



SitRep 2

Insurer hunting down cancer claims – don't sign anything, ring the Union

The Union has received reports that the Department, its insurer, EML and iCare are cold-calling members (both current and retired) who have been diagnosed with cancer asking them to complete claim forms which give consent for their doctors to release any and all medical information to the insurer and the Department. Some members were led to believe that if they signed the form then all of their medical expenses would be covered, or that the form was required in order for the insurer to consider and help them with their claim. This is not correct and members are not required to sign these forms at all.

Members should never sign a medical information consent form without first seeking advice from the Union, even if the insurer or the Department tells you that it is necessary for them to review your claim.

Australia Day public holiday Monday 28 January

The Union office has taken a number of inquiries regarding whether consolidated leave or overtime is payable for working on 28 January. The public holiday for Australia Day 2019 actually falls on Monday 28 January, not Saturday 26 January. Therefore, it is not an additional public holiday and does not attract the consolidated leave under clause 6.4 of the Permanent Award or overtime per clause 6.10.3 of the Retained Award.

This is because both Awards' wage rates already include a loading for working on weekends and public holidays, the consolidated leave or overtime is to compensate firefighters when there is an extra public holiday that hasn't been captured by this loading.

So why is Easter Sunday different? Prior to 2011 there were 10 standard public holidays per annum, but the Keneally Government's Public Holidays Act 2010 extended this to 11 per year by also making Easter Sunday a public holiday for the first time. It follows that firefighters who work this Easter Sunday will not be compensated for working this additional public holiday by way of the Award's wage rates and are therefore entitled to be credited with consolidated leave (permanent members) or overtime (retained members) instead. The Department disputed this, but the Union won the dispute in the Industrial Relations Commission in 2012.

Additional gazetted holidays generally arise when New Years Day, Boxing Day or Christmas Day fall on a weekend, but it doesn't stop the NSW Government from proclaiming other additional holidays from time to time. For those who like to plan ahead, there are no additional gazetted holidays scheduled for this year, but there is one gazetted for Monday 28 December 2020.

MW2 Transfer Ban Lifted

The involuntary transfer ban issued in SitRep 33/2018 is hereby lifted after the Department agreed to adhere to its own Mobility and Transfer Policy. That is, instead of simply notifying members that they will be transferred because they have been at a station for five years (for example), consultation with members and their wishes regarding location, career progression and so on will take place and receive due consideration.

Leighton Drury
State Secretary