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Contact: Stuart McMartin

16 July 2020

Mr Leighton Drury
Fire Brigade Employees' Union of NSW
State Secretary
1-7 Belmore Street
SURRY HILLS NSW 2010

Dear Mr Drury

Re: Nature of Illness

I refer to an email dated 2 July 2020 from Mr Arnott, Industrial Officer of the FBEU concerning subclause 23.6 of the *Crown Employees (Fire and Rescue NSW Permanent Firefighting Staff) Award 2020* "the Award".

In this regard, Fire and Rescue NSW (FRNSW) agrees with the FBEU interpretation, that an "employee who is absent from duty for a period of more than twenty-eight days shall be examined by the Department's medical officer....", means from the twenty-ninth day (23.6).

However, FRNSW draws to your attention that the provision in subclause 23.4 of the Award is not being consistently followed, namely, a firefighter shall forward "a medical certificate stating the nature of the illness or incapacity.....".

This non-compliance represents a substantial risk to the health and safety of firefighters, their colleagues and the community. The risk to health and safety arises from conditions of relevance to undertaking safety critical work as a firefighter not being subject to appropriate medical assessment processes.

On 20 February 2019, FRNSW wrote to the FBEU concerning the introduction of a system whereby permanent and retained firefighters would be disentitled to sick leave

payments should they submit a medical certificate without a “nature of illness or incapacity”. To assist in the progression of this matter, I provide the following guidance on what constitutes a “nature of illness or incapacity”:

- If a diagnosis is known, it must be stated for example: gastroenteritis, migraine, heart attack, multiple sclerosis;
- If a diagnosis is not known – the nature of symptoms, or a provisional diagnosis must be stated, for example headaches, chest pain, flu like illness;
- If a diagnosis is not known and a person is undergoing investigations – what they are being investigated for must be stated, for example chest pain, undergoing investigation;
- If a procedure or surgery has been undertaken, the specific surgery or procedure should be stated. A degree of specificity would generally be known under such circumstances, so a certificate may state for example, ischaemic heart disease as a diagnosis and/or coronary artery bypass graft surgery;
- Non-specific statements like ‘surgery’, ‘procedure’, ‘illness’ and ‘medical condition’ will not be accepted as being compliant with nature of illness or incapacity.

I will contact you shortly to schedule a meeting to discuss this matter.

Yours sincerely,



Louise Clarke
A/Director Employee Relations
People & Culture