

**Before the Industrial Relations Commission
of New South Wales**

Matter No. IRC 134 of 2013

Re: Crown Employees (Fire and Rescue NSW Retained Firefighting Staff) Award 2013

Applicant

Fire Brigade Employees' Union of New South Wales

Respondent

Fire and Rescue NSW

**Outline of Submissions in response to
Fire and Rescue NSW document filed 4 December 2013**

1 Introduction

- [1.1] The following outline of submissions responds to the Department's proposal filed on 4 December for the purposes of conciliation and, having considered those submissions, the progress of extended negotiations and conciliation throughout 2013 and additional information from the United Kingdom, includes a revised Union proposal at section 6.
- [1.2] These submissions only deal with the central question of availability and attendance, as has been the subject of the aforementioned conciliation. They do not go to the outstanding matters contained in the Union's application which should be subject to a separate conciliation process, and in the event of arbitration, separate submissions.
- [1.3] The Union notes the recent elevation of the Department's proposal to a "Guaranteed Availability Model". Previous discussions between the parties had concerned only declared availability, which is considerably different to guaranteed availability. The Department's submissions remain conspicuous in their absence of any indication of the measures that might be taken to enforce such a guarantee, thereby rendering its position incomplete and impossible to properly consider.
- [1.4] Moreover, the Commission in previous proceedings indicated that the Department's proposal of 4 December would form the basis of the further conciliation set down for 4 February 2014. With the benefit of further information, review and analysis, the Union is now firmly opposed to this approach. The Department's model is so radically different to the

current arrangement, and so grossly unfair to the majority of the retained workforce, that it cannot be reasonably entertained.

- [1.5] As the examples set out in these submissions show, the alterations proposed by the Department would, if adopted without alteration, lead to a real reduction in the wages and conditions of a substantial number of retained firefighters - all other things being equal. In other words, as the modelling stands, existing conditions of employment and total remuneration will be reduced without any compensating improvements. In other words, many retained firefighters stand to suffer a real loss of income. This result is surely antithetical to any accepted system of productivity based wage bargaining which is (or should be) designed to provide pay increases for productivity gains. There should be a net benefit to all the affected employees - not a simple transfer of benefits from one sub-group within the workforce to another.

2 Background

- [2.1] Except as stated otherwise at paragraphs 2.2, 2.3 and 2.4 below, the Union agrees with the Department's overview of the current FRNSW retained system as provided under the "Background" heading on Page 1 of its submissions of 4 December.
- [2.2] The Department's assertion that "there are no fixed attendance or availability conditions set in connection with the payment of Retainer, which is paid regardless of whether the Retained Firefighter attends any calls within that period" is only partly correct. While there is no availability requirement, there is a requirement to attend a fixed percentage of calls over a fixed period which, if not met, may lead to termination of employment and, it follows, loss of the retainer. Nevertheless, the Union is supportive of the amendment of the award so as to make the connection between the retainer and attendance clear.
- [2.3] The Department's assertion that standby costs are "incurred when existing Retained Firefighters at the Station do not indicate their availability in sufficient numbers to staff the vehicle to its minimum number" is not correct. This suggests that the working of standbys or overtime is the default position of the employer in the event of unconfirmed availability of minimum staff, however Retained Firefighters are not required to confirm their availability and so the reality is that most do not. It follows that the opposite in fact applies - standbys are, generally speaking, only authorised where staff have confirmed that they will *not* be available, and then only when the employer has decided that it cannot take the station or appliance in question offline (TOL).

[2.4] The retained system has always operated on a “non-restricted” response protocol whereby all of the brigades’ retained firefighters are alerted to each call, even if not all of those firefighters would be required to handle that call. This notional over-response is not simply a hangover from a bygone era when the only means by which the brigade’s retained firefighters could be alerted was by the sounding of siren, it remains a deliberate mechanism to attempt to ensure that a safe and effective minimum number of firefighters respond to each call and reflects the non-obligation of individual members to do so.

3 UK Retained Duty System

[3.1] A relevant and useful point of comparison for consideration of the NSW retained system is to be found in the retained system which operates in the UK. Both systems operate along strikingly similar lines and in similar circumstances, with both services’ operating predominantly wholetime/permanent firefighting staff in larger urban centres and retained firefighting staff in smaller or more rural locations. Finding the right organisational and industrial balance between the two firefighter groups is a challenge common to the employers and unions alike in both jurisdictions, making the UK experience directly relevant to this matter.

[3.2] The UK retainers are provided in compensation for defined periods of “cover” of up to 120 hours per week, during which at least 70% of all calls must be attended. The NSW retainers are essentially the same, save that the attendance requirements are set lower at either 50% or 33% of all calls over the preceding 6 months. Both retainers therefore share a common connection to attendance, but not availability (ie, the UK retainer also requires up to 120 hours per week of declared availability and the NSW retainer does not).

[3.3] UK fire services established wage parity between wholetime (permanent) and retained firefighters in 2003, with “full” retainers being set at 10% of the annual wage of the equivalent wholetime classification and the alignment of hourly wage rates. By contrast, while the FRNSW Retained Firefighter A’s hourly wage rate of \$29.69 is almost perfectly aligned with the Permanent Firefighter Level 1’s hourly wage rate of \$29.53, the Retained Firefighter A’s retainer of \$1,547 pa is only 2.39% of the permanent Level 1’s annual wage of \$64,713. The NSW retainers are therefore grossly undervalued by comparison with both their retained counterparts in the UK, and with permanent firefighter wages here in NSW.

[3.4] Retained Firefighters in the UK are currently paid a 3-tiered “full” (100%) retainer, as follows:

Trainee	£2,158 per annum
Development	£2,248 per annum

Competent £2,877 per annum

As in NSW, there are separate, higher retainers for the higher retained ranks.

Firefighters providing cover for periods of less than 120 hours per week are paid 75% of the full retainer. Time taken for annual leave, sick leave, training courses and Trade Union duties are credited as part of the 120 hours cover. When employers are calculating the percentage of fires attended, they count only those hours in the week that the firefighter was available, not the total number of calls received by the station.

- [3.5] For all other duties, including response to and attendance at incidents and drills, UK retained firefighters are paid (like NSW retained firefighters) an hourly rate, as follows:

Trainee	£9.86
Development	£10.27
Competent	£13.14

Again, there are separate and higher hourly rates of pay for the higher retained ranks.

- [3.6] Where the UK's hourly payments differ somewhat from NSW is the "attendance fee", which is payable when a Retained Firefighter responds to a call at the Fire Station but is not required as a member of the crew of an appliance attending the incident. The "attendance fee" is calculated on a half hour's pay, or 50% of the rates provided above. A "disturbance fee" of £3.78 is also payable for each response to the station.

- [3.7] In the UK, as in NSW, the remuneration available is the dominant factor in retained recruitment and retention, and fire service employers in both jurisdictions continue to experience difficulty in both regards. Also common to both jurisdictions is an ongoing difficulty with retained firefighter availability and attendance, and this has been the subject of extensive investigation and review in the UK in recent years. Attached at Appendix A is one such review, which demonstrates that most if not all of the problems experienced in NSW are also present in the UK.

4 Problems with the current system

- [4.1] The Department's submissions on page 2 with regard to problems with the current system focus on the current non-requirement of retained firefighters to be available or to respond to particular calls, but these are not new issues. The current retained system has served FRNSW, its retained firefighters and the people of NSW well for over 50 years. Availability and attendance are also not the sole problems facing the retained system, with recruitment and retention being equally problematic if not more so. Injudicious reform of the current

arrangements would only exacerbate these other concerns, which are themselves part-drivers of any availability problem.

- [4.2] While the Department's submissions paint a picture of universal crisis, the reality is that the problems being experienced are neither uniform nor universal. Most retained brigades are happily operating with no such problems, leading many retained firefighters to question why the Department and the Union are considering any sort of change at all. Where problems do exist, they are often significantly different from one station to the next.
- [4.3] The absence of any obligation to declare availability or attend a particular incident is a long-standing characteristic of the retained system that is reflected in the modest retainers and hourly rates provided. But this is not, in and of itself, a "problem". The problem, if and where it does exist, is that the employer does not currently enjoy the 100% certainty of availability and attendance that it would like.
- [4.4] It is both unreasonable and unrealistic to expect 100% attendance from an off-site, on-call workforce – something that the UK employers have recognised by having only a 70% attendance requirement during periods of declared availability. There are any number of unexpected events or obligations that can arise to prevent even the most committed and well meaning retained firefighter attending to a call. If a fire service employer either here in NSW or in the UK wants to guarantee 100% attendance then they may attach a permanent firefighter to that station and pay the \$30 per hour cost required for that certainty.
- [4.5] The additional problem referred to by the Department whereby standby or overtime staff are arranged for a retained brigade only for that brigade's retained firefighters to then respond to a call after having declared their non-availability is rare and isolated. In any event, this should no longer be a problem because the parties have previously agreed in-principle to the non-response of such firefighters whilst ever a standby or overtime is being worked at their station.
- [4.6] The additional problem referred to by the Department whereby the retained firefighters who live or work furthest from the station often receive higher payments by virtue of the current kilometre payments is a non-issue because both parties are proposing to discontinue these payments.
- [4.7] The additional alleged problem of the absence of a "cut-off time" for payment for attending an incident has nothing to do with the issues of availability and/or attendance, and is understood to be effectively managed at a local level in any event.

5 Problems with the Department's model

- [5.1] The Department claims to seek "that availability be rewarded" but is in fact seeking that availability be required for no reward.
- [5.2] The parties agree that there is presently no requirement for a retained employee to declare their availability so this would not be an extension or strengthening of an existing obligation, but rather a significant new obligation on retained firefighters. According to the Department's own submissions, a Retained Firefighter would need to be rostered on and available for guaranteed response for at least 30 hours of every week simply to "break even" with their current retainer and Retained Telephone Alert System (RTAS) payments, for which no rostering or commitment is required.
- [5.3] The Department is also clear that its proposal is entirely cost neutral and would be almost wholly funded by the cessation of numerous existing employee entitlements, so there would in fact be no reward for this additional burden on an organisational level. Rather, the Department is seeking to extract over 10 million hours per year of guaranteed, rostered availability from its retained workforce and expecting those workers to fund the associated \$13 million annual cost of this from their own existing wages.
- [5.4] The Department's proposal allows only the bare minimum number of retained firefighters required to safely and effectively crew each brigade's appliances to receive the hourly availability payment. The Union has already discussed at paragraph 4.4 how and why it is unrealistic to expect retained firefighters to offer 100% guaranteed availability, and at paragraph 2.4 why it is necessary to alert more than the minimum number of staff required when a call is received. The Department's model would continue to require the alerting and response of all retained firefighters, but its removal of the current retainers would deny recognition of or reward for those who were not in receipt of the availability allowance but nonetheless available to attend. This is contrary to the claimed intention to reward availability discussed at paragraph 5.1.
- [5.5] The Department's proposal impacts disproportionately upon Captains and Deputy Captains, who currently both receive higher retainers which would be removed to fund the common "availability allowance". As a result, and according to the Department's own submissions at page 5, Deputy Captains would need to commit to 18 more hours per week (and 936 more hours per year) than a Retained Firefighter in order to "break even", or return to a level of pay equivalent to their current retainer. For Captains the figure offered is even higher at 22 additional hours per week and 1,144 additional hours per year.

[5.6] The Department attempts to explain this inequity away on page 6 by arguing that “Captains and Deputies are employed for additional hours of work at their ‘incident hourly rate’ to perform ‘authorised duties’ much more so than regular Retained Firefighters”, and that they “can also be on the availability roster at the same time as they are performing authorised duties at their personal hourly rate”. This explanation ignores the probity issues associated with self-allocation of these authorised duties hours, the equity issues associated with expectation that authorised duties “will be allocated in an equitable and efficient manner amongst [all] interested staff”, and the fact that these duties are expressly limited to between 40 and 50 hours per month for all duties and all staff, of which at least 6 hours will be taken for engine keeper duties. It follows that even if these concerns are all dismissed and the total monthly allocation is completely taken by the Captain and Deputy to the disadvantage of all other station staff, then there would still be only 22 hours or less per month of authorised duties available to them, or less than a quarter of the hours required to “break even”.

[5.7] The Department’s attempt to justify its proposed compulsory rostering of retained firefighters for a guaranteed minimum of at least 12 hours per week on the grounds that they may not earn anything otherwise, and may therefore be unable to pay their compulsory D&D employee contributions and/or their Union dues for that fortnight, is as novel as it is perverse. Here the Department is manufacturing a problem that does not currently exist (ie, the possibility of non-payment in any given fortnight) in order to justify the remedy (ie, the compulsion to declare at least 12 hours of guaranteed availability per week). Needless to say it is much simpler to not create the problem in the first place by allowing for the continued payment of the fortnightly retainer.

Kilometres

[5.8] The Department proposes the removal or reduction of four existing payments in order to fund its proposed “availability allowance”, namely the removal of the fortnightly retainers, RTAS allowance and kilometre payments, and the halving of the Standby rate. While the Union does not agree to any of these proposals, it does acknowledge that it is possible to remove or adjust three of these - the removal of the fortnightly retainers and RTAS allowance and the halving of the Standby rate - without disproportionate impact across the retained workforce. The kilometre payments are the exception.

[5.9] The essential difference between the kilometre payments and the other three is that the former is directly dependent upon the activity levels of a retained firefighter’s own brigade and the other three are not.

- [5.10] While the effort required to provide availability 24/7 is, generally speaking, the same for a brigade attending 50 calls per year as it is for a brigade attending 500, the effort required to attend the same percentage of calls is not. Assuming an average attendance rate by an individual retained firefighter of 60% of all of their station's calls then it is the difference between 1 and 11 calls every fortnight. For example, a firefighter at Molong Fire Brigade (which received 58 calls in 2011/2012) would attend 34.8 calls in the year whereas a firefighter at Campbelltown (which received 1706 calls for the same period) would attend 1023. If both firefighters lived 3km from their station then it is also a difference in kilometre payments of \$245.94 per year versus \$6,935.94. While this is a somewhat extreme example, it nonetheless demonstrates why the kilometre payments cannot be used to fund a universal availability payment without disadvantaging higher call rate firefighters and brigades.
- [5.11] Modelling and further analysis at Appendix B demonstrates this in more detail, but most if not all retained firefighters at higher-call rate stations would find themselves earning less for considerably more commitment (a double-edged wage cut) under the Department's model.
- [5.12] Further to paragraph 4.5, the Union proposes the replacement of the current incident kilometre payments with a new, flat "disturbance allowance" to be payable to each retained employee for every response to their station. The precise value of this allowance can be confirmed in due course upon provision of the necessary information by the Department, but based on the total number of responses for each station and the average number of firefighters attending each of those calls then the purpose of these submissions, the Union proposes a disturbance allowance of \$7.91 per incident (7km x \$1.13 per km) on the understanding that the new allowance would be cost-neutral.
- [5.13] While the Union's disturbance allowance would still impact upon retained employees who lived further than the costed average distance (set here at 3.5km) from their station, its continued connection to each retained firefighter's personal attendance rates would limit that impact. Beyond addressing any concerns and complaints over the current kilometre payments, a universal disturbance allowance also offers:
- greater administrative ease and simplicity;
 - greater incentive and reward for the majority of employees who reside closer than the costed average distance to the station; and
 - reduced incentive for delayed responses from those who reside significantly further than costed average distance from the station.

[5.14] The Department is clear that its proposal requires guaranteed attendance by the recipient of the availability allowance, but it remains entirely silent on its proposed consequences for the firefighter who subsequently fails to do so. All we know at present is that the Department considers the Union's previous position on this pivotal question to be "too weak". It is impossible for either the Union or the Commission to properly consider and comment upon the Department's proposal whilst ever it remains incomplete and the Union necessarily reserves its position in this regard.

Retained Firefighter Summit

[5.15] The Department has purportedly developed its proposal on the basis of the 'findings' of a Retained Firefighter Summit held in November 2011. The Union understands that of some 200 summit participants, less than one quarter were actually retained firefighters and that there was no consensus reached on the supposed recommendations as published (and certainly no vote taken). Recommendations 13 and 27 should be dismissed as nothing more than management's ambitions rather than the genuine view of retained firefighters.

6 The Union's proposed retainers

[6.1] It is proposed, firstly, to simplify the retained classification structure by replacing the fourteen current classifications/retainers:

Captain A
CFR Captain A
Captain B
CFR Captain B
Deputy Captain A
CFR Deputy Captain A
Deputy Captain B
CFR Deputy Captain B
Firefighter A
CFR Firefighter A
Firefighter B
CFR Firefighter B
Firefighter C
CFR Firefighter C

with six classifications/retainers:

Captain
CFR Captain
Deputy Captain
CFR Deputy Captain
Firefighter
CFR Firefighter

- [6.2] Secondly, it is proposed to change and expand the current retainers from the existing two-speed arrangement whereby a retained firefighter must, for a single retainer payment, attend either:
- 33% of all of their station's calls within a six month period;
 - or
 - 50% of all of their station's night and weekend calls within a six month period;
- to a more flexible and effective arrangement whereby a retained firefighter's attendance must attend:
- 33% of all of their station's calls within a six month period;
 - and
 - 80% of all of their station's calls during periods of declared availability within each fortnight.
- [6.3] Each retainer would provide a 100%, 75% and 50% rate based on the number of hours of declared availability to be offered each week. Subject to the weekday exception discussed at paragraph 6.5, the 100% retainer would be payable for 96 hours per week of declared availability, the 75% retainer for 72 hours and the 50% retainer for 48 hours. There would be a further base rate of 25% (24 hours) for the Firefighter classification, and 37.5% (36 hours) for the Captain and Deputy Captain classifications.
- [6.4] All existing retained employees would commence on the base retainers and could not and would not move to a higher percentage retainer unless (a) the Department decided to offer a higher percentage retainer to one or more staff at that brigade and subsequently invited staff to apply for that higher retainer post; and (b) the employee applied and was selected for the higher percentage retainer by way of a merit-based selection process. A firefighter who was appointed to a higher percentage retainer could request to return to their previous retainer with one fortnight's written notice.
- [6.5] An exception to the hours of declared availability required would apply in the case of a firefighter who was appointed to a "Weekday Retainer", which would provide the 100% retainer for 50 hours, the 75% retainer for 40 hours and the 50% retainer for 30 hours per week provided that all such hours were between 0600 and 1800 hours, Monday to Friday.
- [6.6] In all instances (ie, Regular or Weekday retainers), the day(s) and time(s) of periods of declared availability would be decided by the firefighter in consultation with their Captain and other station members and would be confirmed by the firefighter utilising a yet to be agreed IT solution/software tool that would be used by all station staff to monitor and declare availability on both a projected and real-time basis.

Rates

[6.7] The 100% retainers would each be fixed at 10% of the annual rate of pay of the corresponding permanent firefighter classification, as follows:

Firefighter CFR Firefighter (Permanent FL1)	Regular Retainers			
	25%	24 hours per week	\$31.78 per week	\$1,658.31 per annum
	50%	48 hours per week	\$63.56 per week	\$3,316.61 per annum
	75%	72 hours per week	\$95.34 per week	\$4,974.92 per annum
	100%	96 hours per week	\$127.13 per week	\$6,633.22 per annum
	Weekday Retainers			
	50%	30 hours per week	\$63.56 per week	\$3,316.61 per annum
	75%	40 hours per week	\$95.34 per week	\$4,974.92 per annum
	100%	50 hours per week	\$127.13 per week	\$6,633.22 per annum

Deputy Captain CFR Deputy Captain (Permanent QF)	Regular Retainers			
	25%	24 hours per week	\$52.97 per week	\$2,763.83 per annum
	50%	48 hours per week	\$70.63 per week	\$3,685.11 per annum
	75%	72 hours per week	\$105.94 per week	\$5,527.66 per annum
	100%	96 hours per week	\$141.25 per week	\$7,370.22 per annum
	Weekday Retainers			
	50%	30 hours per week	\$70.63 per week	\$3,685.11 per annum
	75%	40 hours per week	\$105.94 per week	\$5,527.66 per annum
	100%	50 hours per week	\$141.25 per week	\$7,370.22 per annum

Captain CFR Captain (Permanent LF)	Regular Retainers			
	25%	24 hours per week	\$59.32 per week	\$3,095.46 per annum
	50%	48 hours per week	\$79.10 per week	\$4,127.28 per annum
	75%	72 hours per week	\$118.65 per week	\$6,190.92 per annum
	100%	96 hours per week	\$158.20 per week	\$8,254.56 per annum
	Weekday Retainers			
	50%	30 hours per week	\$79.10 per week	\$4,127.28 per annum
	75%	40 hours per week	\$118.65 per week	\$6,190.92 per annum
	100%	50 hours per week	\$158.20 per week	\$8,254.56 per annum

[6.8] The hourly rates of pay of the non-CFR classifications would also be fixed at 1/42nd of the Total Weekly Rate of pay of the corresponding permanent firefighter classification, with the CFR classifications being those amounts plus 7%, as follows:

Firefighter	\$30.27 per hour
CFR Firefighter	\$32.39 per hour
Deputy Captain	\$33.63 per hour
CFR Deputy Captain	\$35.98 per hour
Captain	\$37.67 per hour
CFR Captain	\$40.31 per hour

7 Explanation of, and rationale for, the Union's retainers

- [7.1] The consolidation of the 14 retainers to six is proposed primarily for administrative ease and simplicity given that left undisturbed, the four different percentage levels within each retainer would require twice as many as retainer amounts/codes (ie, 24 rather than the proposed 12). This does of course also result in wage increase for the current and future occupants of the transitional B and C level retainers, however this is both affordable and appropriate given that:
- the training originally intended for each progression has never been delivered and such training as does occur is all now completed within the first 12 months of employment; and
 - there are numerous instances of the Department failing to automatically progress employees upon the completion of 12 months' service; and
 - the recurrent cost to do so is only \$800K pa.
- [7.2] The proposed introduction of a requirement to attend 80% of all of their station's calls during periods of declared availability is a significant concession from the Union that will afford the Department some certainty around each firefighter's availability, albeit for only 24 hours of each week at the base retainer rate. This would not only for the first time require retained employees to actually declare their availability, it would also raise the attendance requirement during that period significantly higher (up to 80% from 33%) and further, reduce the period over which this attendance is averaged from the current six months to only two weeks. The 80% and two week attendance arrangement has been deliberately set higher than the UK system's 70% and 17 weeks in the interest of greater efficacy.
- [7.3] The higher 37.5% base retainer proposed for Captains and Deputy Captains is, to be frank, a construct to both avoid a loss of retainer for either classification and to align them at 10% of annual wage of the permanent Leading Firefighter and Qualified Firefighter ranks respectively, however as the mid-point between 25% and 50% this is also considered acceptable given the greater commitment and leadership that could arguably be expected of these ranks.

- [7.4] Further to and consistent with both paragraph 7.3 and the UK system, the Firefighter retainer has been aligned at 10% of the annual wage of the permanent Firefighter Level 1 rank. The FL1, QF and LF ranks are appropriate comparators, in terms of both competencies and organisational standing, for the Retained Firefighter, Deputy Captain and Captain ranks respectively. The hourly rates have also been re-set to align with the Total Weekly Rate of pay of each of those ranks, divided by 42.
- [7.5] While the 24 hours required of each Firefighter would be nominated by the firefighter, and would therefore be of less utility to the Department than a management-determined roster, the Department could extend its availability “reach” by offering a higher percentage retainer to one or more of the station’s staff. Or not. This would remain at the Department’s discretion. The system as proposed is intentionally geared to allow management to set its retainers in accordance with local needs.
- [7.6] The proposed introduction of a second “Weekday Retainer” would allow the Department further control and precision over the availability hours, which could only be declared between 0600 and 1800 hours Monday to Friday – the period that managers both in the UK and FRNSW concede are the most difficult to cover.

8 The Union’s proposal versus the Department’s

- [8.1] The Department’s proposal is costed at \$13M (approx.), \$10.7M of which it proposes to fund entirely from current employee entitlements. The remaining \$2.3M, on which the parties are essentially agreed, is to come from projected savings in Standby duties that would no longer be required.

By comparison, the Union’s proposal is costed at \$1.15M (approx.), \$800K pa of which is the cost of the consolidation and realignment of the retainers and \$350K pa of which is the cost of the realigned hourly wage rates. The Union’s figures include a 9.25% increase in employer superannuation contributions.

- [8.2] The Department’s proposal to remove retainers and RTAS payments would cause instant and ongoing wage cuts for many if not most employees. The Union’s proposal will not.
- [8.3] The Department’s proposal to remove kilometre payments would address current inequities but create new ones by delivering wage cuts and skewing the disadvantage towards the busier brigades’ employees. The Union’s proposal will reframe kilometre payments, address current inequities and not disadvantage the busier brigades.

- [8.4] The Department's proposal to halve the award Standby rate would do nothing to improve availability, cause friction between permanent and retained staff and crudely cut the wages of retained employees who perform these duties, all for no other reason than to help fund its availability allowance. The Union's proposal is not dependent on those savings and maintains the current Standby rate.
- [8.5] The Department's proposal is a blunt, imprecise "one size fits all" instrument, whether there is an existing problem or not. The Union's proposal is flexible and targeted, allowing the Department and individual firefighters to offer and accept increased availability when and where required.
- [8.6] The Department's proposal requires the precise identification of the appliances and minimum staffing at each station, and is therefore both more complex and open to greater disputation. The Union's proposal does not, and therefore is not.
- [8.7] The Department's proposal is deeply resented by the workforce and would result in resignations and likely wildcat industrial action (ie, mass non-availability). The Union's comparatively gradualist approach will not.
- [8.8] The Department's proposal would force employees to respond when rostered. The Union's proposal does not, relying instead on a more realistic 80% attendance requirement.
- [8.9] The Department's proposal remains incomplete and secretive. The Union's proposal is comprehensive and fully disclosed.
- [8.10] The Department's proposal would remove all recognition of, and compensation for, the Deputy Captain rank. The Union's proposal preserves the Deputy Captain retainer and introduces a new, higher hourly rate for this rank.
- [8.11] The Department's proposal offers little if any hope of a real solution to FRNSW's daytime availability problems. The Union's proposal, and its "Weekday Retainer" in particular, does.
- [8.12] The Department's proposal provides a capacity for management to force retained employees to declare availability for a set time and period (ie, forced rostering). The Union's proposal does not.
- [8.13] The Department's proposal would lead to disunity and friction within brigades given the inherent need for station staff to compete with each other on an ongoing basis for

availability hours, and pay. The Union's proposal does not

[8.14] The Department's proposal would be a radical revolution of the retained system. The Union's proposal is a logical and considered evolution of the current system.

[8.15] The Department's proposal would provide no reward for declared availability, relying instead on cuts to existing employee payments to fund its new allowance. The Union's proposal provides the possibility of greater reward for greater availability, if offered by the employer.

[8.16] The Department's proposal has no precedent. The Union's proposal does.