



SitRep 22/2021

Win on PAD in the IRC

As you know, FRNSW tried to unilaterally implement the PAD program last year without agreement, proper consultation or conducting a risk assessment. In our view, this constituted new work and was an extra claim, which the Award prohibited. We also contended that the direction to perform such work was unsafe and unreasonable.

On this basis we filed a dispute in the NSW Industrial Relations Commission (IRC). The matter proceeded to hearing, initially on the question of whether the proposal to implement PAD was an extra claim which, in this context, is extra work that FRNSW is requiring staff to do that has not been taken into account when the wages were set in the Award. It can include new work or an intensification of work.

This afternoon the IRC handed down its decision which held that the proposal was an extra claim. The no extra claims clause in the Award expired in February 2021. When FRNSW attempted to implement PAD during the term of the Award, they were breaching the Award.

However, the matter is still in dispute and FRNSW is required to maintain the status quo until the dispute is fully determined – that is, until the Commission hears our argument about the safety issues, training issues and fair pay. This decision confirms that the PAD proposal is not part of the current status quo, meaning that FRNSW cannot implement it without agreement until the dispute is resolved.

The IRC recognised that both FRNSW and the FBEU acknowledged the public benefits of the PAD program but found that its implementation, in its current form, was in breach of the Award.

The IRC has recommended that the parties confer further regarding the PAD program and safety related issues. If agreement is not reached, the matter will go back to the Commission.

This is a win for the Union and its members regarding a complex matter. It's the culmination of over a year's work on this particular issue and we would not have had the outcome we received today if it were not for the efforts and expertise of FBEU delegates and HSRs in particular.

We will be meeting with Counsel in the coming week to discuss the decision and our options going forward.

CAFS Aerial Pumpers

The CAFS Aerial Pumper (CAPs) dispute is set to be heard in the IRC next Friday 14 May 2021 though we will continue working in the lead up to it to try to resolve this issue as quickly as possible.

We've now received confirmation from the Department that training related to these appliances scheduled for Monday 10 May 2021 has been postponed until after this hearing.

We also received separate communication from the Department last night which does indicate some progress on this issue is being made. However, we will not be rushed on a response in a matter where members' safety is at stake and will continue working with impacted members before any next steps are taken.



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Members are reminded that the Code Red issued in [SitRep 19/2021](#) remains in place.

COVID-19 Restrictions

As most would be aware, the NSW Government tightened [COVID-19 restrictions](#) as of 1700hrs Thursday 6 May 2021 due to recent cases of community transmission. The new restrictions apply to Greater Sydney, including Wollongong, Central Coast, and the Blue Mountains, and will extend through Sunday 9 May 2021 at which point the Government will reassess and issue another update.

Please familiarise yourself with the updated restrictions which include mandatory face masks on public transport.

We've spoken with FRNSW who will be reassessing their own position Monday 10 May 2021, including their stance on whether Open Day will go forward as planned on 15 May 2021.

All FRNSW Zones currently remain at Level 1.

Landlords and Home Fire Safety Visits

Crews from across the state have recently been contacting us about landlords making requests for FRNSW staff to conduct Home Fire Safety Visits (HFSV) at their tenanted homes.

We've spoken with the FRNSW Community Safety team and have confirmed that this is not appropriate. Visits are not to be undertaken following such requests.

Landlords have responsibilities to provide smoke alarms in their properties under the Residential Tenancies Act, and FRNSW's HFSV program does not exist to help landlords dodge costs incurred by fulfilling their legal responsibilities.

If any crew is directed to conduct a HFSV at the request of a landlord, speak with your delegate or organiser.

In Unity,

Shane Kennedy
State Secretary