



14 July 2015

Mr. Jim Smith AFSM  
Acting Commissioner  
Fire and Rescue NSW  
PO Box A249  
SYDNEY SOUTH NSW 1232

Dear Mr Smith,

**Re: Firefighters' Health and Fitness Program**

The Union writes following the latest health and fitness program meeting between the parties on 2 July 2015. A number of threshold issues were discussed, the most significant of which was the Union's proposal for a two-stage approach to implementation from hereon.

The proposed first stage would see all firefighters being required to attend their nominated medical practitioner period for the health screen detailed in the D&D Award's Annexure A. Those results would then be sent to the agreed independent third party (only) who would collate and provide the workforce data to both the Union and the Department. There would be no assessment of fitness for duty, and health concerns would continue to be managed through the current mechanism.

At the same time, all station crews would be encouraged (but not required) to conduct their own PAT test using their pumper's equipment rather than the simulation kit provided by Health and Safety. Crews would assess their own capacity to complete the tasks and then report whether they had "met" or were "working towards" the fitness benchmark set by the PAT. The Union considers it crucial that this reporting be both voluntary and anonymous in order to ensure maximum participation and robust results.

While this first stage was underway the parties would continue negotiations with a view to resolving the outstanding issues, as identified by the Union and summarised here below, before the second stage (ie, full implementation) commenced:

1. Determining what the Department and its employees are legally required to do (as opposed to what management might like to do) insofar as employees' health and fitness is concerned.
2. Determining the value of the projected employee-related cost savings from a health and fitness program (eg, reductions in workers compensation expenses, injuries, sick leave and medical retirements, etc.);
3. Determining how the projected employee-related cost savings at 2 would be measured and monitored, and the extent to which those employee-related cost savings would be shared with firefighters;
4. Determining the frequency of the scheduled health and fitness checks and confirming whether or not an age-based schedule is discriminatory at law;

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5. Determining the implications (if any) of a health and fitness program for working with other emergency service workers on common incident grounds, having regard to the NSW Government's health and safety obligations as an employer;
6. Determining the purpose and delivery of the Physical Aptitude Test, and the consequences (if any) of a firefighter's inability to meet the PAT benchmark;
7. Determining the infrastructure, support, education and, if appropriate, additional payment necessary for the health and fitness program;
8. Determining whether the D&D Award should operate on the basis of rigid health standards or more flexible health guidelines;
9. Determining the practical application of D&D Award subclause 4.2.3 (ie, "... shall apply to all firefighters with no distinction based upon rank").
10. Reviewing and determining the role of the Independent Occupational Physician in the health and fitness program, and whether firefighters should be presumed fit for duty unless and until found otherwise rather than periodically requiring a positive determination of continued fitness for duty.

It emerged during our discussions that there is no reliable information available about the current levels of FRNSW firefighters' health or fitness, thereby raising real questions about the relevance and/or appropriateness of the standards currently being proposed by the Department.

The Union's two-stage approach will see all employees undertaking an initial health screen without risk to their employment, thereby reducing resistance to the health screening program while raising the health awareness of both individual firefighters and the general firefighting workforce. The same can be said of the proposed local PAT self-assessment.

More importantly, the results from this first stage will provide the parties with an accurate snapshot of the true (as opposed to presumed) health of the FRNSW firefighting workforce to inform the negotiations to follow over points 1 to 10 above.

It was the Department's intention prior to our last meeting to proceed to full implementation of a health and fitness program before this year's end. The Union's view, then and now, is that a more realistic timetable would see our first stage commencing late 2015 and operating for between 12 to 18 months, subject to the availability of the health and fitness data. Provided there were no unforeseen issues arising from this first stage, and the issues at points 1 to 10 were all resolved, then full implementation could occur in mid-late 2017.

The Union therefore seeks the Department's agreement to this timetable and approach in order that the parties may now proceed on a common understanding of the process and timeframes for this important initiative.

Yours sincerely,



Jim Casey  
State Secretary