



SITREP 34/17

RBRP threatens Retained system – update #7

The Union's President and I both attended this week's meeting (see SITREP 33) on the Department's revised response protocols. While there was no concrete resolution and it not appropriate to conduct our negotiations with management via SITREP, I am happy to acknowledge the cooperative approach taken by the Department's representatives and their willingness to consider the Union's concerns and counter-proposals. In short, progress continues to be made and your officials are more optimistic now about the prospects of an agreed settlement than at any point over the past year of negotiations.

Statutory Declarations – NSW or Commonwealth update #1

Members in Regional North have recently had their claims for Carer's Leave rejected because they did not use the statutory declaration form provided by the Department. The Union will sort that, but our advice provided to members in SITREP 28 stands. Members are not required to use the statutory declaration provided by the Department and the Union strongly recommends against using that version as it inserts additional, unnecessary wording that is designed to trap members. Members should instead use the standard NSW statutory declaration form that can be found on our website. The Union is putting the Department on notice that the next Area to reject an FBEU member's statutory declaration because the member did not use the FRNSW version will be subject to immediate Area-wide bans. Members who find themselves in this situation should contact the Union office asap.

Health and Fitness testing – update #5

The 2017 Death and Disability Award returned to the IRC this week. The Department's continued insistence that it not only should, but *must* receive members' health check results and medical details has emerged as a threshold legal question that has been referred to a full bench of the IRC. The IRC's determination of the outstanding issues reported in SITREP 32 has therefore been delayed by this threshold question, which the full bench will hear late next month. In the meantime, members are encouraged to continue to trial and provide feedback to the Union office on the proposed fitness drills that were attached to the online versions of SITREPs 32 (version 1) and 33 (version 2).

Dept puts EAP confidentiality in doubt

The Department's argument that it has a statutory WHS need to know about its employees' health (see *Health and Fitness testing – update #5* above) has put the continued confidentiality of the Employee Assistance Program (EAP) and similar programs (eg Chaplaincy and Peer Support) in serious doubt.

The actual legal situation will be determined in due course, but until then the Department's demand to know has left a huge question mark over the future confidentiality of any program that is sponsored or paid for by FRNSW. This is not a criticism of members involved in the Peer Support, or of anyone delivering these services. It is truly unfortunate that this issue has emerged only days before Mental Health Week, but the argument and its timing are both of the Department's making. More to follow.

Leighton Drury
State Secretary

Friday 6 October 2017