



SITREP 42/13

Retained strike teams and Clause 29 - update

Following last week's SITREP the Union met with the Department and while we didn't reach full agreement, we did make enough progress that most members should now have their claims paid. The single largest question is if you were working under the Award's Clause 29 Major Emergency provisions.

If you:

- responded to multiple calls including, but not exclusively for, the bushfire emergency and/or
- did not form part of a Strike Team established specifically for the bushfire emergency, and/or
- were not accommodated by FRNSW overnight;

then you were **not** working under Clause 29. You should claim and be paid continuously from the time you signed on at your station through until the time you signed off at your station. If this time exceeded 10 hours then overtime rates apply - time and a half for the first two hours (ie, hours 11 and 12) and double time after that (ie, for any and all time after 12 hours).

If you:

- were contacted in advance for the purposes of forming a Strike Team or attending the bushfire emergency, and/or
- were told to expect to be away from home overnight and to bring a change of clothes etc, and/or
- were marshalled in an area organised by FRNSW before deployment to the bushfires, and/or
- were specifically told you were being deployed in accordance with Clause 29; and/or
- were accommodated by FRNSW overnight;

then you were probably (see final paragraph) working under Clause 29. Members working under Clause 29 are not entitled to overtime but instead receive guaranteed minimum payments for each 24 hour period worked, and should claim and be paid as follows:

First Day: Members should claim the total time from signing on at their station until midnight that night.

Subsequent Days: For each subsequent full day (ie. 0000 Hrs to 2400 Hrs), members should claim the total hours they worked provided that they should ensure that they claim a minimum of 16 hours per day. Members are also entitled to a minimum of 8 hours continuous down-time between each 16 hour work period. Any period of down time less than 8 hours is considered to be continuous work, in which case you should claim continuous payment through until the point where you 8 hours of continuous down-time commenced. For example, if you worked on your 2nd day from 0700 Hrs through until 2300 Hrs (16 hours) but then recommenced work at 0600 Hrs on the 3rd day (only a 7 hour break) and then worked through until 2200 Hrs (another 16 hours), then you are entitled to the full 39 hours' pay.

Final Day: On the final day (or the 2nd day, if only accommodated for one night), members should claim the total time from 0000 Hrs up until the time they signed off at their own station.

Accommodation: Members working under Clause 29 are also entitled to be provided with suitable overnight accommodation, which is to be accommodation of at least 3 star/3 diamond standard. It is certainly not a bunk in an open hall or basketball court shared with 200 others, or sleeping in an FRNSW appliance. It appears that most retained members were not provided with suitable accommodation, and should therefore also claim and be paid the Award's subclause 20.3.1 allowance of \$301.85 per night.

Members who remain unsure if they were working under Clause 29, or who claim as per this advice and have their claims rejected or questioned, should contact the Union for further advice and assistance.



SITREP 42/13

Good governance - update

Further to SITREP 40/2013, the FBEU is confident in its financial probity but there is always room for improvement. Consequently this week the State Committee undertook governance training provided by the ACTU. This training is not compulsory for officials of state registered unions like the FBEU, but on the principle that you can't have too much of a good thing we undertook it regardless. It was gratifying to note that the checks and balances this State Committee has introduced over the last four years mean that our internal systems now match what the ACTU considers best practice.

Members are advised that the Union's accounts for the year ended 30 June 2013 are now available on line.

WHS is union business

Safety in our job has always started and finished with the Union. The Department's new "Work health and safety consultation and communication procedure" published in today's Commissioner's Orders was not entirely agreed to, being little changed from the proposals first put to us over a year ago. The result is little more than the bare minimum required under the WHS Act, which was largely written for industries and workplaces with low or no union presence. Thankfully, that is not the case in our job.

The Department's new WHS policy has two primary aims - to be as cheap as possible and to avoid any role for the Union. The reality is that every FBEU delegate or official is a health and safety rep and, Departmental policy or not, the Union can and will continue to act on workplace health and safety. If you have a safety concern then by all means let your HSR know, but let the Union know as well. Those members who went before us fought for and won better PPE, appliances, station amenities, and most importantly, safe and effective minimum crewing and we, united, remain best placed to defend them.

Mental Health Policy stuck in the '80's

October's Mental Health Month should have been an opportunity for the Department and the Union to tackle the issue of mental health in a meaningful way. Instead, the Department's new "Mental Health Policy" (also published in today's Commissioner's Orders) confirms a guarantee of external referral and little more, taking the employer's approach to mental health support barely beyond the 1980's when the EAP was first established by agreement between the FBEU and the-then Board of Fire Commissioners.

What mental illnesses might render a member unfit for duty? What if a member is taking medication for a mental health condition? What if a member's misconduct or work performance is the result of a mental health issue? The Union has been asking the Department these questions, and more, for over 12 months.

The Union applauds the work of members of all ranks who support their comrades, including through the Critical Incident Support and Peer Support programs, but it should not be left to them alone. Similarly, members should not be left in the dark about what might happen if the Department becomes aware of a mental health issue. We need a sophisticated, researched, modern and well-funded approach to mental health support and care within our industry. Today's policy falls well short of that.

Jim Casey
State Secretary

Friday 1 November 2013