



SITREP 38/17

No 'catch up' and 'did not attend' Union instructions stand

A Union Code Red imposing administrative bans for all Permanent members (only) was issued on 27 October, with a further Code Red confirming the lifting of those bans being issued on 31 October. This second notice instructed members that *"there is to be no 'catch-up' work for administrative duties not performed between the commencement of bans on 27 October and now."*

Last Friday's SITREP 37/17 followed with a further direction following numerous queries from Station Officer members about what to do with the banned e-AIRS reports, instructing members *"to mark any reports outstanding as a result of those bans with 'did not attend', and to send them back."*

That SITREP item caused an exchange of letters today (both of which are attached for members information) followed by an email from the Office of the Commissioner to all staff despite a clear request to not do this. This provocative escalation was unhelpful and unnecessary.

The matter has been relisted for report back to the IRC this Friday at 0930 hours. In the interim, and until such time as a later Union notice advises otherwise then permanent members of Inspector rank and below are instructed (not merely advised) to:

- ignore any directions from management to complete the banned fire reports;
- mark and return the banned reports with "did not attend"; and
- refer any manager or supervising officer who challenges you for observing this instruction to this notice.

National *beyondblue* survey

"Answering the call" is a *beyondblue* national survey which aims to collect much-needed evidence about the issues affecting the mental health and wellbeing of firefighters and other emergency services personnel and the best ways to provide support. The survey aims to investigate the prevalence of common mental health conditions such as anxiety and depression, as well as post-traumatic stress disorder and suicide risk. Approximately 100,000 current and former employees and volunteers in fire and emergency services agencies across Australia, including the RFS and FRNSW have been invited to participate in the national survey. Findings will be available in late 2018.

The Union's President met with *beyondblue* to ensure privacy and health concerns for our members were properly considered, and that participation in the survey is safe and positive experience for our members. It is on this basis that the Union supports the survey and encourages members, serving and retired, to participate. Further details and resources can be found as a link from the online version of this SITREP.

A blue ink signature of Leighton Drury, written in a cursive style.

Leighton Drury
State Secretary

Monday 13 November 2017



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TRIM Ref. No: D17/

Mr Leighton Drury
State Secretary
Fire Brigade Employees' Union of New South Wales
1 – 7 Belmore Street
SURRY HILLS NSW 2010

13 November 2017

Dear Mr Drury,

Re: Completion of Reports

The union's SitRep 37/17 has been brought to my attention. I understand that publication was issued after business hours last Friday and contains a union instruction of great concern to Fire & Rescue NSW. More specifically, in relation to a previous period of bans and in respect of reports not completed during that time, that the union has instructed "... and members are instructed to mark any reports outstanding as a result of those bans with "did not attend", and to send them back."

eAIRS is an electronic system that hosts the Australian Incident Reporting System is used to capture all operational activity for Fire & Rescue NSW and its personnel. That system is also accessed by many stakeholders for data and reporting, but specifically by insurers, property owners, other emergency service agencies (police and ambulance etc) and potentially in relation to legal actions.

Your advice to firefighters that they should actively misrepresent attendance as non-attendance and make a false report can not be accepted by Fire & Rescue NSW. Further I think it puts your members in some jeopardy to act on your advice in this respect.

Accordingly I intend to contact firefighters and will require that they complete all reports not completed during the period of union 'bans'. In that context, it would be appreciated if your instruction could be promptly withdrawn.

Yours sincerely,

Malcolm Connellan
Deputy Commissioner
Executive Director People & Culture





13 November 2017

Mr Paul Baxter
Commissioner
Fire and Rescue NSW
1 Amarina Avenue
GREENACRE NSW 2190

Dear Mr Baxter,

I refer to Deputy Commissioner Connellan's letter of today's date concerning the Union's instruction in SITREP 37/17 regarding e-AIRS reports that were the subject of Union bans from 27 to 31 October 2017.

As you would be aware, the Union voluntarily lifted its bans by way of a Code Red notice on 31 October to allow conciliation of the dispute over Statutory Declarations. That Code Red concluded with the instruction that *"there is to be no "catch-up" work for administrative duties not performed between the commencement of bans on 27 October and now"*, which has always been the case with FBEU administrative bans. The Department has until now sensibly understood and accepted this arrangement and I am surprised that Mr Connellan has taken issue with it, particularly when the conciliation referred to led soon thereafter to an agreed settlement of that dispute.

SITREP 37/17 instructed members to mark the reports in question "did not attend" because this was understood to be the only way to clear them off their computers without completing them. If you were able to offer some other means by which the banned reports could be removed from the stations' computers then I would happily withdraw the SITREP 37 instruction, but the reports cannot be completed by Union members of Inspector rank or below and they cannot remain on the stations' computers indefinitely.

SITREP 37/17 was not merely advice, it was a Union instruction, and our members are therefore not exposed to any repercussions unless Mr Connellan's reference to possible "jeopardy" was intended as a threat against members who observe that instruction. I certainly hope that was not the case, because it would have far wider ramifications than the comparative triviality of a couple of days of uncompleted e-AIRS reports.

I am concerned that by writing of his intention to effectively direct firefighters to ignore my instruction and to complete the banned reports, Mr Connellan has demonstrated a dangerous misunderstanding of the seriousness of this matter and principle. I am therefore placing this issue directly before you pursuant to Permanent Award subclause 35.5 and ask that no further action be taken by FRNSW before you have reviewed the matter and taken all reasonable steps to jointly resolve it with the Union. I invite you to contact me to discuss this directly.

Yours sincerely,

Leighton Drury
State Secretary

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