



SIGNAL SEVEN

May 8, 2019

Protected Industrial Action: Additional Bans to Commence from 9 May 2019.

Welcome to Protected Industrial Action – overall a good start. We began with a crawl, stumbled to our legs, and with a few wobbles we are now walking. By the time this is concluding we hope to be running.

For nearly all of us protected industrial action (PIA) under the Fair Work Act 2009 is new so please keep the communication lines open. Talk to your reps on the bans committee, ask questions and give them your feedback on the bans. This an evolving process that is based on your feedback to the committee.

New Bans:

Notice has been served on the employer that additional Protected Industrial Action will commence on 9 May 2019, and 10 May 2019. The action to be taken, the dates and times on which it will commence, and the initial duration of that action, is set out below.

Action	Start Date	Start time	until
12. A refusal to comply with a direction to transfer between work locations until and unless notified within fourteen (14) days of the proposed transfer;	9/05/2019	1230	1330
16. A ban on appliances leaving a station, for the purpose of training, if after a risk assessment is undertaken by the UFUA member and it is the opinion of the UFUA member that the response time is greater than 10 minutes for a pumper.;	9/05/2019	0930	1200
17. A ban on cross-crewing of appliances leaving a station, if after a risk assessment is undertaken by the UFUA member and it is the opinion of the UFUA member that the response time is greater than 10 minutes for a pumper.;	9/05/2019	0930	1000
18. A ban on the processing of accounts, including a ban on billing all external agencies, entities or persons for any work performed or undertaken;	9/05/2019	1300	1330
20. A ban on signing receipts for the delivery of goods; and	9/05/2019	0800	1800

Action	Start Date	Start time	until
15. Stoppages for the purpose of attending the ACT Legislative Assembly on sitting days, except to respond to fire calls, which shall include emergency incidents,;	10/05/2019	0800	1100

Bans Currently in place and are ongoing:

Action	Start Date	Start time	until
5. A ban on wearing uniform shirts, uniform jumpers or uniform jackets;	3/05/2019	0800	Ongoing
11. Responding to emails via the employers email system with the caps lock function turned on (including reports and attached documents);	3/05/2019	0800	Ongoing
14. A ban on saluting, including standing when a senior officer enters the room;	3/05/2019	0800	Ongoing
21. A ban on any restriction of the approval for leave if the restriction is not in accordance with the Enterprise Agreement.	3/05/2019	0800	Ongoing
3. A ban on complying with a direction to remove union badging or industrial material displayed on, in or around work locations, appliances or UFU members;	already in place	already in place	Ongoing
6. Only attending meetings at which any of the ESA Commissioner, Chief Officer, Executive Officer, or ESA Directors, attend if the purpose of the meeting is notified in advance as about operational incidents, operational de-briefing, training, securing public health or occupational health and safety, or enterprise agreement bargaining;	already in place	already in place	Ongoing
8. A ban on creating a record of any employee's participation in protected industrial action;	already in place	already in place	Ongoing
10. A ban on assisting in the preparation of ministerial reports;	already in place	already in place	Ongoing

Frequently Asked Questions

Why are some bans only being put on for half an hour?

To comply with the Fair Work Act all of the bans must be *commenced* within a specified timeframe (Within 30 days of the declaration of the Protected Action Ballot, and this was extended by a further 30 days by order of the Fair Work Commission. In practical terms, action must be commenced by 13 May) If the bans are not commenced within the timeframe then the action is not protected industrial action. Once the action has been commenced we can take it off and put it back on again. Effectively, if we don't use it we lose it.

What do I do if I want an exemption from a ban?

If you would like to be considered for an exemption from a ban please place the request in writing and email it to the Secretary. The request will then be considered by the bans committee as a collective.

ABOVE ALL ELSE REMEMBER THAT THIS IS A COLLECTIVE PROCESS. IF THERE IS A CONCERN ABOUT APPLYING A PARTICULAR BAN, DON'T JUST TAKE UNILATERAL ACTION BY WALKING AWAY FROM THE GROUP. USE THE PROCESSES WE HAVE IN PLACE TO HAVE YOUR CONCERN ADDRESSED.

While we are on the issue of caps lock: remember that we have a ban in place that relates to this. Please remember to apply it.

Who is on the bans committee?

A Platoon

Kate Judd
Anthony Briggs
Chris Hart

B Platoon

David Bridgford
Todd Bourne
Adam Gresham

C Platoon

David Bremers
Arron Kiewet
Pete Cornock

D Platoon

Joe Box
Blue Muhldorff

The Bans committee discussed exemptions in relation to Ban 5, and agreed that the following are exempt from the ban:

1. Performance of a regulatory function in fire safety / community safety
2. TOSS personnel while they are engaged in senior level liaison with Commonwealth departments involving the exercise of legislated authority, e.g. DFAT, embassies, Parliament House, AFP, ADF.

In addition, in relation to Ban 5, the issue of cold weather has been raised. Pending the arrival of UFU hoodies which some members have ordered, an exemption is granted for the wearing of Fire and Rescue jumpers and jackets in cold conditions.

If you have any questions, please contact the Bans Committee in the first instance.

\$1.3 Billion?

You may have noticed a statement in the Canberra Times from an ESA Spokesperson concerning a reported expenditure of \$1.3 Billion.

A letter has been sent to the Canberra Times on the subject, as follows:

“Dear Madam / Sir

A spokesperson claims that the ACT Government “government was continually investing in emergency services, with 18 new firefighters and a new aerial appliance part of \$1.3 billion in funding over four years”. (“Firies frustrated as negotiations over deal drag on”. Canberra Times, 5 May 2019). This amount is reported on Page 44 of “ACT Budget 2018-19: Budget in brief”.

This amount is not reflected in the detail of the financial statements on p 31 of “Budget Statements D – Justice and Community Safety Directorate”, which shows that the Government is spending \$1.476 Billion for the 4 years from 2017 18.

Despite the discrepancy in the amounts, it is sufficiently clear that the expenditure includes Police, Fire and Rescue, Ambulance, State Emergency Service, the Emergency Services Agency, the Rural Fire Service, the Justice and Community Safety Directorate, Corrective Services, the Government Solicitor’s office, Public Prosecutions, Courts and Tribunals.

What is not clear is precisely how much is spent on Fire and Rescue. It is the largest full-time operational emergency response workforce in the ACT, yet no budget document records the detail of its cost, nor the expenditure on other components of the Emergency Services Agency.

Instead of gaslighting us with figures that have no relevance to the concerns now raised by firefighters, the ACT Government should apply greater transparency in the collection of the Fire and Emergency Services levy currently raising an estimate \$82.4 million this year.

Sincerely

Greg McConville
Secretary
United Firefighters Union of Australia ACT Branch”

The article in question also stated that “In an April 30 letter to staff Commissioner Dominic Lane said the offer of increased pay was in recognition of the trust the government has in its firefighters.” If the government trusts firefighters so much, why do they want to remove any requirement to agree with firefighters and the UFU about protective clothing, fire station standards and brigade entry requirements? Some things just don’t add up.

Authorised by Greg McConville, Secretary, UFU, A.C.T. Branch.

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