniel Josephs, counsel for the Applicant Karen Radich and Dianne Vogel, counsel for the Respondent
Investigation Meeting:	14 July to 17 July in Whangārei and 31 July 2025 in Auckland
Submissions received:	30 September and 15 October 2025 from the Applicant 13 October 2025 from the Respondent
Determination:	23 December 2025

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**DETERMINATION OF THE AUTHORITY**

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**Non-publication orders**

[1] On 17 April 2025 and 17 July 2025 the Authority issued permanent non-publication orders pursuant to s 10(1), Schedule 2 of the Employment Relations Act 2000 preventing publication of certain documents and information around sensitive CIB investigations protocol and internal disciplinary matters. As a result there are restrictions on aspects of Police's evidence, and this determination has been written to comply with those restrictions. Those orders remain in force. A further permanent non-

publication order preventing the publication of the name of Ms Marie Park's current employer is not opposed by Police and is granted.<sup>1</sup>

### **Employment relationship problem**

[2] DI Bridget Doell (DI Doell) was employed by New Zealand Police (Police) as a field crime manager based in Whangārei . DI Doell has made several allegations against Police for failing to properly address bullying and gender discrimination behaviour towards her which amounted to both a breach of her employment agreement and an unjustified disadvantage to her employment, for which she seeks the higher of damages or compensation.

[3] Police opposed DI Doell's claims and claimed its actions were those of a reasonable employer.

### **The Authority's investigation**

[4] For the Authority's investigation written witness statements were lodged from DI Doell and in support of her claims; Detective Jennie Nicholas, Detective Senior Sergeant Jason McIntosh, former Police employee, John Sutton, Shannon Doell and Marie Park, human resources manager.

[5] DI Doell also summoned Inspector Erin Hurley, Kia Tū Manager and Michael Rundlett, Wellness Officer, who gave evidence at the investigation meeting.

[6] In support of Police, witness statements were lodged by the following employees for the Police:

- (a) Detective Senior Sergeant, Joshua Lautogo (former DS);
- (b) Inspector Alan Symonds;
- (c) Superintendent, Anthony Hill;
- (d) Superintendent, David Lynch;
- (e) Detective Inspector, Kevan Verry (former DSS);
- (f) Detective Inspector, Geoff McCarthy (former DSS);
- (g) Detective Inspector, Rhys Johnston;
- (h) District Prevention Manager, Inspector Dean Robinson;
- (i) Detective Inspector, Dene Begbie;

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<sup>1</sup> Employment Relations Act 2000, s 10(1), Schedule 2.

- (j) District Commander, Superintendent (retired) Scott Fraser; and
- (k) Human Resources Advisor, Margarete Vesey.

[7] For convenience I refer to the Police witnesses by their rank at the time DI Doell was stationed in Northland.

[8] Police also lodged witness statement from former Crown Solicitor, Whangārei Barrister Michael Smith.

[9] All witnesses answered questions under oath or affirmation from me and the parties' representatives. The representatives also gave written closing submissions. As permitted by s 174E of the Act this determination has stated findings of fact and law, expressed conclusions on issues necessary to dispose of the matter and specified orders made. It has not recorded all evidence and submissions received.

### **The issues**

[10] The issues requiring investigation and determination were:

- (a) Did DI Doell raise a personal grievance in relation to the alleged unjustified actions by the Police, within the statutory 90-day time limit?<sup>2</sup>
- (b) If so, was DI Doell unjustifiably disadvantaged by the Police's actions, including failure to both address bullying and discriminatory workplace behaviour and to provide a safe workplace?
- (c) If the Police's actions were not justified, what remedies should be awarded to DI Doell, considering:
  - (i) reinstatement to her former position or equivalent position under s123(1)(a) of the Act?
  - (ii) compensation for humiliation, loss of dignity and injury to feelings under s123(1)(c)(i) of the Act? and
  - (iii) compensation for loss of any benefit under s123(1)(c)(ii) of the Act?
- (d) If any remedies are awarded, should they be reduced (under s124 of the Act) for blameworthy conduct by DI Doell that contributed to the situation giving rise to DI Doell's grievance?

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<sup>2</sup> Employment Relations Act 2000, s 114(2).

- (e) Did the Police breach provisions of DI Doell's employment agreement, including good faith obligations and health and safety obligations?
- (f) If so, should an order for special or general damages be made by the Police to DI Doell?
- (g) Should either party contribute to the costs of representation of the other party?

## **Background**

### *DI Doell's employment for the Police*

[11] DI Doell has been employed by Police for over 30 years and in March 2020, she was appointed acting Field Crime Manager, Organised Crime, for the Criminal Investigation Branch (CIB) of Northland Police based in Whangārei. She was appointed to the role permanently in October 2020. During this time she was also promoted to the rank of Detective Inspector.

[12] DI Doell is employed under the Police Managers' Collective Agreement dated 1 July 2024 – 30 June 2026 (the CEA). The current CEA is materially the same as previous CEAs during the relevant period of this claim. Relevant workplace policies include the Police Code of Conduct, the Police High Performance Framework, Employment Movements, Employment Resolutions and Disciplinary Policy.

[13] As part of her role, DI Doell was responsible for leading investigations into organised crime within the Northland District. This included managing investigation teams and directing major crime investigations and operations.

[14] From October 2020 to July 2023, DI Doell reported to Detective Inspector Dene Begbie who was District Crime Manager (DI Begbie). DI Begbie reported to Superintendent Anthony Hill (Supt Hill), who was the Northland District Commander. DI Doell stated she had a close working and reporting relationship with DI Begbie's superior, Supt Hill, particularly, during her time as the Acting District Crime Manager.

[15] DI Doell was one of two field crime managers within the Northland District Leadership Team (DLT) with the other being Detective Inspector Rhys Johnston (DI Johnston) who was the Field Crime Manager, Child Protection and Adult Sexual

Assault. Both DI Doell and DI Johnston had their own respective detective senior sergeants (DSS) which reported to each of them.

[16] DI Doell had four (DSS) direct reports: DSS Kevan Verry, DSS John Clayton, and Acting DSS Shane Pilmer, Acting DSS Rob Huys as well as a team of Detective Sergeants (DS) under each of her direct reports. The other Field Crime Manager, DI Johnston, had three direct reports: DSS Geoff McCarthy, DSS Mark Dalzell, and DSS Christian Fouh.

### **Alleged unhealthy workplace culture in Northland Police**

[17] DI Doell alleges that bullying and gender discrimination was a known risk for women in Northland Police at the time she moved to CIB Northland.

[18] DI Doell claimed these culture issues predated her move to Northland and this made the risk of bullying, and gendered bullying, towards her foreseeable, given she was and has been the only female CIB Detective Inspector in Northland.

[19] Police deny DI Doell's allegations and state the evidence does not support her claims.

[20] DI Doell claimed that from October 2020 to July 2023, she was subjected to repeated events of bullying, abusive conduct and gender discrimination by several members of the Police in the Northland CIB which included the following allegations:

- (a) failures by Police to undertake usual induction or welcoming protocols associated with the start of her Northland role. This included Police not arranging a usual welcoming pōwhiri for her, not being introduced to the local Crown Solicitor and not being provided a tour of Northland District Police stations;
- (b) being the subject of disparaging comments and rumours from both senior and junior Police colleagues in 2021;
- (c) being subjected to criticism, demeaning comments and behaviour by her colleagues which included the removal of her office desk and personal belongings by a senior colleague without her consent;

- (d) exclusion from communications such as meetings, emails and functions (including an organised crime workshop) which was relevant to her area of work; and
- (e) excluding or limiting her involvement in the recruitment process for new senior sergeants which was part of her role as a field crime manager.

[21] Police submit that any difficulties experienced by DI Doell while working in Northland arose primarily from her own manner and by her own approach to colleagues, from the way that she managed and interacted with subordinate staff, and by her sole focus being her own perspective other than that of others.

[22] Police submit that DI Doell seeks to attribute conduct examples to her gender, and claims gender discrimination. While most of DI Doell's immediate colleagues were male, there is no evidence that there was any conduct towards or about her which was attributable to her gender. Police claim this is entirely supposition on DI Doell's part, there are no proven facts supporting this claim. Furthermore, there is no evidence that she was treated less favourably than male colleagues. To the contrary she was promoted to the Northland Detective Inspector position in favour of a male applicant and was then promoted on secondment to a level 23 position (two steps above).

*The 11 February 2023 email*

[23] In February 2023, DI Doell was promoted to the role of Acting Crime Manager of Northland CIB for a period of 7 weeks (as cover for DI Begbie who was seconded to another role).

[24] On 11 February 2023 a reporting officer to DI Doell, DSS Verry sent an email within DI Doell's team (the February email). The contents of the email included were allegedly inappropriate and undermining to DI Doell.

[25] Although DI Doell had not seen the February email, she was made aware of the February email in April 2023. After inquiring about the email Police suggested that DSS Verry offer an apology for the email, which DI Doell accepted.

*DI Doell's secondment*

[26] DI Doell submitted that from the period from at least October 2020 to July 2023, Police committed ongoing breaches of its employment agreement with DI Doell,

including the failure to provide a psychologically safe work environment (caused by bullying and exclusionary behaviour), repeated gender discrimination by some male colleagues in Northland Police, and the failure to deal appropriately with an inappropriate email communication. As a result she was forced to take a secondment away from her CIB role as field crime manager in Northland.

[27] This was a sole position with no direct reports, working from another office in Whangārei, reporting to a Police manager based in Tāmaki Makaurau. DI Doell believed the role was a demotion but she claimed she had no choice but to take the role because of her experiences at CIB Northland.

[28] Police submitted DI Doell applied for and was appointed to this higher-grade project role as a secondment, commencing July 2023. She freely applied for and was not 'forced' to take this secondment and did not describe it at the time as occurring because of behaviour she now claims to have experienced from colleagues in Northland Police.

[29] Police denied DI Doell's career progression has been impacted. It is common for senior Police staff to undertake project work in a variety of areas. This provides broad experience that places them in good stead for future progression.

#### *Personal grievance*

[30] In October 2023, DI Doell was provided a copy of the 11 February email. Upon reading the email and along with the experiences up to that date (which included her secondment), she became distressed by her circumstances. She said this was exasperated by Police not properly addressing the behaviour she was exposed to.

[31] On 29 November 2023, DI Doell advised the Police by email of her intent to raise a personal grievance in relation to the allegations of exclusion, isolation and bullying she had experienced and the failure of Police to support her adequately. On 7 March 2024, she raised a personal grievance including claims against the Police for breaches of her employment agreement, Police health and safety obligations, Police good faith obligations, and a further grievance for ongoing unjustified disadvantage.

#### **DI Doell's move to Auckland**

[32] DI Doell submitted the cumulative impact of this on-going failure by Police to address bullying, abusive and offensive conduct and gender discrimination experienced

by DI Doell, undermined her leadership and reputation and meant that it was no longer possible for DI Doell to work effectively or safely in her role in CIB Northland.

[33] Police deny this and submit DI Doell's move to Auckland occurred of her own initiative. That she had made the decision "over summer" to enrol her daughter in school and stay in Auckland where her mother lived, during her 12 -month secondment to the National Fraud Project commencing July 2023.

[34] On 11 October 2024 DI Doell was appointed to the position of Project Manager Tamaki Makura Deployment, starting on 18 October 2024 for 12 months.

**Did DI Doell raise a personal grievance in relation to the alleged unjustified actions by the Police, within the statutory 90-day time limit?**

*Legal Principles*

[35] The parties disputed whether some of DI Doell's unjustified disadvantage claims were raised in accordance with the Act. Section 114(1) of the Act requires an employee wishing to raise a personal grievance to do so within 90 days of the date the action alleged to amount to a personal grievance occurred or came to the notice of the employee.

[36] What is required in terms of the raising of a personal grievance is dealt with at s 114(2) of the Act, which provides as follows:

- (1) For the purposes of subsection (1), a grievance is raised with an employer as soon as the employee has made, or has taken reasonable steps to make, the employer or a representative of the employer aware that the employee alleges a personal grievance that the employee wants the employer to address.

[37] The key principles for establishing if a communication, or series of communications, has/have sufficient information to make the employer aware that the employee is alleging a personal grievance are set out in various court decisions, in summary:

- (a) The personal grievance process is informal and accessible.
- (b) Personal grievances can be raised in writing or orally and by a series of communications. There is no particular formula of words to be used.

- (c) The communications, in whatever form, must allege a complaint that is in the nature of a personal grievance - the type of personal grievance is not required to be specified, nor does the complaint even need to be labelled a personal grievance.
- (d) The communications must indicate that the employee wants the employer to respond to the complaint, although the employee does not need to identify its preferred process for dealing with the complaint in the first instance, nor does it need to specify the type of relief sought.
- (e) The communications must convey the substance of the complaint with sufficient information so that the employer knows what it is that the employee expects it to respond to. The employer must be able to respond by addressing the merits of the complaint with a view to resolving it.
- (f) Generally, it is insufficient for an employee to make a bland statement that it believes it has a personal grievance, even naming the statutory type, without specifying more. However, it may be that identifying an unjustifiable dismissal would suffice if it were clear that in identifying the unjustifiable dismissal grievance the employee is complaining about the dismissal by the employer.

[38] In *Creedy v Commissioner of Police*, then Chief Judge Colgan observed the personal grievance procedures in the Act are:

aimed not at preserving rights to litigate past or current injustices at some indefinite future time at which an employee may elect to revive them. Rather, the procedures exist to have alleged injustices identified and addressed quickly, and initially at least, informally, and directly between employer and employee ...<sup>3</sup>

*DI Doell's submissions*

[39] DI Doell submits she first raised her personal grievance by email on 29 November 2023 within 90 days of becoming aware of DSS Verry's email contents and the way it was managed by Police:

I just wanted to touch base to advise in a formal notification of an intent to lodge a PG. I understand this has to be within 3 months of the matters coming to my attention which is the email content and the way it was managed.

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<sup>3</sup> *Creedy v Commissioner of Police* [2006] 1 ERNZ 517 at [15].

Are you able to acknowledge in reply that this is my formal notification to Police I will be raising a personal grievance.

I have been seeking advice from the Guild and also legal advice as to next steps.

The PG relates to what I feel has been exclusion, isolation and bullying leading up to the disclosure of the content of Kevon's email. Without any acknowledgment of support, communications of the outcome from Police to me at any stage.

I know things are busy this time of year, but I don't want to finally get my information together and be advised that I have notified Police outside the time frame of 90 days.

[40] DI Doell submitted that the email states:

(a) She was providing "formal notification of an intent to lodge a PG". She then stated the matters which gave rise to the grievance: "I understand this has to be within three months of the matters coming to my attention which is the email content and the way it was managed".

(b) In that email she specifically detailed the nature of the grievance, stating that the grievance was in relation to "exclusion, isolation and bullying leading up to the disclosure of the contents of Kevan's email. Without any acknowledgement of support, communication of the outcome from Police to me at any stage".

(c) She was concerned to ensure her grievance was raised within the 90 days' timeframe, stating "I don't want to finally get my information and be advised that I have notified Police outside of the of the time frame of 90 days" .

(d) She sought confirmation from Police that her notification of the grievance had been received, stating: "Are you able to acknowledge in reply that this email is my formal notification to Police I will be raising a personal grievance".

[41] Receipt of the email was confirmed by Dianne Vogel, Police employment relations (ER) on 30 November 2023. Ms Vogel stated:

Thanks you for your email and confirmation that you wish to raise a personal grievance.

As you know, I am in house counsel for Police, and will pass your email onto my manager Denny Dawson for this matter to be allocated to one of the ER legal team.

[42] DI Doell submitted this is evidence that the grievance had been sufficiently raised and accepted by Police, given it was to be passed on to the ER Legal team to progress.

[43] DI Doell acknowledges that her choice of language in using the words “intent to lodge a PG”, when viewed under a microscope, is not as clear as desired. However, in *Coy v Commissioner of Police*, the use of the word “intent” did not negate the valid raising of a grievance under s 114, as it was clear from the context that the employee was alleging a grievance that needed to be addressed by the employer.<sup>4</sup> DI Doell submitted that *Coy* is applicable on the facts of her case.

[44] DI Doell submitted that the second personal grievance, dated 7 March 2024 was validly raised. The 7 March 2024 grievance alleges on-going disadvantage to DI Doell experienced following DSS Verry’s email of February 2023 and the failure to resolve the harm to her employment which continued through 2024 and is on-going. This grievance applies to all on-going disadvantage experienced from early December 2023.

#### *Police submissions*

[45] Police submitted that DI Doell did not raise a personal grievance within the prescribed timeframe. In *Creedy v Commissioner of Police* the Employment Court held that the employer must know what is to be responded to and to be given sufficient information to address the grievance on its merits, with a view to resolving it as soon as possible and informally. It is insufficient, and therefore not the raising of a grievance, for an employee to advise the employer that they have a personal grievance, even where they specify the type of grievance. For an employer to be able to address a grievance as the legislation contemplates, the employer must know what to address.

[46] Police submitted that notifying a future intent to raise a personal grievance is not sufficient, as it does not give the employer information to be able to address the grievance by responding on its merits with a view to resolving matters soon and informally.<sup>5</sup>

The issues are whether ...the employee's communications complied with s 114(2) of the Act by conveying the substance of the complaint to the employer

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<sup>4</sup> *Coy v Commissioner of Police* [2007] EmpC CC23/07, 19 November 2007

<sup>5</sup> *Chief Executive of Manukau Institute of Technology v Zivaljevic* [2019] NZEmpC 132 at [38].

It is insufficient for an employee simply to advise an employer that the employee considers that he or she has a personal grievance, or even specifying the statutory type of personal grievance. The employer must know what it is responding to; it must be given sufficient information to address the grievance, that is to respond to it on its merits with a view to resolving it soon and informally, at least in the first instance.<sup>6</sup>

### *Analysis*

[47] Although the email of 29 November 2023 does not convey the substance of DI Doell's complaint to Police, information provided would allow Police to be aware of the generic themes DI Doell has alleged that she considered to be unjustified.

The PG relates to what I feel has been exclusion, isolation and bullying leading up to the disclosure of the content of Kevan's email. Without any acknowledgment of support, communication of the outcome from Police to me at any stage."

[48] However, other than the reference to the February 2023 DSS Verry email, the communications cannot be said to provide a basis to what Police could have responded to. The email does not provide the detail of the generic themes or suggest any steps that could have been taken by Police to reach resolution with DI Doell. I note DI Doell's previous communications with Ms Vogel between September and October 2023 refer to DSS Verry's email and general references to bullying in Northland.

[49] This included DI Doell's email of 25 September 2023, in which she requested a copy of the DSS Verry's February email as "It may offer some indication to me of the ripple effect and repercussions for me".

### *Conclusion on 90-day issue*

[50] I agree with DI Doell that Police had knowledge of the circumstances relating to the February email and DI Doell's concerns that she had not been provided with a copy of the email at the time she was asked to accept an apology.

[51] I find the wording of DI Doell's email of 29 November 2023 did raise a complaint about the February email and the fact that Police responded to DI Doell accepting her confirmation that she wanted to raise a personal grievance meets the test in s114(2) of the Act, in regard to DSS Verry's email.

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<sup>6</sup> *Chief Executive of Manukau Institute of Technology v Zivaljevic*, [2019] NZEmpC 132, at [36] – [38].

[52] However, I do not find the email raises a personal grievance for the other generic references to exclusionary, isolating and bullying behaviours, when the particulars have not been provided. DI Doell did not provide Police with sufficient information to determine how it was expected to respond to these vague claims. In short DI Doell's email did not effectively raise a personal grievance in regard to matters outside of the February email. Police have not consented to the raising of these grievance out of time and DI Doell cannot proceed with these claims.

[53] I agree with DI Doell's submission that the 7 March 2024 grievance is in time to raise on-going disadvantage personal grievance in regard to claims DI Doell experienced following the disclosure in November 2023 of the February email, and the failure to resolve the alleged harm to her employment which continued through 2024 and onwards.

**Was DI Doell unjustifiably disadvantaged by the Police's actions, including failure to both address bullying and discriminatory workplace behaviour and to provide a safe workplace, and did the Police breach of provisions of DI Doell's employment agreement, including good faith and health and safety obligations?**

[54] DI Doell claims from October 2020 to July 2023, she experienced repeated events of bullying, abusive conduct and gender discrimination, including exclusionary and/or undermining behaviour by several members of Police in the Northland CIB, which were not addressed appropriately by Police, resulting in an unsafe workplace for DI Doell.

*Unjustifiable disadvantage*

[55] When the Authority considers whether an action by an employer is justifiable it does so by applying the test of justification at s 103A(2) of the Act. In determining justification of actions, the Authority or the Court does not consider what it may have done in the circumstances, but considers on an objective basis whether the actions of the employer, and how it acted, were what a fair and reasonable employer could have done in all the circumstances at the time the action occurred.

[56] Justification requires the consideration of both substantive and procedural fairness. The onus is on Police to justify its actions. The Authority is required to consider the factors set out at s 103A(3) of the Act.

[57] The Authority may take into account other factors as appropriate and must not determine an action to be unjustified solely because of minor defects in the process that did not result in the employee being treated unfairly.

#### *Breaches of good faith contractual obligations*

[58] The duty of good faith requires the parties to the relationship to be active and constructive in maintaining a productive employment relationship. Where an employer expressly contracts to honour this obligation of good faith, or there is a term in the employment agreement that encompasses the obligation to act in good faith, then failing to do so would provide a basis for a claim in breach of contract.<sup>7</sup>

#### *Breaches of health and safety contractual obligations*

[59] The reasonableness of the employer's conduct must be measured against knowledge reasonably attained by employers who are mindful of their responsibility to manage health and safety and manage foreseeable risks. In considering what is reasonably practicable, it is necessary to have regard to the likelihood and foreseeability of the hazard or risk and the current state of knowledge about the likelihood of harm and the severity of that harm.<sup>8</sup>

[60] Section 2.1 of the CEA provides that Police is committed to:

- (a) Act as a good employer in all dealings with the employee.
- (b) Deal with employees in good faith in all aspects of the employment relationship.
- (c) Take all practicable steps to provide the employee with a safe and healthy work environment.
- (d) Comply with the Policing Act 2008, Employment Relations Act 2000, and other relevant legislation.

#### *Workplace bullying and gender discrimination*

[61] Police have adopted the WorkSafe definition of workplace bullying

Workplace bullying is repeated and unreasonable behaviour directed towards a worker or group of workers that can lead to physical or psychological harm.

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<sup>7</sup> *Wiles v The Vice Chancellor of the University of Auckland* [2024] NZEmpC 123 [8 July 2024] at [125]

<sup>8</sup> *Wiles v The Vice Chancellor of the University of Auckland* [2024] NZEmpC 123 [8 July 2024] at [107]-[108]

[62] Police's definition of discrimination:

Discrimination occurs when a person is treated unfairly or less favourable than another person in the same or similar circumstances, on one or more of the following grounds:

- gender

*Grievances out of time*

[63] As set out in paragraphs [50] to [53], other than the February 2023 email and post disclosure of the February email disadvantage grievances, the majority of the claims for bullying, discriminatory workplace behaviour and failure to provide a safe workplace are out of time and cannot proceed as unjustifiable disadvantage grievances. However, I provide an analysis of the facts as to assess whether the terms of DI Doell's employment agreement were breached by the alleged Police actions.

*Analysis of incidents of alleged bullying and discriminatory workplace behaviour*

[64] DI Doell set out a number of events in her amended statement of problem, which Police responded to in its amended statement in reply. Both parties substantively addressed these matters through examination of witnesses and closing submission and I have summarised the party's arguments below.

(a) *Pōwhiri 2021*

[65] DI Doell claims Police failed to organise the usual Police pōwhiri for her welcoming her into the CIB Northland role in October 2022. She claimed this was inconsistent with standard practice and provided examples of invitation to attend pōwhiri in Northland. Ms Park also gave evidence of attending pōwhiri and in her view it was standard for new recruits and staff transfers.

[66] Police state that at the time it was not 'usual' for there to be a pōwhiri for Police staff transferring to Northland Police unless they were at more senior levels than DI Doell (e.g. a district commander, and an area commander returning to her home location) or were new recruits who had just graduated from Police College.

[67] DI Begbie stated it was not standard practice to have a welcoming pōwhiri for staff arriving to work in Northland at the time DI Doell started. He did however request a pōwhiri and produced an email from December 2020, in which he had responded to an HR email by asking for DI Doell and DSS Verry to be included in an upcoming

pōwhiri ceremony. It was not clear on the evidence why the pōwhiri had not proceeded, but Supt Hill noted that pōwhiri were primarily held for new recruits, though this practice was paused during Covid-19.

[68] Police also noted that DI Doell arrived in Northland in March 2020, just as COVID-19 struck and that she had already been working in the district on an acting basis for 6 months by the time of her permanent appointment.

### *Conclusion*

[69] Although DI Doell felt aggrieved that she has not received a welcome pōwhiri, I am not persuaded on the evidence that pōwhiri were standard for senior CIB management appointments at that particular time. There was no evidence provided of any induction policy for Police employees transferring to new areas. Evidence was heard at the investigation meeting that Police were better now at arranging pōwhiri for new recruits and transfers to the area.

[70] In the circumstances I find Police did not breach the terms of DI Doell's employment agreement. The unjustifiable disadvantage grievance is out of time.

### *(b) Crown Solicitor*

[71] DI Doell claimed that October/November 2020, DI Begbie failed to introduce her to the Whangārei Crown Solicitor, despite DI Doell's repeated requests for him to do so, leading to initial difficulties in establishing a working relationship with the Crown Solicitor. She provided emails as evidence in relation to her difficulties in arranging a meeting with the Crown Solicitor in relation to Police prosecution.

[72] DI Doell submitted that the evidence established that she was having difficulty engaging with the Crown Solicitor and that she raised this with DI Begbie on multiple occasions. No blame is apportioned to the Crown Solicitor.

[73] DI Doell claimed DI Begbie's failure to assist DI Doell to engage with the Crown Solicitor, by using his longstanding relationship with him, is another demonstration of the lack of support for DI Doell in her role, and ultimately led to her being sidelined in relation to an operation which she had been leading.

[74] DI Doell submitted that the Crown Solicitor did not meet with her due to the involvement of others in "CIB senior leadership". She did however accept that

correspondence showed that the Crown Solicitor had responded to her emails on 2 and 9 December 2021.

[75] Police state DI Doell was invited to a meeting with the Crown Solicitor regarding a Police operation DI Doell was leading. There were three such emails. DI Doell did not attend the meeting and cannot now explain this.

[76] The Crown Solicitor's evidence is that he does not recall when he was introduced to DI Doell, but he met and spoke with her on several occasions. Police's evidence was that DI Begbie also invited her to a lunch with the Crown Solicitor, but she declined.

### *Conclusion*

[77] There was contradictory evidence regarding the Crown Solicitor's and DI Doell's availability to meet. Both DI Doell and the Crown Solicitor had busy diaries and there were difficulties in being able to find a suitable time for both to meet. In the circumstances I accept there were possibly further steps DI Begbie could have taken to assist DI Doell's engagement with the Crown Solicitor, however I do not believe that the CIB leadership were responsible for DI Doell's inability to arrange a meeting with the Crown Solicitor. DI Doell as a senior Police officer would be responsible for arranging her own scheduling of appointments. In the end DI Doell did meet with the Crown Solicitor on a number of occasions to discuss cases and I am not persuaded this issue impacted on her ability to perform her role, or that Police's actions were unjustifiable or disadvantaged her.

[78] In the circumstances I find Police did not breach the terms of DI Doell's employment agreement. The unjustifiable disadvantage grievance is out of time.

### *(c) Tour of Northland stations*

[79] DI Doell claims that DI Begbie did not offer her any dates to tour Northland with him. She accepts that DI Begbie did discuss such a tour with her after her appointment as field crime manager during their first progress review meeting on 11 November 2020, however, she states that DI Begbie did not respond to her later requests to arrange the tour. She claims this was inconsistent with normal Police practice in which the crime manager is expected to introduce the new field crime manager to colleagues in the district.

[80] DI Doell later became aware of DI Begbie's planned tour with Supt Dave Lynch, on the same route and with considerable overlap with the dates of her own trip, and asked DI Begbie whether she could join them. DI Begbie declined.

[81] DI Doell submitted that DI Begbie's rejection of DI Doell's request to join his trip is an example of the exclusionary behaviour that she experienced under his leadership in Northland. It contributes to a building pattern of exclusion, that cumulatively caused disadvantage to DI Doell in her employment.

[82] DI Begbie stated the trip with Supt Dave Lynch as the Territorial Superintendent along with DI Begbie as the District Manager Criminal Investigations was discuss Police business and planned in advance. It was not for field crime commanders and he did not exclude DI Doell, as neither she nor DI Johnson were included.

[83] Supt Hill noted that DI Doell raised concerns with him about not being invited on this trip. Supt Hill explained to her at the time that Supt Lynch and DI Begbie might have wanted time to discuss work issues in the car and noted that he himself generally did not take others with him on district tours. He also told her that there was no evidence of this being undermining.

[84] Police state DI Begbie offered to take DI Doell around the Northland District stations, but she declined. DI Begbie noted that he discussed this when she first arrived and then a further 2-3 times, and DI Doell would say to him that she knows everyone and didn't need to go around (the district).

[85] DI Johnston, a field crime manager at the same level as DI Doell, said that the DI Doell would not have had to seek approval to travel around the district and that hers was a district role, part of which was having visible leadership and getting to know places and the staff who work there.

### *Conclusion*

[86] I accept DI Begbie as DI Doell's manager did initially offer to take DI Doell around the Northland stations to assist with her engagement with district offices, however the evidence does not support DI Doell's allegation that the DI Begbie was deliberately trying to isolate DI Doell, or that Police's actions were unjustifiable or disadvantaged her.

[87] In the circumstances I find Police did not breach the terms of DI Doell's employment agreement. The unjustifiable disadvantage grievance is out of time.

(d) *DSS Geoff McCarthy spoke disparagingly to Police colleagues,*

[88] DI Doell alleged that throughout her time in Northland, Detective Senior Sergeant (DSS) Geoff McCarthy spoke disparagingly to Police colleagues, including junior colleagues based in other districts, about DI Doell's appointment as field crime manager in Northland, on several occasions. This included on 31 July 2021, at the farewell event for a Detective Sergeant in Auckland. DI Doell was not present at the at the farewell event, however she alleged DSS McCarthy's comments were overheard by Counties Manukau District Crime Manager. DI Doell raised DSS McCarthy's behaviour with his manager, DI Johnston, and later with DI Begbie.

[89] DI Doell gave evidence of several other incidents where comments were allegedly made by DSS McCarthy between 2020 and 2021. DI Doell claimed she raised her concerns about DSS McCarthy's behaviour and attitude with DI Begbie and DI Johnston on multiple occasions, but no action was taken.

[90] DI Doell submitted that DI Johnston's refusal to arrange a reconciliation meeting with DSS McCarthy, and his statement to lower-ranked DSS McCarthy that DI Doell was "gunning" for him and wanted him on a PIP, undermined her leadership and her attempts to resolve interpersonal issues with DSS McCarthy in a collegial way. It unfairly coloured DSS McCarthy's perception of DI Doell and led him to believe that DI Doell wished to hold a disciplinary or performance management meeting, when there was no evidence of this intent.

[91] DI Doell submitted that this supports allegations of "upward bullying" by DSS McCarthy towards her, referencing "damaging and disparaging comments".

[92] Police submitted that DI Doell was relying on hearsay evidence and there was no direct evidence of the alleged undermining behaviour.

[93] Police stated that DSS McCarthy had applied for the field crime manager position when DI Doell was appointed and was disappointed not to have been promoted himself. He was entitled to voice his feelings about this outcome and, later, to voice his concerns about DI Doell's conduct towards him. DSS McCarthy's manager, DI Johnston properly and appropriately addressed this with DSS McCarthy as a

subordinate in his own team. The Counties Manukau District Crime Manager did not reprimand DSS McCarthy, but spoke to him about his situation in Northland and gave him some advice on a personal level. DSS McCarthy stated he was explaining to the manager, whom he knew and had asked him how he was going. DSS McCarthy stated that he was “very challenged at the moment” and was having difficulty with DI Doell’s leadership, and was thinking about leaving the job and that he felt that he could talk to the manager.

[94] Police alleged that DI Doell herself continued to make negative comments about DSS McCarthy at management meetings, including stating that he ought to be placed on a performance improvement plan. She also gave DSS McCarthy lower scores than usual on his 2022 performance appraisal.

[95] Police submit that DI Doell seeks to take issue with a subordinate officer having conversations with others about her, when she apparently felt free to download her own concerns about her own subordinate staff to others.

[96] DI Johnston considered that the matters raised by DI Doell were either incorrect or were already being managed by him, as DSS McCarthy’s line manager. Police also deny that “no action was taken” about the concerns that DI Doell had raised about DSS McCarthy. This was appropriately being managed by DI Johnston, as his line manager.

### *Conclusion*

[97] There was no direct evidence of what was said at the 2021 farewell event and the alleged comments were based on rumours. However, there were relationship issues between the higher ranked DI Doell and lower ranked DSS McCarthy, with the Latter seeking additional support.

[98] I understand DI Doell did feel intimidated and unsettled by the rumours. However in the circumstances Police did attempt to manage the fallout of any rumours and DSS McCarthy was being managed by his line manager. I find the police endeavoured to provide a safe working environment for both DI Doell and DSS McCarthy, and the steps taken at the time were reasonable.

[99] I find that Police did not breach the terms of DI Doell’s employment agreement. The unjustifiable disadvantage grievance is out of time.

*(e) DI Doell was the target of unjustified negative criticism by DS Lautogo and a Detective Senior Sergeant (DSS)*

[100] DI Doell submitted that from July 2021, she was the target of unjustified negative criticism by DS Lautogo and a DSS. This again allegedly involved the circulation of unsubstantiated rumours in relation to DI Doell's conduct during a 2015 CIB Operation. DI Doell submitted these rumours and unjustified criticism were initiated in retaliation for DI Doell having appropriately reported DS Lautogo and a DSS for regarding operational matters concerning a sensitive investigations protocol.

[101] DI Doell raised concerns about the rumours in her email of 16 September 2021, to DI Begbie. She did not receive a response. DI Begbie accepted in his oral evidence that he was aware of the rumours as other colleagues, in addition to DI Doell, had raised the matter with him. He said that he did not take any steps to address this, other than reminding staff of Police values at a CIB training day.

[102] DI Doell submitted that the evidence establishes that harmful and untrue rumours about her history, originating from the Auckland farewell event, were spread around Northland Police.

[103] DI Doell submits that given the undermining nature of the rumours, her managers DI Begbie and Supt Hill, should have taken active steps to correct the rumours.

[104] DS Lautogo denied spreading rumours, in retaliation to DI Doell actions. Police state there is no evidence of unjustified negative criticism of DI Doell being made by DS Lautogo and the DSS.

[105] Police submitted that DI Begbie was not present in Northland CIB at that time as he was on a secondment.

[106] DI Begbie stated DI Doell sent an email suggesting a snap meeting to put a close to rumours and inaccurate information filtering through staff, around her, however the difficulty with this idea was that not all staff were aware of the investigation of a high-risk matter and there were privacy issues to consider. Also DI Begbie believed he did not need to respond to this matter because DI Johnston was already doing so.

[107] DI Johnston stated he put an end to any such rumours as soon as he found out about them.

### *Conclusion*

[108] I accept there were rumours circulating regarding DI Doell around Northland and DI Johnstone attempted to shut down the rumours at the time.

[109] Whether Police could have taken further action at the time is a contentious issue given the security risks around the investigation and privacy issues.

[110] The difficulty with rumours is that they can cause significant social and psychological harm to people, affecting reputations, morale, conflict and social isolation. They may erode trust, and their impact can be difficult to counteract, because beliefs formed from rumours are often resistant to correction.

[111] I accept DI Doell did feel intimidated and unsettled by the rumours, and this would have undermined her ability to perform her role and her confidence in Police as her employer providing her a safe and healthy work environment. Although I accept Police did take some steps to address the matter and they believe they had addressed the issue, in hindsight senior Police management could have provided more support for DI Doell during this period.

[112] In the circumstances I find Police did take some practicable steps to provide a safe and healthy work environment and did not breach the terms of DI Doell's employment agreement. The unjustifiable disadvantage grievance is out of time.

### *(f) Invitation the "District Collective Response to targeting Organised Crime Workshop"*

[113] DI Doell submitted that in September 2021, DI Rhys Johnson failed to forward her an invitation to attend the "District Collective Response to targeting Organised Crime Workshop" in Wellington, despite this conference clearly falling within her role as the Northland Field Crime Manager for Organised Crime.

[114] Police submitted that on its face, this is also not an event of any significance. Another group in Police asked for suitable people for a workshop and were given names. This does not exclude DI Doell, or even impact her in any way. She has assumed exclusion, where there simply was none.

[115] Police state there was no 'failure' by DI Johnston to forward a workshop communication to DI Doell, as she was not meant to be part of that workshop. This was explained in a reply email to DI Doell from the organiser, as the workshop was not intended for organised crime personnel, but was aimed to gather input from various workgroups for an all-of-policing response.

### *Conclusion*

[116] DI Doell was not invited to the workshop as she was not an intended participant. Police actions did not breach the terms of DI Doell's employment agreement. The unjustifiable disadvantage grievance is out of time.

### *(g) DSS Verry's August 2022 email.*

[117] DI Doell submitted that on 4 August 2022, she received an email from DSS Verry which was critical of her leadership. This email was inappropriate given DSS Verry was direct report to DI Doell and lacked the respect for her rank and role which is expected in Police management structures.

[118] DI Doell submitted that the email of August 2022 alleged that she was bullying DS Lautogo and was highly critical of leadership style and decision-making in relation to CIB rotations. DI Doell forwarded DSS Verry's email to Supt Hill immediately after receiving it.

[119] Ms Park gave evidence that Supt Hill was concerned about the email and sought her advice. Ms Park stated she was appalled by the email and considered it inappropriate, unprofessional and undermining. She understood that Supt Hill subsequently spoke to DSS Verry about the email and that was the end of the matter.

[120] The Authority put to DSS Verry the proposition that the email was unprofessional and insubordinate. DSS Verry did not accept this. He stated he was raising concerns about DI Doell changing the agreed CIB staff rotations roster. He recalled that Supt Hill had spoken to him about the email, but he was not sanctioned in relation to the email.

[121] DI Doell submits that DSS Verry's oral evidence demonstrated his failure to recognise and take responsibility for his unreasonable behaviour towards DI Doell.

[122] Under cross-examination, Supt Hill gave evidence that he did not consider the August 2022 email to be unprofessional. He described it as someone “venting to their boss”.

[123] DI Doell submitted that the evidence of Supt Hill demonstrates a failure on behalf of Police to appropriately recognise and address bullying behaviour in the workplace.

[124] DI Doell’s view was that she would have expected the matter to be investigated for alleged serious misconduct. Police’s failure to address inappropriate behaviour by DSS Verry paved the way for the second incident of inappropriate communication in his email of February 2023.

[125] Police state DSS Verry’s email to DI Doell in August 2022 to raise concerns about her changing agreed CIB staff rotations. Police submitted it was relevant too that this email was sent only to DI Doell, it was not more widely distributed (except by DI Doell sending it to the District Commander, Supt Hill). In that context, Police did not consider there was anything that ought to have been done by or on behalf of the Police (as opposed to steps DI Doell could have herself taken) to address the tone of the email from DSS Verry or the points raised in it.

[126] DSS Verry in response to questions from the Authority, explained that he felt strongly about the matter and felt that it should be brought to her attention. He strongly believed DI Doell was demonstrating behaviours of bullying and he wanted to let her know that this was a serious matter. He noted that the email was not to ‘all and sundry’. but was only to DI Doell and that he expected a meeting to discuss. He claimed DI Doell never replied or spoke to him about his email.

[127] Police submitted that an email sent by a subordinate staff member to their own manager does not comprise a breach of contract by Police. In this instance DSS Verry has explained the context of those factual points he made, including DI Doell’s inexplicable change of instructions after a meeting with the Senior Sergeants to discuss rotation placements.

## *Conclusion*

[128] I agree that email was unprofessional and DI Doell could interpret it as undermining her decision making. However, I also accept Supt Hill reviewed the email and decided that in the circumstances disciplinary action was not required.

[129] I note DI Doell herself as DSS Verry's supervisor did not herself seek to take any further action or address the matter with DSS Verry.

[130] I consider that Police's lack of engagement and failure to address DSS Verry's inappropriate email probably emboldened DSS Verry in his interactions with his commanding officer. However, I do not find Police's inactions breached DI Doell's employment agreement. The unjustifiable disadvantage grievance is out of time.

### *(h) and (o) Removal from interview panels*

[131] DI Doell submitted that in September 2022, DI Begbie attempted to exclude DI Doell from chairing an interview panel for a Detective-Sergeant position in Whangārei/Kaipara, which was in the usual course of her role.

[132] Police stated DI Doell had advised DI Begbie earlier that she was mentoring a person who was applying for a Detective Sergeant position. In this context, the appropriateness of DI Doell remaining as the selection panel chair was raised and considered, and she was able to remain in that position. This was a legitimate point to query, not an attempt to exclude DI Doell.

[133] DI Doell submitted that in May 2023, DI Begbie again attempted to exclude DI Doell from chairing an interview panel in relation to a Detective-Sergeant position. DI Begbie stated that he considered it more appropriate for DI Johnston to sit on the panel given that DI Doell was going on secondment in July 2023, therefore the new Detective would be reporting to him, not DI Doell.

[134] Ms Park's evidence was that it did not make sense for DI Johnston to chair an interview panel for a role that would not come under his supervision for some months.

[135] On both occasions, DI Doell was successful in being reinstated to the panel.

[136] DI Doell submitted that, the incidents demonstrate the exclusionary behaviour she was subjected to and that she was required to press for her role on both occasions.

### *Conclusion*

[137] I can understand DI Doell perceived feeling of being excluded on both occasions. However, I note that due process was followed in that DI Doell successfully challenged DI Begbie's rationale for the exclusion and was reinstated onto the interview panels in both cases.

[138] I find Police actions did not breach the terms of DI Doell's employment agreement. The unjustifiable disadvantage grievance is out of time.

#### *(i) Overturned charging recommendation*

[139] DI Doell alleged that in September 2022 when she was acting up as District Manager Criminal Investigations, DI Begbie overturned a charging recommendation that DI Doell had made without consultation with her.

[140] DI Doell alleged DSS McCarthy had approached DI Begbie directly, and without DI Doell's knowledge, to challenge her decision.

[141] DSS McCarthy's stated that when he had completed his further investigations, he lodged a task for DI Doell to confirm her charging recommendation in the charging system. DI Doell would have first received a notification by email from the system regarding the charging recommendation when he lodged the task on 17 August 2022 and then re-logged the task on 1 September 2022. DI Doell did not respond or action the task. Because DI Doell hadn't responded, he reallocated the task to DI Begbie on his return as it was now his responsibility as District Manager Criminal Investigations.

### *Conclusion*

[142] DSS McCarthy forwarded on the task in the charging system to DI Begbie once he had returned to his substantive position, as the charging decision rested with the District Manager Criminal Investigations. DI Begbie did not overturn a finalised charging recommendation made by DI Doell. He simply approved his own recommendation in the system, he had returned to his substantive role and the re-submitted task had not yet been actioned by DI Doell.

[143] The lack of clarity over areas of responsibility and who had what delegated powers is a reoccurring theme in DI Doell's claims of being undermined by senior management.

[144] Because DI Doell hadn't responded to the required task, it was appropriate for it to be reallocated to DI Begbie on his return. I am not persuaded that Police actions breached the terms of her employment agreement. The unjustifiable disadvantage grievance is out of time.

(j) *Acting Area Commander, DI Alan Symonds office*

[145] DI Doell had a second desk located in the area commander's office at Whangārei. DI Doell stated that in September 2022, while DI Doell was out of the district at a conference, the new Acting Area Commander, DI Alan Symonds, removed her desk and personal effects from an office which she shared with the previous area commander, without consultation. She alleged later that same day, DI Symonds made disparaging comments about her while walking around the Whangārei Police shared office space. Upon returning to the office, DI Doell found that her work desk had been broken, and her personal items had been removed from her office and placed elsewhere.

[146] Police state when DI Symonds commenced in Whangārei, he decided that it was not appropriate for DI Doell to be located with him in the area commander's office. It was unusual for the field crime managers to be located in the area commander's office (there was a designated space for Inspectors to sit together in an open-plan office) and he wanted staff to be able to easily approach him in private. Inspector Symonds telephoned DI Doell (who was away from the office) to discuss this. He said DI Doell hung up on him and they then exchanged text messages about this, in which DI Doell said: "I only use that space a few days a week due to CIB being down there, but hey I can go out with the troops".

[147] Police submitted the previous area commander had a modified (raised) desk due to an injury. When DI Symonds tried to move that desk, it broke and so he moved it out into the hallway. This broken desk was not therefore the desk that DI Doell had been using. DI Doell's property was put into a box for her to collect. Inspector Symonds denied that he made disparaging comments about DI Doell.

*Conclusion*

[148] This matter could have been dealt with in a more professional manner by two senior Police officers. DI Symonds actions, however convoluted and seemingly discourteous, did not amount to bullying or discriminatory behaviour to DI Doell.

Police did not breach the terms of her employment agreement. The unjustifiable disadvantage grievance is out of time.

*(k) excluded from the crime manager's email list.*

[149] DI Doell stated that on 24 October 2022, she was excluded from the crime manager's email list. She stated this was inconsistent with how her colleagues were treated. DI Doell said she raised the issue with DI Begbie, however he did not respond to this email.

[150] Police stated on 24 October 2022 DI Doell was no longer acting in the position of District Manager Criminal Investigations. She had previously been acting in that role, which was DI Begbie's substantive position, but that acting up had concluded on 7 August 2022. As she was no longer acting in the role. DI Doell was not entitled to be on the crime manager's email list.

[151] In response to the claim that DI Begbie did not respond to the email, his evidence was that he addressed her concerns either in person or by email.

### *Conclusion*

[152] I accept the Police evidence that DI Doell was no longer entitled to be on the crime manager's email list and receive confidential correspondence as she was no longer an acting crime manager, and therefore was not delegated to receive crime manager correspondence. However, I would have expected Police to have consulted with DI Doell about any operational requirements, or change when transitioning her role.

[153] Police actions did not breach the terms of DI Doell's employment agreement. The unjustifiable disadvantage grievance is out of time.

*(l) Farewell function for a detective senior sergeant*

[154] DI Doell stated that in late 2022 she was excluded from an invitation for Northland CIB leadership to attend an offsite farewell function for a retiring detective senior sergeant (DSS) of the Northland CIB. She accepted that the event was not an official Police event, however, claimed the DSS had previously told her that she would be invited to the event. DI Doell was therefore surprised to learn that she was the only member of the CIB leadership team not invited. DI Doell says she raised the fact that

she had not received an invite with DI Begbie at the time, but he did not consider it his place to intervene.

[155] DI Doell submitted that this is an example of the isolation she experienced in Northland. DI Begbie's evidence revealed his unwillingness to take steps to ensure she was included in events that included other CIB Northland leadership.

[156] Police state DI Doell was not excluded from a Police farewell function for the DSS. She could have attended the Police morning tea farewell at the Kaitaia Police Station, but did not do so. Separately to this, the retiring officer organised and paid for his own function at a local fire station, to which he invited persons of his own choosing. It was not appropriate for Police management to intervene.

### *Conclusion*

[157] DI Doell accepted that the farewell was a private function and it was the retiring DSS's choice whom he invited. Although DI Doell may have felt left out, in the circumstances I do not think it would have been appropriate for Police management to intervene in a private function.

[158] Police actions did not breach the terms of her employment agreement. The unjustifiable disadvantage grievance is out of time.

### *(m) Ideas for inclusive social events instead*

[159] DI Doell stated that in late 2021, at a Northland CIB Leadership team meeting, when DI Doell suggested ideas for inclusive social events for the 2021 Christmas party instead of the fishing trip that had been proposed, DSS McCarthy responded "we could all do crochet" in a tone DI Doell found demeaning and belittling.

[160] Police submitted that the comment by DSS McCarthy that a social event could include crochet is not recalled by others. DSS McCarthy accepted he made the comment, however references the context of an Olympic athlete doing crochet and says that this comment was made in humour and was not directed at DI Doell. He did not recall DI Doell suggesting alternative activities and did not believe his comment was in response to her proposing other ideas. In his evidence, in response to cross-examination, he said that it was a comment made to the entire leadership team, not just to DI Doell.

## *Conclusion*

[161] I understand that DI Doell may have taken the remark as being derogatory and discriminatory rather than humour, given the background of her previous interactions with DSS McCarthy. The comment clearly has overtones of gendered bullying and discriminatory behaviour. DI Doell should have been entitled to be able to safely participate in a team meeting with her professional colleagues, without being subjected to derogatory behaviour.

[162] However, in the context of a one-off comment in meeting I do not believe the remark breached DI Doell's employment agreement. It was however part of a pattern of behaviour that Police were aware of and should have taken steps to address. The unjustifiable disadvantage grievance is out of time,

(n) *DSS Verry's 11 February 2023, email*

[163] In early February 2023, DI Doell was promoted to the role of Acting Crime Manager of Northland CIB for a period of 7 weeks.

[164] On 11 February 2023, DSS Verry emailed four members within DI Doell's team.

[165] The email was brought to Supt Hill's attention due to the alleged content of the email. Supt Hill sort advice from Ms Park and Police ER implemented a process to investigate the matter.

[166] A Police Superintendent (the Superintendent) who had many years in Police, had held Police Professional Conduct roles in District and been the National Manager of Professional Conduct was engaged to undertake an appropriate process (including whether an investigation was required) and to determine whether any disciplinary sanction was needed.

[167] The Superintendent spoke with DI Doell in mid-2023. His clear understanding from this conversation was that she was very comfortable with the approach of an apology being given by DSS Verry, because she had a good working relationship with him that she wanted to maintain. As DI Doell was willing to accept an apology, this was relayed back to DSS Verry and he gave the apology shortly after this. DI Doell's

text message to the Superintendent on 10 July 2023 records this, where she states that she has “had a few chats with DSS” and “He has apologised sending the email”.

[168] DI Doell was not told about the existence of the February email until April 2023. She was not provided with a copy of the February email until October 2023, despite previously asking. DI Doell submitted she was shocked and distressed by its contents. She considered the email to be a concerted attack on her leadership and character. She stated she was deeply hurt and humiliated by the contents of the email.

[169] DI Doell stated she felt manipulated and misled by Police leadership in its handling of the investigation as she had been asked to accept an apology without being provided with a copy of the February email.

[170] Police submitted that the employment process and response to the February email, and the decisions made by the Superintendent, were reasonable and appropriate in all of the circumstances at the time those actions occurred.

[171] DI Doell submitted the Superintendent’s handling of DSS Verry’s employment matter, contained multiple failures and lacked any resemblance to a fair and reasonable process, that was necessary to protect the health and safety, and good faith obligations Police owed to DI Doell.

[172] DI Doell submitted the Superintendent’s evidence demonstrates a perfunctory approach to resolving the February 2023 email matter, which failed to appreciate the severity of DSS Verry’s misconduct and its impact on DI Doell. DI Doell was not provided with a copy of the February email prior to being advised by the Superintendent of the outcome of the employment process was a decision of “No Further Action” was required and an apology would be offered by DSS Verry to DI Doell. The Superintendent stated he had considered all options, but no sanctions were necessary in his view. He remained “entirely satisfied” with the outcome.

[173] On 12 October 2023, DI Doell provided a copy of DSS Verry’s email to the Manager of Kia Tū (Police’s Speak Up platform). DI Doell submitted this was the clearest example of this gendered abuse, with demeaning and derogatory comments about a more senior member of Police.

[174] Police submitted that the employment process and response to the February 2023 email, and the decisions made by the Superintendent, were reasonable and appropriate at the time.

### *Conclusion*

[175] I find that the Police investigation into DSS Verry's February email was flawed on a number of accounts. The Superintendent was not provided with a copy of the August 2023 email or additional background information regarding alleged behaviour towards DI Doell by her subordinates.

[176] Police were on notice of DSS Verry's previous behaviour by his August 2022 email and allegations subordinate Police officers bullying DI Doell, which they also failed to investigate.

[177] If an appropriate investigation had been undertaken it may have provided the Superintendent with important additional information from potential Police witnesses, including DI Doell regarding the nature of her situation.

[178] I find that the facts surrounding Police's actions in investigating the February email, and subsequent engagement and communications with DI Doell, failed to demonstrate how Police met the good faith and procedural fairness requirements incorporated in the Act. By failing to adequately investigate the matter Police also failed to engage with DI Doell to see what support or redress she may have needed to cope with the matter.

[179] In the circumstances I find the DI Doell was unjustifiably disadvantaged by Police failing to adequately investigate the February 2023 email and failing to take remedial action or provide adequate support to DI Doell in the aftermath of the matter.

[180] I also find Police breached DI Doell's employment agreement in failing to adequately act in good faith and appropriately investigate the matter and breached their health and safety obligations failing to take remedial action to support DI Doell and provide a safe working environment for her to return to in Northland.

### *(p) Northland CIB leadership days,*

[181] In late 2023, while on secondment to the National Fraud project, DI Doell asked DI Begbie to keep her informed about Northland CIB leadership days, which others on

secondment routinely attend. She was instead removed from the email list for the monthly leadership meetings and excluded from a later Northland CIB leadership meeting even though other officers who had also been on secondment attended.

[182] Police stated once DI Doell commenced her Fraud Lead secondment in July 2023, she was no longer part of the Northland District Investigations Leadership Team and it was entirely appropriate for her to be removed from email groups and meetings. The same occurred for others, with the replacement staff being added to those lists in their place.

[183] Police further stated that they still kept in contact with DI Doell and she was invited to the local Christmas parties that year.

### *Conclusion*

[184] There was contradictory evidence regarding access to Northland District Investigations Leadership Team emails and meetings, but I accept Police's explanation that as DI Doell was no longer part of the Northland District Investigations Leadership Team and it was normal practice for her to be removed from email groups and meeting invitations. However, again I would have expected Police to have consulted with DI Doell about any operational requirements, or change when transitioning her into the seconded role.

[185] Police actions did not breach the terms of her employment agreement. The unjustifiable disadvantage grievance is out of time.

### **Incidents raised in evidence**

[186] DI Doell raised a number of other alleged incidents and events in her witness statement. The incidents were not part of DI Doell's claim, however provide further context as to the nature of her claims. I have reviewed all DI Doell's claims and have included a brief summary of relevant claims below, and where necessary an analysis of whether alleged claims amounted to be a breach of the terms of her employment agreement or an unjustifiable disadvantage grievance.

*(q) September 2021 Dinner in Auckland*

[187] DI Doell gave evidence that she was excluded by not being invited to a team dinner the evening before a conference in Auckland. At the time, she was the Acting District Crime Manager.

[188] DI Doell stated that DI Johnston had not mentioned that the members of the Northland CIB team attending the conference were planning on having dinner together, and she was the only member not to have been invited. Members of the CIB leadership team, including DI Johnston, DSS McCarthy and DSS Verry, were staying in a hotel.

[189] DI Johnston's stated that staying in Auckland was discussed as a group and DI Doell declined, saying that she was going down independently and would stay with family. The decision to go out for dinner that night was only decided on the day. This was confirmed by DSS Verry, who stated in evidence that they all talked about going down to Auckland and he had offered to travel with DI Doell but she had stated she had something on with her daughter.

[190] Supt Hill also recalls a discussion with DI Doell where she alleged, she had been excluded around this, and she reflected that "they only told me that morning". He stated he wondered what further notice she would have required.

*Conclusion*

[191] I find that there are differing recollections from the witness as to what was said by witnesses and what happened, However DI Doell accepted she had said that she would stay with family that evening. There was no evidence that DI Doell was deliberately excluded from the dinner.

[192] I find Police's actions did not breach her employment agreement. The unjustifiable disadvantage grievance is out of time.

*(r) Reassignment of homicide files*

[193] DI Doell claimed that she had her homicide files taken off her and reallocated to DI Symonds whilst she was on secondment. This was inconsistent with the way in which her senior colleagues, DI Begbie and DI Johnston, were treated when they were on secondment.

[194] The Police submitted this is standard practice where someone is on secondment out of their role and is not particular to DI Doell, as it is the detective sergeant and detective senior sergeant who carry those files, not the detective inspector.

[195] DI Begbie's evidence is that he took back oversight of District homicide files, partly because DI Symonds was relieving in DI Doell's role (while she was on secondment) and partly because of a national directive to ensure Police were meeting their disclosure obligations.

[196] DI Johnston stated that while he was on secondment from his equivalent field crime manager role to Police National Headquarters, he didn't work on homicide files or lead any pieces of work. The homicide files that he ran prior to going on secondment were "handed over well and truly".

### *Conclusion*

[197] I accept the Police evidence that the reallocation of homicide files whilst an officer is on secondment is part of Police operation requirements. However, again I would have expected Police to have consulted with DI Doell about any operational requirements, or change when transitioning her into the seconded role. I find Police's actions did not disadvantage DI Doell or breach her employment agreement.

### *(s) Delivery of united message from CIB leadership team following a leadership facilitation*

[198] An ongoing theme of DI Doell's claims is that she was undermined by the lack of support from her colleagues DI Begbie and DI Johnson. The evidence before the Authority suggests that this was a workplace that was full of "strong personalities" who at times did not see eye to eye, leading to a level of incompatibility within the CIB leadership team.

[199] On occasion DI Doell and DI Johnson acted up as District Manager Criminal Investigations when DI Begbie was seconded elsewhere. This sometimes led to issues, or a lack of clarity of roles and areas of responsibility, and who had what delegated powers. There seemed to be some confusion over operational matters, with one aggrieved party feeling the actions of the other was undermining their authority. There was no evidence of any structured policy to manage the transfer of responsibility when moving between roles, and this at times created a level of mistrust between the DIs.

[200] In 2022 Supt Hill recognised there were management issues within the CIB leadership team, He organised a facilitation session for the CIB leadership team on 22 March 2022 with a leadership consultant who instigated a process for the rebuilding of trust between DI Doell, DI Begbie and DI Johnston. As a result of the session the Leadership Team Charter (the Charter) was drafted.

[201] DI Doell's evidence is that it was agreed that the Charter would be collectively delivered by DI Begbie, DI Johnston and herself, presenting a united DI leadership team to their sub-ordinates. DI Doell submitted she tried to arrange for delivery of the Charter, but by the time she left Northland District in January 2024, the Charter had still not been delivered.

[202] DI Doell submitted that the failure of DI Begbie to deliver the Charter, despite multiple requests from DI Doell to do so, further demonstrates his failure to supporting her leadership with the result that she was further isolated and undermined in her role. She claimed this indirectly permitted the behaviours of DSS Verry, DSS McCarthy and DS Lautogo to continue unchecked, and paved the way for future incidents of upwards bullying behaviour towards DI Doell.

[203] Police submitted the intention was to present a united front and reassure the team. Police stated that this delivery of united messaging did occur, in a meeting attended by all three Detective Inspectors with the CIB Leadership team.

[204] Supt Hill stated that after the session the leadership consultant told him that the leadership team had the leadership tools necessary to be progressive in the future. DI Doell was positive for a while, but then confirmation bias crept back in with her thinking the others were again undermining her.

### *Conclusion*

[205] There are differing recollections from the witness as to what was agreed about delivering the Charter and what happened. Unfortunately this again reflects a level of mistrust and incompatibility within the CIB leadership team.

[206] What was apparent is that senior Police leadership was aware of the issues within the Northland CIB leadership team and took some positive step to address them. There was some initial success with the leadership team's functionality after the

facilitation session, however it seems the levels of mistrust between team members resurfaced.

[207] In the circumstances I find Police's actions did not disadvantage DI Doell or breach her employment agreement.

(t) *Initiation ceremony*

[208] DI Doell submitted that in December 2020, Northland Police held an unprofessional initiation ceremony for newly qualified Detectives at the 2020 Northland Christmas Party. She submitted this was an example of the entrenched poor 'boys club' workplace culture.

[209] Police submitted it was an in-house social club (not Police) event, private to those attending, run by the social club, to which staff pay funds for such celebrations. It was a long-standing tradition that was meant to be humorous and a bit of fun.

[210] Supt Hill instructed DI Begbie to end the ceremony in December 2020.

*Conclusion*

[211] Supt Hill recognised the ceremony was inappropriate and not aligned with Police culture. The ceremony was stopped in December 2020.

(u) *Culture surveys and diversity action plan.*

[212] DI Doell gave evidence of longstanding culture issues within Northland Police and Supt Hill's ambition to have her assist him in the culture change for Northland CIB. She stated in October 2020, at the time of her appointment to the permanent position of Field Crime Manager, Supt Hill was very clear about the workplace culture challenges facing Northland Police. She stated that she was asked by Supt Hill in April 2022 to become the Diversity Liaison Officer (DLO) for Northland District Police and assist in implementing the Northland District CIB Diversity Action plan. DI Doell considered that this, and work to "address systemic behaviour and poor conduct and culture", led to adverse responses from others.

[213] Mike Rundlett, wellness officer confirmed that there were longstanding culture issues in Northland CIB. Several issues reported to him involved the experience of female Police.

[214] DI Doell submits that Mr Rundlett's evidence confirmed her claim that there were systemic and longstanding culture problems in the Northland CIB, particularly for women. She stated this put her at increased risk, given her appointment as the first female Detective Inspector for CIB Northland and the culture change Supt Hill wanted her to be involved in.

[215] Ms Park gave evidence about widespread culture issues within Northland Police, which she observed, and which were equally reflected in the 2022 Police culture survey. She stated that in October 2021, after the poor survey results, NZ Police paid for consultants to provide workshops with an intent to improve culture. She attended a multiple day workshop facilitated for the Northland District Leadership team (DLT) This was in part split into two groups – the wider DLT and the more senior positions of the Governance Rōpū (DGR).

[216] Ms Park stated Supt Hill was trying to change the culture of Northland Police. She had multiple conversations with Supt Hill about the culture change that needed to happen in Northland.

[217] DI Doell submitted the failure by Police to undertake any investigation of the workplace culture within Northland CIB, as was reasonably warranted by concerns identified and raised about the workplace culture has led to her being subjected to ongoing breaches of her employment agreement and disadvantaged her.

[218] Police deny DI Doell's claims. Supt Hill stated he did not appoint DI Doell as a DLO, or to any specific role in respect of implementing diversity, however, he was supportive of her views on diversity. DI Begbie's evidence is that he was responsible for leading the Diversity Action Plan work, alongside all members of the CIB Leadership Team, of which DI Doell was a member.

[219] Police submitted the survey results were better for CIB than for other groups which is reflective of the managers' understanding. DI Begbie's evidence is that the CIB culture in which staff were well-supported by the detective senior sergeants and their line supervisors. His understanding from regular forums was that "people were pretty happy". Supt Hill also said that he was puzzled by the surveys because they didn't reflect the culture he was seeing on the ground.

[220] Supt Hill stated that feedback he received from the 2022 Police culture survey was that DI Doell herself was one of two people singled out as being the subject of negative staff feedback in the survey comments.

[221] DI Begbie, who was on secondment at the time believes that DI Doell's management style contributed to the negative results and recalls being told at that time he was needed back in his substantive role.

[222] Mr Rundlett's evidence was that there were culture issues unrelated to DI Doell. In this context, Police submitted that DI Doell cannot rely on the 2022 culture survey results to support her own employment claims.

### *Conclusion*

[223] It is noted that cultural surveys are voluntary and anonymous and as such reflect particular staff viewpoints at a particular time, providing a limited picture of an organisations culture. However, a number of witnesses gave evidence that at the time Northland had a challenging workplace culture and this was reflected in the results of the 2022 National Police Culture Survey.

[224] I accept Supt Hill acknowledged that there were culture and gender issues within Northland Police. Mr Rundlett's evidence was that there were culture issues unrelated to DI Doell's claims. I prefer the evidence of Supt Hill in that he did not appoint DI Doell a diversity liaison officer and DI Doell later in evidence accepted that a Senior Sergeant was the diversity liaison officer for Northland during her time there. However I accept DI Doell attended meetings of the National Diversity Liaison Group. DI Doell has acknowledged Police supported her views on diversity and culture.

[225] Police had an obligation to provide a healthy and safe working environment for DI Doell. I have found at paragraph [179] and [180] Police failed in that obligation in regard to investigating the February email and providing a safe workplace for DI Doell. However, apart from DI Doell's claims I have been unable to substantiate her allegations of gender discrimination on the evidence. There were previous incidents of inappropriate behaviour, however Police took steps to remedy that behaviour, i.e. the initiation ceremony Supt Hill banned.

[226] A related issue at the time, which I have addressed in paragraph [206] were issues within the Northland Police CIB leadership team, and the effect of which

cascaded down allowing for insubordination by lower ranked officers towards DI Doell. This is evidenced by her documented experience discussed throughout this determination. This was also reflected in the 2022 Police culture survey and comments regarding DI Doell's style of leadership.

[227] The fact there were cultural issues within Northland CIB provides background and context regarding DI Doell's claims. The 2022 culture survey results do not specifically support her individual claims of ongoing breaches by Police of her employment agreement or that Police's actions disadvantaged her.

*(v) Late application for a role advertised by Superintendent Lynch*

[228] On 25 October 2024, DI Doell attempted to apply for the position of Field Crime Manager, Financial Crime Group, based in Auckland a day after the closing date. She claimed Supt Lynch had an unusual and adverse reaction in not allowing her to submit a late application for the role. She submitted this demonstrated the unjustified prejudice towards her by a key participant in future Auckland based appointments

[229] Police submitted Supt Lynch did not learn of DI Doell's late application for the role until the following week. By then, the candidates had been shortlisted and interview dates arranged, including with two senior external panel members. Supt Lynch received advice from HR and it was entirely reasonable in this context for him, as the hiring manager, to decline a late application.

*Conclusion*

[230] DI Doell's job application was late and Supt Lynch took HR advice regarding her application, and acted according to that advice.

[231] DI Doell undertook the appropriate HR process and successfully reviewed the non-inclusion of her application to the role. A second recruitment process was convened and DI Doell was designated a candidate to be considered for a role as a Field Crime Manager in the Financial Crime Group. Unfortunately she withdrew her application the day before the interview.

[232] In the circumstances I find Police's actions did not disadvantage DI Doell or breach her employment agreement.

*(w) Magnet Board*

[233] DI Doell claimed that her not being included on the secondment section of the 'magnet board' in the Northland CIB office was exclusionary and she raised her exclusion with DI Begbie, but no action was taken.

[234] Police submitted DI McCarthy has explained in evidence that he removed DI Doell's name from that board some time earlier, as it was located in his office and it was triggering for him to see her name. He provided evidence of the impact on him of DI Doell's actions towards him.

*Conclusion*

[235] DI Doell was excluded from the magnet board by DI McCarthy's actions, however at the time of her secondment the board was no longer used as there was a new computer system (IMT) which showed people's location.

[236] In the circumstances the magnet board was obsolete and DI Doell's secondment would have been recorded on IMT. Although DSS McCarthy's actions at the time were deliberate in excluding DI Doell from the board, they were also of no consequence as DI Doell's movements were recorded with IMT.

[237] DSS McCarthy's actions were however further evidence supporting DI Doell's submission that Police were aware of a pattern of behaviour by subordinate Police officers which could be described as bullying behaviour, and failed to address this behaviour.

*(x) Offender wall photos*

[238] DI Doell claimed she raised concerns with DS Lautogo about the CIB offender wall photos in the Tactical Crime Unit office through the chain of command to Supt Hill, and DI Begbie in 2020, but it was not actioned. DI Doell submitted that this was another example of her authority being undermined.

[239] Police submitted that DSS Lautogo in evidence stated DI Doell did not ask him to take down the offender wall photos.

[240] Police stated that on 10 August 2020 Supt Hill raised this matter himself with DS Lautogo, in writing, after the Assistant Commissioner had visited the office.

### *Conclusion*

[241] On the facts there is not enough evidence to establish whether DI Doell had requested DS Lautogo to remove the CIB offender wall photos, which is disputed by Police. The photos were removed, albeit not immediately. In the circumstances I do not find Police's actions undermined or disadvantaged DI Doell, or breached her employment agreement.

#### *(y) Training for DS Lautogo*

[242] DI Doell submitted that the Assistant Commissioner in June 2021 had directed DS Lautogo to attend additional training in Auckland. She claimed that while she was Acting District Crime Manager, DS Lautogo repeatedly resisted her attempts to confirm training dates for him Auckland, undermining her authority.

[243] Police submitted that DI Begbie was charged with arranging DS Lautogo's training and he had finalised the arrangements prior to going on secondment. Despite DS Lautogo being two ranks lower than her at the time, DI Doell seemed to seek to use this as an example of being undermined.

[244] Police state that at the time DI Doell was not responsible for arranging any training of DS Lautogo. Supt Hill remarked he did not see DS Lautogo's training and being an issue.

### *Conclusion*

[245] There is contradictory evidence on this issue, that again reflects the confusion within the leadership team as to who had responsibility for what when there has been a temporary role change. In the circumstances I find Police's actions did not disadvantage DI Doell or breach her employment agreement.

#### *(z) Text messages*

[246] DI Doell submitted that text messages from DSS Verry's Police phone between August 2022 and June 2023 show repeated undermining communications in relation to DI Doell between DSS Verry with staff in his team.

[247] The messages disclosed by DSS Verry included evidence of a private chat group including all four detective senior sergeants in the CIB named "The group we don't talk

about.” He used the “Ice Queen emoji” in DI Doell’s contact page saved on his phone. The chat group appeared to be used as a way of coordinating their opposition to DI Doell’s proposed roster change.

[248] Police also disclosed a number of text exchanges between DSS Verry and his direct reports, which included repeated disparaging and undermining commentary about DI Doell. These messages continued until June 2023.

[249] During a text exchange with DS Lautogo on 19 June 2023, DSS Verry sent allegedly inappropriate messages about DI Doell, despite his already being under investigation in relation to the February 2023 email.

[250] DI Doell submitted that the text messages disclosed by DSS Verry are evidence of a pattern of undermining behaviour towards her by subordinate Police officers from the period of August 2022 to June 2023. When DSS Verry’s text messages are viewed in the context of his August 2022 email and the February 2023 email, a pattern of repeated undermining and bullying behaviour towards DI Doell becomes clear.

[251] DI Doell submitted this text exchange clearly shows DSS Verry lacked any genuine remorse for his February 2023 email about DI Doell.

[252] Police submitted that when asked about his text messages under cross-examination, DSS Verry explained that those reflected extreme frustration and pressure. DI Verry said that the roster proposal put forward by DI Doell was totally inappropriate for Northland and that as Senior Sergeants in a cohort, they are allowed to express an opinion with each other about that. DSS Verry explained the messages were not undermining of DI Doell ,but are support for others in a challenging situation, and the messages did not change their opinion of DI Doell.

### *Conclusion*

[253] DI Doell received the text messages in 2025, as part of disclosure for this proceeding. Although they do not form part of DI Doell’s claim that she was forced to leave her role and move from the Northland District, they do provide background and context, regarding her claims for unjustified disadvantage and breach of her employment agreement.

[254] The evidence also supports DI Doell's submission of a pattern of behaviour by subordinate Police officers which could be described as bullying behaviour.

*(ab) Operation B*

[255] DI Doell claimed that DI Johnston, while in the Acting Crime Manager role, unnecessarily interfered in an investigation that she was leading by making an operational decision without consulting her.

[256] This decision involved DI Johnston tasking a member of her team based in Kerikeri, DSS Verry, with a role in the operation, when DI Johnston was aware that DSS Verry was committed to another project. DI Doell claimed this was undermining her leadership of the operation, and of her team, including DSS Verry. In her email of 20 May 2021 she conveyed her perspective and frustration in an open and respectful way, noting that his behaviour made her feel disrespected and unsupported.

[257] DI Doell submitted that DI Johnston's interference in Operation B while in the Acting Crime Manager role, and his failure to respond to DI Doell's attempt to resolve their disagreement in her email of 20 May 2021, is a further incident of undermining or unreasonable behaviour towards DI Doell.

[258] DI Johnston outlined in oral evidence a concern with DI Doell's conduct that had arisen for him in relation to an Operation B. His concern was that DI Doell had deliberately undermined him by sending a text message to DSS Verry which countermanded his instructions to DSS Verry.

[259] Police submitted DI Johnston was the Acting District Manager Criminal Investigations at the time so DI Doell was reporting to him. She was about to be away for two days, followed by the weekend. In that context, he took steps to ensure there was sufficiently senior inter-district communication. He maintains that his involvement was appropriate, which was supported by DI Begbie in oral evidence.

[260] In response to a question by the Authority as to how this was resolved, DI Johnston explained that there was a discussion in the District Commander's office. He recounts this further in his reply witness statement. DI Begbie recalled this too.

## *Conclusion*

[261] This matter again reflects the confusion within the leadership team as to who had responsibility for what, while DI Begbie was on secondment. After hearing the evidence I accept the matter was resolved between DI Johnston and DI Doell. In the circumstances I find the evidence does not support DI Doell's allegations that she was undermined by DI Johnston's actions. I find Police's actions did not disadvantage DI Doell or breach her employment agreement.

### **Was DI Doell subjected to bullying behaviour?**

#### *DI Doell submissions*

[262] DI Doell submitted that when the documents and witness statements are examined, it shows the building picture of events that establish the pattern of behaviour and the failures to remedy these events effectively for DI Doell. This chronology of events made it wholly foreseeable that she was working in an unsafe working environment, that ultimately, despite her resilience, she could not sustain. It broke her and her reputation.

[263] DI Doell submitted it was the final refusal to investigate DSS Verry's email that DI Doell took the last available option, to raise a PG with Police. This has cost her dearly both financially and because of the further impact on her career, since she raised it. This has been an unfair reality for DI Doell.

[264] DI Doell's case is that she raised bullying, undermining and exclusionary behaviour towards her with her managers (DI Begbie and Supt Hill) and with her senior colleague DI Johnston at the time key events occurred. These include:

- (a) On 28 May 2021 DI Doell raised concerns with DI Johnston about DSS McCarthy's behaviour.
- (b) On 6 August 2021 DI Doell raised concerns with DI Johnston about DSS McCarthy's behaviour at the farewell event which took place on 31 July 2021.
- (c) On 16 September 2021 DI Doell raised concerns with DI Begbie about the untrue rumours circulating in Northland regarding her historical handling a case

- (d) On 20 October 2021 DI Doell raised concerns with DI Begbie about DSS McCarthy's behaviour at a meeting on the same day that the meeting occurred and suggests involving Supt Hill.
- (e) On 21 October 2021 DI Doell forwarded DI Begbie her previous emails to DI Johnston raising concerns about DSS McCarthy's behaviour.
- (f) On 2 June 2022 Supt Hill's notes from DI Doell's Annual Performance Review refer to a discussion about CIB leaders "...who have been doing their best to undermine her".
- (g) On 4 August 2022 DI Doell forwarded Supt Hill the undermining email sent by DSS Verry, immediately after having received it.
- (h) On 16 August 2023 DI Doell raised concerns with DI Begbie regarding her removal from the Northland CIB magnet board by DSS McCarthy.<sup>13</sup> DI Doell stated in her email that the removal was "...a subliminal message to me by Geoff that I am no longer part of the district CIB. Which makes me feel excluded."
- (i) On 2 May 2023 DI Doell had a conversation with the Kia Tū Manager, about culture issues in Northland.
- (j) On 30 June 2023 DI Doell continued correspondence with Insp Sykes-Hurley about culture issues in Northland, including issues she was personally experiencing such as exclusion from discussion regarding rotations. DI Doell states "I do think this needs an external employment investigator." The final email in this exchange confirms that DI Doell expected her matter to be treated separately to another case involving another female officer in Northland CIB.
- (k) From October to November 2023 DI Doell sought to have DSS Verry's February 2023 email investigated (as part of a broader investigation into culture issues in Northland) by Kia Tū.

[265] DI Doell submitted she was not required to raise these concerns by way of formal complaint or in a "formal notifiable way" The test is simply whether the employer was aware of reasonably foreseeable risks to health and safety, and the employer's legal obligation is to take reasonable steps to prevent this harm from occurring.

[266] DI Doell submitted it is enough that she put Police on notice that she experienced bullying and undermining behaviour from colleagues, as this identified the risk of an unsafe work environment. She claimed the fact that some colleagues were lower ranked than her is not a barrier to a bullying claim as “upwards bullying” is included in the WorkSafe definition of bullying.

[267] DI Doell submitted that Police are liable for the harm caused to her not because these were actions were by or on behalf of the Commissioner of Police, but because the Commissioner failed to take reasonable steps to prevent and address the harm to her when she had notified Police of this harm on several occasions (as set out above in paragraph [264] (a) – (k)).

[268] DI Doell submitted the failure of Police to appropriately recognise and address bullying behaviour towards her unfortunately reflects the failure to address the findings of the Independent Police Complaints Authority (IPCA) 2021 review of bullying in New Zealand Police.<sup>9</sup>

[269] DI Doell submitted that although an incident on its own may not be regarded as bullying behaviour, what she suffered was a thousand cuts. Bullying is about intent.

#### *Police submissions*

[270] Police submitted that such events cannot credibly be viewed (or felt) as ‘cuts’ when they are formed out of DI Doell’s own incorrect view of what has occurred.

[271] Police deny that DI Doell has a personal grievance because, even if she can show some disadvantage to her employment (which is denied), a personal grievance claim requires that there has been some unjustifiable action by Police There has been no such action by Police.

[272] As noted above, the Authority has confirmed that bullying behaviour cannot separately be a basis for a personal grievance claim as no such claim ground is contained in s 103 of the Act. In *Piacun v Raukura Hauora o Tainui Trust* the Authority noted in this determination too that there is a key aspect to a grievance claiming that the employer failed to provide a safe workplace, which is that “an employer is only bound to provide a safe workplace in terms of protecting an employee against foreseeable risks

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<sup>9</sup> 2021 Independent Police Complaints Authority (IPCA) Review of Bullying in New Zealand Police Report re “Lack of empathy and caring.

of harm”.<sup>10</sup> Police deny that such risks arose for DI Doell, particularly where she held a senior role in a hierarchical organisation.

[273] Police submitted it is relevant here too that DI Doell did not make a bullying complaint to Police, or sought any investigation of such matters, pertaining to her personally. Police cannot be said to have disadvantaged her, by not addressing concerns that were not notified at the time.

#### *Analysis*

[274] Although the events set out from paragraph [64] (a) to [255] (ab), besides the February email, are out of time for the unjustified disadvantage claim, a number of claims as set out in paragraph [264] (a) - (k) are evidence of a pattern of behaviour by lower ranked officers which DI Doell refers to as bullying.

[275] Emotional or social bullying, such as exclusion, nicknames, emojis, spreading rumours, may seem funny or harmless to the perpetrator, and be less obvious than physical bullying, making it harder to identify for everyone involved.

#### *'Upward bullying' or 'subordinate bullying'.*

[276] Bullying can also happen from staff towards someone more senior, for example a manager and can be from one employee or a group of employees, and is included in the WorkSafe definition of bullying.<sup>11</sup> Examples of upward bullying can include:

- (a) showing continued disrespect
- (b) refusing to complete tasks
- (c) spreading rumours
- (d) constantly undermining someone's authority

[277] Police were aware of a reasonably foreseeable risk to health and safety, when she had notified Police of this harm on several occasions (as set out above in paragraph

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<sup>10</sup> *Piacun v Raukura Hauora o Tainui Trust* [2024] NZERA 46. and 140 at [19].

<sup>11</sup> WorkSafe New Zealand “Preventing and Responding to Workplace Bullying: The Guidelines, February 2014 The Guidelines”, (February 2014) (The Guidelines): first published in February 2014 and updated in March 2017. <https://worksafe.govt.nz/dmsdocument/782-preventing-andresponding-to-bullying-at-work>

[264] (a) – (k)). Police were also aware of their legal obligation to take reasonable steps to prevent harm from occurring.<sup>12</sup>

### *Conclusion on bullying*

[278] Police were aware when appointing DI Doell to the Northland role that she would be facing some challenging cultural issues. I have found that the February 2023 email, when read with the August 2022 email, and viewed together with the inappropriate text messages retrieved from DSS Verry’s phone, the emails were part of a pattern of bullying up behaviour towards DI Doell spanning the period of August 2022 to June 2023.

[279] I also find that Police were aware of a pattern on behaviour of bullying up by DI Doell subordinates, firstly by the August 2022 email, and then by the repeated incidents set out paragraph [264] (a)-(k).

[280] The behaviour was repeated and directed towards DI Doell . DI Doell has given evidence of the harm she suffered. Police were aware of the behaviour and the previous email. DI Doell is successful in her claim that she was upwardly bullied at work by subordinate Police officers.

Workplace bullying is repeated and unreasonable behaviour directed towards a worker or group of workers that can lead to physical or psychological harm.

[281] I also find the DI Doell was the subject of derogatory comments and malicious rumours that were circulating around Northland at the time. The rumours could not be attributed to any individual and although Police were aware of these rumours; and attempt close them down, it seems they only had limited success. DI Doell cannot proceed on these related claims.

[282] DI Doell is a senior Police officer with over 30 years’ experience, and is experienced in criminal investigations, including homicide investigations. She has been described as having a strong leadership and communication skills. She has no adverse performance record, nor formal complaints of bullying ever investigated against her.

[283] However, some police officers found her management style “challenging,” “overbearing” and “being hard to work with”. Supt Hill described her leadership style

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<sup>12</sup> Police Kia Tu Policy and Guidelines

having a ‘bull at the gate’ approach that got people offside and was quite polarising. He stated he spent a significant amount of time coaching her to be more positive in her leadership style.

[284] Although DI Doell claimed that she was continually undermined by the lack of support from her colleagues DI Begbie and DI Johnson, I did not find the evidence supported her allegations. As stated in paragraph [205] to [207] the CIB leadership team was made up of DIs with “strong personalities” who at times did not see eye to eye, leading to a lack of trust between the DIs and a difficult dynamic within the CIB leadership team.

[285] Police did attempt to address these issues with a cultural session and the leadership team worked constructively for a period of time drafting a leadership team charter, but unfortunately issues of trust resurfaced. There is no evidence the Police then sort to address the trust issues within the CIB leadership team.

### **Ongoing breaches and disadvantage after departure from Northland**

[286] DI Doell has claimed for the on-going harm she has experienced after she left her CIB role in Northland and continues to experience. This unjustified disadvantage and/or breach of contractual obligations has included:

- (a) The failure to take appropriate steps to properly and independently investigate and remedy the harm for her arising from DSS Verry’s February 2023 email.
  - (i) This arises from the same factual nexus under which I have already found DI Doell was disadvantaged and amounted to a breach of her employment agreement. The matter will be dealt with under remedies. In regard to any further investigation, this will be an operational matter for Police to decide.
- (b) The failure to undertake any investigation of the workplace culture within Northland CIB, as was reasonably warranted by concerns identified and raised about the workplace culture by both DI Doell, other females within CIB as identified by Mike Rundlett in his wellness reports.

- (i) This is an operational decision for Police to make and does not constitute an unjustified disadvantage or breach of DI Doell's employment agreement.
- (c) The failure to provide any justified explanation to DI Doell as to why no workplace culture investigation into the Northland CIB did not proceed, given the red flags that warranted this. If such an investigation had been conducted when requested in October 2023, it may well have made it tenable for DI Doell to remain and /or return to CIB Northland in early 2024.
  - (i) This is an operational decision for Police to make and does not constitute an unjustified disadvantage or breach of DI Doell's employment agreement.
- (d) DI Doell has not been successful in being placed or appointed into any CIB Auckland, Waitemata or Counties Manukau role despite the vacancies or relief roles available and her skills and experience for these roles. This is significant when considered against the assurances she has been given by Police.
  - (i) This is an operational decision for Police to make and does not constitute an unjustified disadvantage or breach of DI Doell's employment agreement.

### **Special damages for loss of remuneration**

[287] DI Doell has made a claim for special damages associated with her loss of actual and anticipated increase in remuneration, that was likely, but for the breach of contract and/or disadvantage that has occurred. Her claim is made both as special damages for breach of contract and/or under s123(1)(c) for reimbursement of lost remuneration.

[288] Di Doell submitted her career has stalled and since needing to leave the role in Northland CIB she has not been able to obtain a further role in CIB. She states that over that same period, she would reasonably have expected to progress to either a permanent, acting or series of relief roles at Grade 23.

[289] Police deny DI Doell's career progression has been impacted. It is common for senior Police staff to undertake project work in a variety of areas to gain broad

experience for future promotion opportunities. Her secondment to the Fraud Project was to a higher-graded role and her remuneration at that level has been maintained in her current position.

### *Conclusion*

[290] In the circumstances I find DI Doell had not disclosed to Police that she was leaving due to the alleged bullying. Subsequently Police were not given an opportunity to investigate the matter. At the time she did not make any requests for any support she required. She applied for the secondment opportunity and voluntarily moved to Auckland where her daughter was attending school.

[291] DI Doell would not have been able to be promoted within the CIB in Northland because her previous manager DI Begbie still holds his same substantive position as District Manager Criminal Investigations.

[292] The Authority is not able to override those statutory requirements by appointing DI Doell to another vacant position for which other employees are entitled to apply and be considered on the basis of merit. I note she applied for the position of Field Crime Manager in the Financial Crime Group, however, withdrew the day before the interview.

[293] In the circumstances I decline to make an award of special damages.

### **Special damages for legal and transfer costs**

[294] The special damages sought by DI Doell are \$12,000 in total;

- (a) \$2,000 for transfer costs incurred DI Doell in her move from Northland to Auckland.
  - (i) DI Doell moved to Auckland during her first secondment. This was a voluntary move on her behalf and as I such decline to make an award of special damages.
- (b) \$10,000 for legal costs incurred by DI Doell between February and November 2024. These legal costs are not related to the issue or conduct of this proceeding or the mediation but were incurred in relation to the breaches of employment agreement, which would not have had to be incurred but for those breaches. DI

Doell claims her legal costs were incurred in seeking advice about the Verry email and the Police investigation into that email and seeking advice on Privacy Act disclosure and seeking a transfer back into a CIB role.

- (i) Special damages for legal fees are generally awarded only in exceptional circumstances.<sup>13</sup> The Verry email was a significant issue in DI Doell's case and a claim in her legal proceedings, and as such would be appropriately dealt with as part of a costs award under Schedule 3 of the Act. In the circumstances I decline to make an award of special damages.

## **Outcome**

[295] DI Doell was successful with her unjustified disadvantage claim by Police failing to adequately investigate the February 2023 email and failing to take remedial action or provide adequate support to DI Doell in the aftermath of the matter and as such she is entitled to a consideration of the remedies sought. DI Doell was also successful in her claim for a breach of her employment agreement on this issue.

[296] I also found the factual nexus of the disadvantage grievance exemplified bullying up behaviour.

[297] DI Doell was not successful in her other claims of unjustified disadvantage, and breach of employment agreement.

## **Remedies**

### *Reinstatement*

[298] As the role in Northland has been filled DI Doell does not seek reinstatement to Northland CIB. She recognises that this is impracticable for Police.

[299] DI Doell submitted it is practicable to reinstate her to a CIB field crime manager in any vacant role (or relief roles until a vacant role becomes available) across Auckland City, Waitemata or Counties Manukau.

[300] Police submitted reinstatement for a disadvantage grievance can only be to the pre-disadvantage terms and conditions of employment.<sup>14</sup> DI Doell's position at the time

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<sup>13</sup> *Binnie v Pacific Health Ltd* [2002] 1 ERNZ 438 (CA).

<sup>14</sup> *Creedy v Commission of Police* (2011 decision) n 28 at [10].

was field crime manager in Northland at Grade 21. The Authority cannot simply place her in another position, or at another salary grade. That is not 'reinstatement' to a position, but another remedy altogether – which relies on conjecture as to what her career might have been had the alleged disadvantage not occurred.

[301] Police submitted DI Doell's former position as field crime manager in Northland is no longer vacant.

*Conclusion on reinstatement*

[302] After successfully reviewing her non appointment to a role, DI Doell was a candidate to be considered for a role as a Field Crime Manager in the Financial Crime Group, however she withdrew the day before the interview.

[303] I agree with Police that the Authority is not able to override those statutory requirements by appointing DI Doell to another vacant position for which other employees are entitled to apply and be considered.<sup>15</sup>

[304] In the circumstances I decline to make an order for reinstatement.

*Compensation award under s 123(1)(c)(i)*

[305] Having determined DI Doell was unjustifiably disadvantaged she is entitled to an award for compensation for the humiliation, loss of dignity and injury to feelings that she suffered because of Police's unjustified actions.<sup>16</sup>

[306] DI Doell sought compensation in the region of \$50,000 for hurt and humiliation under s 123(1)(c)(i) of the Act. She has given evidence of the emotional and financial impact the case has had on her.

[307] This grievance specifically concerned the effects of bullying and undermining conduct by subordinate Police officers. Police were aware of the behaviour yet failed to adequately investigate the matter and also failed to engage with DI Doell to see what support or redress she may have needed to cope with the matter.

[308] I am satisfied DI Doell experienced hurt and humiliation under section 123(1)(c)(i) of the Act. Having regard to the particular circumstances of this matter DI

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<sup>15</sup> Policing Act 2008, ss 59 and 61.

<sup>16</sup> Employment Relations Act, s 123(1)(c).

Doell is entitled to an award to compensate the hurt and humiliation suffered consequent to the established personal grievance.

[309] In evidence DI Doell said the failure of Police to adequately investigate the February 2023 email and failing to take remedial action or provide adequate support to DI Doell in the aftermath of the matter was incredibly stressful and disappointing. She said this has resulted in significant financial and emotional stress, unsettled her plans for what she expected to be a secure future and this uncertainty has placed a great deal of stress on her family.

[310] It is accepted the impact of unjustified disadvantage has had a profound and negative impact on DI Doell. The Authority is satisfied she experienced harm under each of the heads in section 123(1)(c)(i). She is entitled to an award to compensate the humiliation, loss of dignity and injury to feelings of \$15,000.00.

[311] I find in the circumstances outlined above Police is to pay DI Doell compensation of \$15,000.

*Should the remedy be reduced for blameworthy conduct by DI Doell*

[312] In regard to the finding of unjustified disadvantage, DI Doell did not act in a blameworthy or culpable manner. Therefore, there is no established evidence of contribution. And no reduction in remedy.

### **Damages**

[313] An alternative claim was brought by DI Doell for breach of contract by Police. For the reasons given above this is effectively made out. However, the unjustified disadvantage claim is the most appropriate way of assessing the situation, and having found that claim established, remedies flow from it under the Act. DI Doell also accepted that a successful grievance claim would preclude discreet awards for breach of contract.

### **Recommendations sought**

[314] Where the Authority is satisfied that any workplace conduct, or practices are a significant factor in the personal grievance, the Authority is empowered under s123(1)(ca) to make recommendations to an employer concerning action they should take to prevent similar employment relationship problems occurring.

- (a) DI Doell seeks a recommendation that DI Doell be provided with the opportunity to be appointed to any vacant role as Detective Inspector within the CIB Tāmaki Makaurau and be given preference for that role. This is recommended to recognise the harm caused DI Doell by for the loss of her detective inspector, CIB field crime manager role in Northland, as a result of bullying and breaches of employment obligations owed to her, which lead to her leaving the Northland role.

I decline to make this recommendation. The Authority is not able to override those statutory requirements by appointing DI Doell to another vacant position for which other employees are entitled to apply and be considered on merit.<sup>17</sup>

- (b) As a public service organisation Police take steps to improve the process by which it deals with misconduct allegations, which better involve direct line managers, human resources professionals and the complainant or victim in the process.

I decline to make this recommendation as Police have a dedicated ER team who will be very aware of their obligations under the Act.

- (c) Police ensure it implements a dedicated anti bullying and harassment policy and deliver a training programme for Police employees and line managers, to ensure better prevention and response to bullying and harassment in the workplace.

I decline to make this recommendation as Police have a policy titled Unacceptable behaviour – Kia Tū policy and guidelines on the Police intranet.

### **Summary of orders**

[315] Police are ordered, within 28 days of the date of this determination, to make payment to DI Doell \$15,000 as compensation for hurt, humiliation and injury to feelings.<sup>18</sup>

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<sup>17</sup> Policing Act, ss 59 and 61.

<sup>18</sup> Employment Relations Act, s 123(1)(c).

## **Costs**

[316] Costs are reserved. The parties are encouraged to resolve any issue of costs between themselves.

[317] If they are not able to do so and an Authority determination on costs is needed a party may lodge, and then should serve, a memorandum on costs within 14 days of the date of issue of the written determination in this matter. From the date of service of that memorandum the other party would then have 14 days to lodge any reply memorandum. Costs will not be considered outside this timetable unless prior leave to do so is sought and granted.

[318] The parties could expect the Authority to determine costs, if asked to do so, on its usual notional daily rate unless particular circumstances or factors required an upward or downward adjustment of that tariff.<sup>19</sup>

Andrew Gane  
Member of the Employment Relations Authority

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<sup>19</sup> See [www.era.govt.nz/determinations/awarding-costs-remedies](http://www.era.govt.nz/determinations/awarding-costs-remedies).