



10 June 2022

Stephen Brown  
Acting Superintendent  
Employee Relations  
FRNSW  
1 Amarina Ave  
GREENACRE NSW 2190

Dear Steve,

**Re: Consultation COVID-19 Risk Assessment – Version 4**

The FBEU is writing to you in response to FRNSW's current COVID-19 Risk Assessment (version 4), currently out for consultation.

The FBEU will respond to a number of matters that we ask to be implemented as FRNSW manage and mitigate the risk of staff and the community, as part of this consultation process.

**Vaccination Status**

The FBEU recognises and appreciates that FRNSW and FBEU have acted together and been vigilant in keeping staff and the community as safe as possible in this pandemic.

As restrictions have eased however, staff and the community are unlikely to be at higher exposure risk of COVID-19 in their employment compared to their risk of exposure in the general public. As such the FBEU believe now is an appropriate time to re-assess some aspects of the previous approach.

Given the current environment where restrictions have eased, there is a high level of COVID-19 vaccination/immunity due to infection across the community, and we are moving to an environment where COVID-19 is simply one of the risks firefighters encounter on a daily basis in their role, the FBEU propose that COVID-19 vaccinations should no longer be a requirement for staff.

While we recognise the value in vaccinations and continue to strongly support and encourage their use as a control measure, we also recognise that a number of FRNSW employees have significant concerns regarding COVID-19 vaccinations. The requirement for employees to have had two COVID-19 vaccinations (and indeed any proposal to extend this to three doses) in order to perform their substantive position is causing these employees significant stress and anxiety.

FBEU would therefore propose that FRNSW remove the requirement for employees to have had two doses of a COVID-19 vaccination and rely instead on alternative and more consistent control measures which carry less risks to employees.

As you would be aware, firefighters, along with the general public, are generally entitled to three doses of a COVID-19 vaccination and have been for a matter of months now. It is the FBEU's view that it is likely that effectively all employees who wish to avail themselves of

the three doses have now done so and in fact, likely would have had their third dose some months ago, resulting in actual immunity from that vaccination to have now waned.

It is the FBEU's understanding therefore that employees who are vaccinated either by two doses or three, are unlikely to be any more protected than an unvaccinated employee or pose significantly less risk in performing their role.

Given the risk being posed to these employees by the requirement to be vaccinated, including both psychological and in some cases potential physical side effects, in balancing the risks posed, the FBEU has come to this view we put today.

We wish to add that this view extends to the consideration by FRNSW to extend the requirement to three doses which we do not support.

We also bring to your attention the current position of other comparative fire services across Australia where alternative positions have been taken with a view to maintaining the employment relationship:

- Queensland Fire and Emergency Services: No current mandate. Unvaccinated employees are currently working in accordance with QFES risk assessment.
- South Australia Metropolitan Fire Service: No current mandate.
- Fire and Rescue Victoria: Mandate is currently required by Government. No employee has been subjected to a disciplinary process. Employees have been entitled to remain on their own paid leave/unpaid leave and to maintain the employment relationship.

It seems FRNSW has also already recognized that there is not a significant risk in workers participating in community engagement activities (i.e. open day, community safety activities), outside of general incidents, and in environments not unlike a fire station, that may involve interaction with unvaccinated people.

We therefore cannot understand why FRNSW has maintained the current work, health and safety position in relation to its own employees, which it is not requiring for others whom your employees may come into regular contact with, and thus creating and accepting the additional risks outlined above.

FBEU also notes that FRNSW currently have over 200 permanent and retained firefighters on leave due to their vaccination status. This number would significantly increase should a third dose be mandated.

FRNSW's position on vaccination requirements has already created an additional risk to employees who have been required to perform additional work and significant overtime to account for the shortages which will only continue, and increase should a third dose be required.

As we all know, there is not a ready workforce of firefighters in the community. Professional firefighters undertake a lengthy recruitment and training program and, dependent on rank and experience, FRNSW would be looking at a period of years to replace this cohort of firefighters.

In this context, while utilising vaccinated staff to cover the shortfall created by unvaccinated staff not being in the workplace may have been an acceptable short-term measure in the context of a heightened risk environment, it cannot continue for a long-term period without imposing significant additional risks. These additional risks, the FBEU would argue, have not been sufficiently considered and mitigated in your proposed risk assessment.

If FRNSW seeks to continue to have unvaccinated staff not in the workplace, FBEU seeks that FRNSW supply a risk assessment associated with the overtime requirements this is placing on other employees.

### **FBEU Proposed Risk Mitigation**

Given all these factors the FBEU would instead propose that FRNSW move to control measures which carry less risk to your employees including the use of daily rapid antigen tests (RAT) and essential personal protective clothing and equipment as appropriate measures to mitigate staff and community risk of COVID-19 exposure at the current time.

You have previously stated in your Rapid Antigen Testing Procedure, the quality of the FRNSW RATs had a high sensitivity of 95%.

Given the accuracy associated with RATs, we believe a continued requirement for employees to RAT prior to attending work provides significant protection from the risk of infection from employee to employee.

In regard to additional protection to and from members of the community, the FBEU would propose the use P2 face coverings for all interactions with external personnel and to be worn at all times when outside of the workplace to provide an additional layer of protection.

### **Other Feedback**

- We note the risk assessment is proposed to include requirements regarding a third dose of a COVID-19 vaccination. For the reasons stated above we do not agree with, nor support these changes to the proposed risk assessment.
- In regard to the new 'risk control', in Section 1 as follows;  
*FRNSW operational firefighters may be eligible to leave self-isolation if Operational Staffing in consultation with Zone.*  
*Commanders determines that their absence from the workplace poses a high risk of disruption to the delivery of FRNSW critical services or activities. These firefighters must wear a mask and comply with risk-management strategies put in place by FRNSW, including daily rapid antigen tests (RATs).*  
The FBEU is unclear clear if this applies to those infected or close contacts and would request that this be clarified prior to providing further feedback.
- In Hazard 1 Section 1, Level 3 Admin Risk Controls, RATs are only 'strongly encouraged', but in every other like section, it states that 'Staff at Stations are to have a RAT at the beginning of each shift'. We assume this is an error, which needs rectifying.
- Throughout the document there is a contradiction between existing Level 3 Admin Risk Controls which require RATs at the beginning of each shift and existing Level 3 PPE risk controls, which begins 'People who do not wish to have a RAT...' we seek clarity on FRNSW's position in regard to this contradiction prior to providing further feedback.
- Throughout the document in Level 3 Admin Controls, where workers are displaying symptoms and take a PCR test, the requirement to self-isolate while waiting for results is removed. We request that you advise us of your reasoning for removing this control measure prior to providing further feedback.

- In Hazard 7, on Contractors etc, in existing Level 3 Admin Controls, it requires a RAT for Visitors and Contractors. This contradicts the existing Level 3 PPE Controls which reverts to the 'People who do not wish to have a RAT' text. This is further confused in the Additional / Proposed Risk Controls, where the old text in the first dot point mandates RATs while the new first dot point in this section requires a COVID Booster dose for Contractors. The FBEU seeks clarity and reasoning behind this position before providing further feedback.
- In Hazard 8, existing Level 3 Admin Controls, RATs are required for Visitors and Contractors, while the new Level 3 PPE Section under 'Risk Controls in Place' inserts ...'People who do not wish to have a RAT. Increasing the confusion is that under the Additional / Proposed Risk Controls, taking a RAT for Visitors is only a suggestion. Replacing the mandated RAT from the last version. Again, we seek clarity and reasoning behind this position before providing further feedback.
- In Hazard 10, under Level 3 Admin Controls Risk Controls in Place, in new text RATs are required at the beginning of each shift. Under Additional / Proposed Risk Controls, an old block of text in the first dot point, refers to a trial for CFU Members to introduce RATs for CFU members entering FRNSW Workplaces. Again, this position is somewhat confusing, and we therefore seek clarity prior to providing further feedback.
- Hazard 11 also has an Additional / Proposed Risk Controls from a previous version of the risk assessment contained in the first dot point about trialing RATs with those who have medical contraindications. We seek clarity as to whether this is intended to remain in the document and will provide further feedback following this.

We look forward to your response to this correspondence and continued discussion and cooperation between the FBEU and FRNSW in regard to the management of COVID-19 in the workplace.

Should you wish, we would be happy to convene a meeting to discuss this feedback in full as soon as possible. In the meantime, we will await your written response to this correspondence prior to providing further feedback.

Yours Fraternally,



Leighton Drury  
State Secretary