

IN THE FAIR WORK COMMISSION

Matter no: AM2014/196, AM2014/197 and others

Outline of Claim: Family and Domestic Violence

For: The United Firefighters Union of Australia

DATE: 28 October 2014

Lodged by: United Firefighters Union of Australia

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1. We refer to the Outline of Claim filed on behalf of the Australian Council of Trade Unions (“the ACTU”) on 28 October 2014 in response to the statement and Directions issued by the President on October 1 2014.
2. The ACTU Outline of Claim sought variations to all awards in respect of the issue of family and domestic violence.
3. The UFUA supports the ACTU’s claim for Paid Domestic Violence Leave and Right to Request a Change in Working Conditions¹ insofar that such arrangements do not result in any employee working part time on the 10/14 roster² provision in the Fire Fighting Industry Award 2010.
4. There are other arrangements that can be made without affecting the integrity and operation of the 10/14 roster with alternative arrangements to work other than on the 10/14 roster. There are provisions for employees not working the 10/14 roster in the Award.³
5. The firefighting industry is an example where the opportunity to provide for individual needs is fettered by the requirement to provide a 24 hour a day, 7 day a week service by highly skilled and trained employees to perform a highly dangerous and specialist job. The manner in which the service is provided has been negotiated collectively and is enshrined in a roster system.
6. The roster system is the cornerstone of an effective and reliable fire service. It is in widespread use throughout Australia. It regulates the start and finish times and ensures appropriate cover by trained and highly skilled firefighters at any time. It includes the remuneration system of rates of pay, shift loadings and allowances.
7. The 10/14 roster was introduced in Victoria in January 1971. At the time it was hailed by the UFU members as the union’s biggest achievement. The firefighters welcomed the certainty around family and work life as well as the inclusion of provisions to ensure they were rested which greatly improved their performance.
8. Just as importantly, the roster system fosters teamwork and knowledge of skills. Firefighters must be able to rely upon one another for their own safety. Knowledge of one another’s skills and how each other performs in various situations is essential for sound decision-making in highly stressful, and often life-threatening circumstances. A firefighter needs to know he or she can rely on every other firefighter they are working with. To walk into a burning building to perform a rescue there needs to be a high level of trust.
9. The deployment of firefighters at a fire ground will be determined by the senior officer and based on the knowledge of the skills and experience of the individual firefighters and how they perform in various situations. Having worked together

¹ ACTU Outline of Claim dated 28 October 2014, paragraph 6 and 7

² Fire Fighting Industry Award 2010 Part 5

³ Fire Fighting Industry Award 2010 clauses 22 and 23

on shift for a period of time those decisions are more easily made and put into action as each crew member can rely on skills of the other.

10. The shift work system ensures a range of ranks and experience are on shift together. They work and live together while on shift. They drill together repeatedly so that the tasks become second nature. They know each other's strengths and weaknesses and as a result work effectively and efficiently together at the fire ground. They are able to make and implement decisions immediately. This system is integral to the safety of firefighters when responding to any fire or incident.
12. The roster system has also been tested during award simplification and modernisation of awards. During the award simplification process, the Australian Industrial Relations Commission ("The AIRC") considered the issue of part time work in the firefighting industry in the context of the then legislative requirement to modify awards to ensure they did not contain provisions that would hinder productivity and the efficient performance of work. It was also a requirement to introduce provisions allowing for part time work unless the AIRC considered it inappropriate.
13. Evidence provided to the AIRC during that process included evidence from firefighters who stated they would be more cautious and concerned about their safety on the fire ground if working with a part time employee as they would need to be more mindful of the skills and experience and previous exposure to similar situations of the employee. They would be more cautious as the part time employee would not have been part of the shift roster and therefore would not have the same experience of training and working with that team; and this would affect the proper operation of that team.
14. The AIRC agreed with that due to the nature of the industry and the firefighting occupation, it was not appropriate to employ part time firefighters.⁴
15. Therefore any flexible working arrangement should not undermine that roster system which is central to the provision of the fire service to the community. As the roster/shift system is a key provision in the Award, it follows that any flexible working arrangement should not be inconsistent with any enterprise agreement applicable to the employer.
12. When there are times where firefighters need a period of time where they cannot work the usual shift pattern, alternative arrangements have been made which do not undermine the roster system. For example, there are non-shift positions and these have been used in other situations such as return to work programmes after injury or illness or for other flexibility reasons.

Dated this 28 day of October 2014

⁴ AIRC, Hingley C, Dec 128/00 M Print S3127)