



8 June 2022

Mr Andrew McGarity and Ms Adelle Penning
Manager, Injury Management and Health Check Coordinator
Health and Safety Branch
Fire and Rescue New South Wales
Locked Mail Bag 12
GREENACRE NSW 2190

By email: Andrew.McGarity@fire.nsw.gov.au
and: Adelle.Penning@fire.nsw.gov.au

Dear Mr McGarity and Ms Penning

Re: Concerns with Health Checks Conducted by Unified Health Group

I write to you on behalf of Fire Brigade Employees' Union (FBEU) members who have been instructed to undertake periodic Health Checks and associated directions by the Unified Health Group (UHG) on behalf of Fire and Rescue NSW (FRNSW).

It has come to the FBEU's attention that many of our members have and continue to experience significant issues during and following their respective periodic health checks. UHG's conduct in many instances has resulted in FBEU members being subjected to significant and unnecessary scrutiny that is well beyond the scope of FRNSW's Health Standard. This has resulted in a number of members being impacted to the point where it has seriously affected their wellbeing, as well as the wellbeing of their families and colleagues. This is in addition to numerous other concerns regarding UHG's conduct that have also come to the FBEU's attention.

The FBEU requests a series of meetings with you in order to discuss our concerns and to implement appropriate remedies. Examples with specificity will be presented at each meeting. In order to progress this matter, below are the first found of examples that the FBEU intends to table:

1. Instances where UHG have exceeded the scope of FRNSW's Health Standard:
 - a. Cardiovascular system issues:
 - i. Members being directed to undertake an exercise stress test where their Cardiovascular Risk Level (CRL) is between 5-9%, where either an overall risk assessment has not been provided to justify how this direction is substantiated; or why such a direction is deemed appropriate, as required by the Health Standard.
 - ii. Members being subjected to unreasonable scrutiny beyond any Health Standard requirement where their CRL is less than 5%.
 - iii. Members being unreasonably directed to undertake additional steps beyond

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their initial Health Check due to slightly elevated blood pressure readings.

- iv. Members being subjected to additional medical scrutiny for minor cardiovascular conditions or anomalies which do not affect operational fitness for duty, as substantiated with evidence from nominated cardiologists and other specialists.
- b. Respiratory system issues – members being subjected to additional medical scrutiny and directed away from their substantive duties, contrary to advice from nominated medical specialists.
- c. Issues related to blood test results – members being subjected to additional medical enquiries when minor irregularities have been identified, even when medical officers have refuted the need for such enquiries to take place.
- d. Renal system issues – members being subjected to additional scrutiny and/or restrictions then their Estimated Glomerular Filtration Rate (eGFR) reading is above 60, noting that the Health Standard and Kidney Health Australia both state that eGFR readings above 60 indicates normal kidney function.
- e. Vision issues – members directed to undertake unnecessary assessments by optometrists/ophthalmologists when they in fact meet or exceed the relevant vision standards.
- f. Mental health issues – members being subjected to extraordinary and inappropriately disproportionate scrutiny for minor issues related to depression and anxiety, including instances where said conditions have been in remission for many years.

2. Systemic issues that have been reported to the FBEU:

- a. UHG insisting on further information when nominated medical practitioners and specialists have confirmed their satisfaction with members meeting or exceeding the FRNSW Health Standard and confirming that no further enquiries are warranted.
- b. Members being unnecessarily directed to undertake more frequent health checks or medical examinations.
- c. Inappropriate behaviour by UHG medical officers and their staff.
- d. Support persons being refused to be allowed to attend teleconferences with UHG medical officers, contrary to the principles of natural justice and procedural fairness.
- e. Mishandling of member's private information, which may substantiate breaches of the Australian Privacy Principles within the *Privacy Act 1988* (Cth) (the Privacy Act).
- f. The loss of members' confidential information, requiring members to often re-submit sensitive documents, which may also substantiate breaches of the Australian Privacy Principles within the Privacy Act.
- g. Instances where FBEU members have received the private medical information of other members, in clear violation of the Privacy Act.
- h. Non-reimbursement of Health Check related expenses.
- i. UHG not finalising the Health Check status of members, many months after they

fully complied with their health check obligations.

- j. UHG's over-reliance on data from the National Fire Protection Association of the United States (NFPA), noting that NFPA data heavily features data from volunteer firefighters.
- k. UHG not making appropriate considerations or reasonable adjustments for 'white coat' syndrome, noting that both UHG and FRNSW are well aware of its impacts on members.
- l. UHG classifying members who have CRL readings of 5-9% as 'at risk', contrary to the advice of the Australian Chronic Disease Prevention Alliance (ACDPA), which states that CRL readings of less than 11% are considered 'low risk', noting that UHG directs nominated medical practitioners to use ACDPA's CRL calculator when completing FRNSW Health Checks.

The FBEU is available to commence our first meeting with you from the week commencing Monday 13 June 2022. Please advise the designated contact officers below of your availability in order to confirm mutually convenient meeting times.

The FBEU remains significantly concerned that the nature and severity of the issues stated above continue to impact our members. For these reasons, the FBEU requests urgent confirmation that all Health Checks, associated directions issued to members by UHG and/or FRNSW and disciplinary letters issued to members from FRNSW will be suspended until such time as mutually agreed remedies have been implemented.

Given the urgent nature of our concerns, the FBEU requests a response to this correspondence by 4:00pm Friday 10 June 2022.

Please direct any queries to FBEU Industrial Officers Mr Milo Kuga and Ms Colleen Cotto and any formal correspondence to office@fbeu.net.

Yours sincerely



Leighton Drury
State Secretary