



SIGNAL SEVEN

July 9 2019

Ainslie Dispute Breakthrough

The long running dispute concerning plans to renovate Ainslie firestation to accommodate additional crew was back before the Fair Work Commission on 19 June 2019.

The employer's continued insistence that an agreed standard of fire station amenities would not include any quantitative measures (e.g. room sizes, ratios of firefighters to space in mess areas, size of engine bays etc), led to the inescapable conclusion that agreement on such a standard would not be easily reached. This is disappointing, but it is not the end of the matter. The UFU gave notice that it would instead address the matter in enterprise bargaining, and we have a claim in negotiations to do just that. If anything, this represents a lost opportunity for the ESA and Fire and Rescue to prevent future disputation.

Putting that issue to one side for now, the main issue addressed in the 19 June conference was described in a Statement of the Commission (attached) as follows:

"In response to a number of the matters discussed in the conference, the ACT Emergency Services Agency will no longer pursue its objective of locating a new aerial pumper appliance at the Ainslie Fire Station at this time and instead will work to it being located elsewhere. Following from this decision there will be a maximum of six firefighters on shift at any one time. A possibility which is yet to be fully explored by the agency may be to further relocate the breathing apparatus away from Ainslie. If that is done the headcounts on any given shift may reduce to four."

(C2018/3052, Fair Work Commission Statement, 9 July 2019, p.2)

The Statement goes on to set out a process by which the parties will try to come to agreement on exactly how Ainslie should be renovated. Importantly, if the Statement is adhered to, there will be no loss of the drive through feature of Ainslie. The UFU will continue to seek, among other matters, a clear separation between clean and dirty station areas, an appropriate transition area, and an appropriate gymnasium.

As to the standard to be applied to future renovations of fire stations, the UFU observes the following:

- Of all the "older" fire stations, Ainslie is the only one where the parcel of land could be said to be a constraining factor on renovation.
- Stations 1, 3, 5 and 7 are on adequately sized land parcels to allow significant expansion / rebuilding into the future.

- Stations 4, 6, 8 and 9 will not be renovated in the short term, and it is questionable whether 9 can be maintained as a useful location as Gungahlin becomes more densely populated.
- Any new fire stations should comply with ACT Fire and Rescue's own 'User Requirements Brief' for new fire stations.

In light of the above, we can see no reason why the User Requirements Brief could not form the basis of an applicable standard in future, subject to some reasonable flexibility in relation to fire station renovations.

The full statement of the Fair Work Commission is attached. We are thankful to Warrick Hancock for his ongoing assistance in this area.

Enterprise Bargaining

Negotiations are continuing on a weekly basis, and a more detailed report will soon be provided. While we are reaching agreement on some issues, such as changes to the allowances structure, the big 3 issues remain unresolved: crewing (including day work establishment), skills maintenance (including refresher training) and the wellbeing initiative.

Station Officer Promotions

Recently promoted station officers, who have not yet received an adjustment in pay, should look at Clause 50 of the enterprise agreement. If you require an offline payment you are entitled to receive it within 3 days of the request. Contact the Secretary for further detail.

Industrial action

The table on the following page sets out the full list of industrial action currently in place.

Current exemptions:

Firefighters on Probation

The protected industrial action applies to UFU members from FB2 level through to FB8. In the interests of ensuring security of employment, we do not involve members in industrial action until they have completed their probationary period. This includes FB1 and FB2 (probationary).

Ban 5

There are a few exemptions to ban 5: "A ban on wearing uniform shirts, uniform jumpers or uniform jackets;" These are as follows:

Ceremonial or award purposes

There is a standing exemption for any member who participates in a medal ceremony or is required to wear dress uniform for ceremonial purposes.

Regulatory Functions

Performance of an offsite regulatory function in fire safety / community safety

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.

Recruit College Instructors

There is an exemption for the college instructors to wear dress uniform at the following times:

All of day one of the recruit college, each morning for Roll call, marching and parade ground, end of each day, for close of the day.

How do I know if I have an exemption?

Exemptions are granted by the bans committee. If you or one of your colleagues approached the bans committee (usually via the Secretary), asked for an exemption and received feedback that it was granted, then you have an exemption. Those exemptions resulting from this process and currently in force are set out above. Please use and respect the process as other have and do.

We are aware of some instances where individuals have disagreed over the approach to be taken in relation to industrial action. While there may be disagreements from time to time, we have confidence in the ability of our members to remain respectful and professional in dealing with each other. Disagreements should not be seen as threatening: rather we become stronger as a group when our decisions are subject to the rigours of being tested through discussion.

Action	Notes on how to be implemented
5. A ban on wearing uniform shirts, uniform jumpers or uniform jackets;	Members to wear union shirts. Use common sense - if you are cold, wear a jacket. If in doubt please contact the office if you have any concerns. To
14. A ban on saluting, including standing when a senior officer enters the room;	Self explanatory. If in doubt please contact the office if you have any concerns.
21. A ban on any restriction of the approval for leave if the restriction is not in accordance with the Enterprise Agreement.	Leave that is in accordance with the enterprise agreement will be granted, without having regard to overtime payments or penalty rates payable to replacement firefighters. members are asked to submit applications for: not more than 4 weeks in advance, and not more than 4 shifts at a time.
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;	Self explanatory. If in doubt please contact office for further clarification.
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;	Self explanatory. If in doubt please contact office for further clarification.
8. A ban on creating a record of any employee's participation in protected industrial action;	Self explanatory. If in doubt please contact office for further clarification.
10. A ban on assisting in the preparation of ministerial reports;	Self explanatory. If in doubt please contact office for further clarification.

Who is on the bans committee?

A Platoon

Kate Judd
Anthony Briggs
Chris Hart

C Platoon

David Bremers
Arron Kiewet
Pete Cornock

B Platoon

David Bridgford
Todd Bourne
Adam Gresham

D Platoon

Joe Box
Blue Muhldorff

Authorised by Greg McConville, Secretary, UFU, A.C.T. Branch.
This is an official Union document to be shared between members only
Read out at muster and pin on notice boards.



STATEMENT

Fair Work Act 2009

s.739 - Application to deal with a dispute

United Firefighters' Union of Australia

v

ACT Emergency Services Agency

(C2018/3052)

COMMISSIONER WILSON

MELBOURNE, 9 JULY 2019

Alleged dispute arising under an enterprise agreement. Matters relating to an appropriate standard for fire station amenities.

[1] This statement to the parties follows a further conciliation held with the parties, the United Firefighters Union of Australia (UFU) and the ACT Emergency Services Agency under the auspices of the Fair Work Commission held on 19 June 2019. It is noted that the matter itself was commenced through an application to the Fair Work Commission dated 5 June 2018 in which the UFU alleged a dispute between it and the ACT Emergency Services Agency arising under the *ACT Public Sector ACT Fire and Rescue Enterprise Agreement 2013 – 17* (the 2013 Agreement).¹ The nature of the dispute goes to matters associated generally with the development of a suitable standard for the refurbishment of ACT fire stations and more specifically in relation to a proposed project at the Ainslie Fire Station.

[2] The dispute has been the subject of a number of conferences chaired by me which have focused to some extent upon the development of a suitable standard at the general level (the General Standard) as well as how that standard might apply to the Ainslie Fire Station. In the course of the conciliation conducted on 19 June 2019, it became clear to the parties that the most beneficial approach to be taken at this time was to concentrate upon the Ainslie Fire Station refurbishment project rather than continuing to pursue the General Standard. In that regard the UFU indicated, without prejudice to its overall rights, that it was prepared for the moment to refocus its efforts upon the Ainslie Fire Station refurbishment project and to then pursue the question of the General Standard through bargaining for a replacement to the 2013 Agreement.

[3] It was agreed in the course of the conference that the following steps would now be taken with the objective of bringing the parties to an agreed position for the Ainslie Fire Station refurbishment if possible:

¹ AE409030.

1. In response to a number of the matters discussed in the conference, the ACT Emergency Services Agency will no longer pursue its objective of locating a new aerial pumper appliance at the Ainslie Fire Station at this time and instead will work to it being located elsewhere. Following from this decision there will be a maximum of six firefighters on shift at any one time. A possibility which is yet to be fully explored by the agency may be to further relocate the breathing apparatus away from Ainslie. If that is done the headcounts on any given shift may reduce to four.
2. Following from these decisions there appears to be some level of acceptance by both parties that the present footprint of the Ainslie Fire Station is sufficient, with some further redesign of the indicative plan, to accommodate the current and likely future needs of up to 6 firefighters on shift at any one time.
3. In order to further redesign the indicative plan for the station:
 - 3.1. There will be discussions in the near future between Mr Hancock from the UFU and Mr Coffey from the ACT Emergency Services Agency, particularly about the needs that Mr Hancock, on behalf of his colleagues and the UFU, sees as being required for inclusion in redesign. It is expected that the discussions between these two parties will occur within two to four weeks of the conference held on 19 June 2019.
 - 3.2. Following the exchange of information between Mr Hancock and Mr Coffey, Mr Coffey on behalf of the ACT Emergency Services Agency will provide an updated design for consideration by the UFU and its members.
 - 3.3. The UFU will then consult with its members about the proposed redesign and provide feedback on the subject to the Emergency Services Agency as soon as possible and with the expectation that such feedback will be provided by no later than mid-August 2019.
 - 3.4. The UFU accepts that if the initial reaction to the redesign provided by Mr Coffey in the next few weeks suggests that it is unlikely to be accepted by UFU members, it will endeavour to provide such feedback to the Emergency Services Agency and the Commission as soon as possible, and earlier than mid-August 2019.
 - 3.5. Should the further redesign and feedback process lead to agreement between the parties that the Ainslie Fire Station refurbishment project can proceed that agreement will end the dispute presently before the Commission, subject to the rights of the UFU to pursue its claims for a General Standard through bargaining or through a fresh dispute raised at some later time.

4. The UFU and the Emergency Services Agency each undertake to keep Commission apprised progress on the present dispute.




COMMISSIONER

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