



# 2015 UFUQ

## Auxiliary Firefighter YEAR IN REVIEW

**2015 was marked with a number of wins for fires across Queensland. After three years of unrelenting attacks, we gained some important ground in terms of workers compensation, award conditions and workplace health and safety.**

### New Award

As you are probably already aware, all auxiliary firefighters will be covered by a new award from 1 January, 2016. This is a monumental win for you and your union and we are proud to inform you that you will notice a substantial improvement in your pay and conditions as the award is phased in.

As elements of the award are phased in you will be entitled to weekend, late night and public holiday penalty rates, a standardised call-in allowance, meal and rest breaks and a yearly retention allowance.

This win has been a long time coming. Your union first filed a submission for the making of an award in September

2012. The process required thousands of pages of witness submissions and evidence to demonstrate the unfair conditions auxiliaries were subjected to. Our case was strong, and in October 2013 the Queensland Industrial Relations Commission ruled in our favour, despite adamant opposition from the fire service.

You may remember that following this decision you were briefly covered by an Interim Award that was supposed to apply until negotiations with the fire service had reached an outcome.

Unfortunately, just weeks after the Interim Award came into effect, the Newman government fast-tracked a controversial piece of legislation which invalidated the document. There was no community consultation or discussion, your rights were taken away, and we were back to square one.

In response to the new laws, we lodged a similar application for the making of a Modern Award under the new Award Modernisation provisions. We also ran a concurrent class action for compensation regarding the unfair employment contracts issued to auxiliaries.

It was due to this unrelenting pressure that your union secured commitments from both Labor and the LNP to agree to an auxiliary award in the lead up to the January state election.

This year the Palaszczuk government has delivered on their promise, and the new award was presented by your union to the QIRC with the consent of the fire service.



*Celebrating the auxiliary award*



**Industrial Officer John Spreckley, State Secretary John Oliver and auxiliary firefighter Mark Luther reviewing the consent award approved by QIRC in November 2015**

However, because auxiliaries are effectively on-call 24/7, the allowance cannot operate in the same way as for permanents. Instead, it will be paid through a lump sum at the end of each year, available to Auxiliaries who attend at least the minimum percentage of call-ins and training sessions.

UFUQ fought hard to include retention allowances in your conditions, because you have told us that this imposition on your rest time is one of the most difficult and unfair parts of your job.

## Particulars of the Award

### Late Work and Weekend Penalty Rates

As we submitted to the QIRC, auxiliaries often engage in alternative employment in addition to their firefighting duties. Our witnesses submitted that they sometimes have to leave their regular employment on short notice to attend a fire, and they often are not granted leeway the next day at work when they've been out all night.

It is for this purpose that auxiliaries are particularly entitled to compensation for late work call-ins.

Additionally, work done outside 9am-5pm is generally accepted to cut into social time, because kids are home from school and partners and friends have finished work. Your new award prescribes penalty rates to be paid for work done between 6pm and 6am, to compensate you for when you're required to work unsociable hours.

The award also compensates you with weekend penalty rates for every call-in you attend between midnight on Friday night and midnight on Sunday night. These changes will be completely phased in by 2018, and will amount to time and a half on Saturday and double time on Sunday.

You will also be compensated at the rate of double time and a half for a minimum of 4 hours for any work on a public holiday.

The government has long recognised the sacrifice to family and recreation time when people are required to work on weekends and public holidays, and this compensation brings your conditions in to line with most other industrial sectors.

These allowances are set out in detail in clauses 18, 19 and 26.

### Retention Allowances

Clause 15.4 of your new award sets out your entitlement to a Retention Allowance. As part of your current contracts, you are expected to always be ready for a call, and to attend 75% of training and 50% of call-ins. This requires a state of constant readiness, which understandably impacts on the quality of your free time.

The concept of a retention allowance is similar to that of an on-call allowance for full time firies. That is, your employer recognises that the requirement of constant readiness affects your ability to enjoy your time off, and so they compensate you for this imposition.

### Call-in Allowance

The award will also address the way call-in payments are calculated. A minimum of 2 hours will be payable from each attended call-in, and this will roll over if multiple call-ins occur within the first 2 hours.

If you work for longer than 10 hours on a particularly busy day, you will be entitled to an overtime allowance of time and a half for the first 3 hours, and double time thereafter. This will mean that your call-in pay is more consistent and predictable.

These provisions are set out in Clause 22 of the Award.

### Hours of work

Your new award has a number of provisions to help you deal with fatigue during your work hours. Subject to operational requirements at emergency situations, all employees will be entitled to a 30 minute paid meal break where a shift is over 4 hours in duration.

Paid rest pauses of 10 minutes are also included in work entitlements where a shift is over 4 hours, but under 6 hours in duration.

### Union matters

Your award acknowledges the important role of union delegates in the workplace and allows the reasonable use of QFES resources to conduct union business. It also allows for union officials to enter a workplace, inspect records and talk to members following proper notification.

### Other

When reading through the award, you will notice that some of the clauses have staggered commencement dates. This arrangement was part of the negotiated phasing-in period, to allow the fire service time to deal with the increased financial stress.

Your union is still in discussions with QFES about rolling out the new award conditions, and we will keep you informed. The Shared Services Agency "QSS" is currently working with the Employee Relations Unit to make sure pay sheets, codes and information packs will be ready for the New Year.



## Your Current Conditions

The Industrial Relations Act sets out a list of minimum employment standards for workers in Queensland. These include a minimum wage, annual leave, long service leave and public holiday provisions.

As auxiliaries you are often called away from your regular employment at a moment's notice and you aren't protected by minimum conditions.

Not only are you currently not receiving the remuneration that you deserve, but you are also potentially at greater risk because there are no safeguards to prevent fatigue. Your contracts don't account for the fact that auxiliaries often hold primary employment elsewhere, so there are no protections against the risk of overwork and exhaustion. When the nature of the work is so fast paced and dangerous, this impairment can be life-threatening.

Currently, the auxiliary employment contracts prescribe a loading in lieu of paid annual and sick leave, but do not compensate you for the time you spend at work on public holidays, weekends and between the hours of 6pm and 6am. Even for casual employees, these working conditions fall below all prevailing, fair and relevant standards.

Thanks to this new award, as of 1 January 2016, all Queensland's auxiliaries will notice a substantial improvement in their working conditions.



**Auxiliary firefighter Mark Luther**

## Unfair Contracts

You may remember that late last year, the fire service attempted to have our unfair contracts case for Auxiliaries struck out. When the QIRC refused to permit this, the fire service appealed to the Industrial Court. In November this year, the Industrial Court released their decision, which was determined in our favour.

Your union is in the process of calling that matter back on and 2016 will hopefully bring resolution to this matter.

## Election and New Minister

The State election in January saw a change of state government. In a 15% state-wide swing, Queensland voters sent a clear sign that they were unhappy with the cuts to essential services, including QFES, and that they wanted to keep our public assets in public hands.

In the lead up to the January election, the Labor party promised to increase the capacity of frontline services, restore fairness to the award modernisation process, to introduce presumptive legislation for firefighters battling work-related cancers and to review the workers compensation and OH&S provisions.

We have been working with the government throughout the year to ensure these promises are delivered fully and as quickly as possible.

For most of this year, Ms Jo-Ann Miller filled the role of Minister for the Fire Service. Your union maintained regular contact with her office, and we worked productively on a number of different issues. Minister Miller stood down as Minister for Fire and Rescue Service and was replaced by Mr Bill Byrne on 7 December. UFUQ had a very positive working relationship with Minister Byrne when he was the shadow minister and we are eager to continue this cooperation in the future.

## Uniforms

Your union is again involved in negotiations regarding your uniforms, having been locked out in those talks by QFES under the previous state government.

Now that we are again being consulted, we hope to address the uniform issues and resolve concerns regarding the recent issued uniforms.



**Rockhampton branch president Dain Johnson, Minister Bill Byrne, Premier Palaszczuk, Central Region Delegate Greg Harris and Rockhampton branch Secretary Bruce Lawrie**



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## Labour Day (Moved Back to May)

On the first weekend in May, UFUQ united across Queensland to march in solidarity with 20,000 other union members for Labour Day. We marched to demonstrate the power of united workers and to show that we will fight back against cuts to employment conditions, health and safety standards and workers compensation.

Thanks to legislation passed in September, 2015's Labour Day will be the last one without a traditional public holiday in May.

Fulfilling their pre-election commitment, the Palaszczuk government reversed the Newman Government's antagonistic policy and restoring Labour Day to where it has been for over 100 years. They have instead moved

the Queen's Birthday day to October, keeping the public holidays relatively balanced throughout the year.

Next year will mark the 125th anniversary of Labour Day in Queensland. We are preparing for an even bigger celebration and we are very much looking forward to marching alongside many of our members.

**Photo 1 & 2: Members celebrating Labour Day in Brisbane**

**Photo 3: Members celebrating Labour Day in Toowoomba**

**Photo 4: Members celebrating Labour Day in Gladstone**

## QCAT Case

This year, your union challenged a prohibition order issued by the Fire Service in relation to the distribution of union documents by union branch secretaries. We took the case to the Queensland Civil Administrative Tribunal to challenge the policy under the Anti-Discrimination Act.

The case was resolved through arbitration with the fire service. QFES agreed to scrap the prohibition policy, meaning that union delegates are again entitled to the reasonable use of QFES resources in conducting union affairs.

You will soon see a new policy published by QFES relating to use of QFES property for union matters.

## Individual Matters

This year our Industrial Officers took well over 2,500 calls, and just as many emails, dealing with pay issues, WorkCover, award matters, discipline actions, disputes and a range of other queries. We also attended a number of onsite meetings with members who were having issues within their station.

We've also had to see through a number of cases from last year in QCAT, the QIRC, and the Industrial Court. There are many individual matters that we are not able to report here due to their confidentiality.



# WORKERS COMPENSATION AND REHABILITATION AMENDMENTS

## Presumptive Legislation

Going into the January election, your union secured commitments from both major parties to introduce presumptive legislation for current and former firefighters who contract work related cancers.

As we know, fires are vulnerable to a number of latent onset diseases as a by-product of the work, and the last thing we should have to do is battle the courts for compensation.

Your union has been fighting for many years to have the onus of proof reversed on these claims, so that the 12 most common types of cancer will be presumed to be work-related.

It was with delight and great relief that our members could watch as parliament passed this legislation unanimously in September of this year. This legislation applies to all fulltime, auxiliary firefighters, and also to rural bush fire volunteers.

A recommendation was made which requires the rural bush fire volunteers to attend a review panel for consideration, in determining whether they meet the exposure criteria.

## Background

The worldwide campaign for presumptive legislation for firefighters originated in the United States over ten years ago. The 2006 LeMasters Study produced a landmark report into the exposure of firefighters to carcinogens, based on the findings of 32 previous studies. The cases of 110,000 firefighters were considered as part of this exercise. This landmark study concluded that firefighters are disproportionately susceptible to 12 particular types of cancer, and tend to contract these diseases earlier in life.

In response to these findings, an international campaign for the protection of firefighters was started by the American Firefighters' Union (IAFF) and picked up by Canada, and the UFUA. In 2011, we began a hard lobbying effort to secure amendments to the federal Safety, Rehabilitation and Compensation Act, which meant that fires diagnosed with one of the 12 cancers were presumed to have contracted

the disease as a result of their work, and were able to be awarded compensation accordingly.

The amendments were passed unanimously, but only applied to fires employed under the federal government, which is those who work in airports or in the Northern Territory and ACT.

The campaign in Queensland has been ongoing and your union has kept you updated regularly on its progress. The Newman government dragged its heels for its three years in office, but committed to introduce presumptive legislation on re-election as part of the Accord signed with UFUQ in late 2014.

The Labor Party committed in December 2013 to introduce presumptive legislation if elected.

In June and July of this year, both the government and the opposition fell over themselves to pass this legislation. The LNP introduced a private members bill in June, dealing solely with presumptive legislation for firefighters, and this was followed by a more substantive bill by the government in July.

Both bills were considered concurrently by the Finance and Administration Committee, and UFUQ made detailed submissions on your behalf.

All of the recommendations raised in our submission were considered by the committee and most were accepted by the government. In rejecting the recommendation that the legislation provide for the inclusion of new cancers as the research develops, the government qualified that the act can be changed to reflect scientific developments when it is reviewed every 5 years.

The government also adopted the provision from the Private Member's Bill that applied the same level of presumptive legislation to rural bush fire volunteers as to full time and auxiliary firefighters.

The new legislation provides for the same 12 types of cancer as enumerated in the Commonwealth Act.

- Primary Site Brain Cancer
- Primary Site Bladder Cancer
- Primary Site Kidney Cancer



*State Secretary John Oliver and UFUQ members celebrating the passing of presumptive legislation laws in Queensland*

## WORKERS COMPENSATION AND REHABILITATION AMENDMENTS

(Continued from page 5)

- Primary non-Hodgkin's Lymphoma
- Primary Leukaemia
- Primary Site Breast Cancer
- Primary Site Testicular Cancer
- Multiple Myeloma
- Primary Site Prostate Cancer
- Primary Site Ureter Cancer
- Primary Site Colorectal Cancer
- Primary Site Oesophageal Cancer

This outcome marks the end of a long campaign to ensure sick firefighters can get access to basic compensation without being dragged through the courts.

You can be sure that the "Presumptive Legislation" laws would not exist in Queensland but for the work done by UFUA and UFUQ.

### Minimum Impairment Threshold

The new Workers Compensation and Rehabilitation amendments also abolished the 5% Whole Person Impairment threshold for injured workers to gain access to common law damages. Common law damages should be a basic entitlement for any employee who has had their rights infringed through the fault of their employer.

They provide an opportunity for the injured person to claim back all their medical and rehabilitation costs, as well as any losses caused by a reduction in future earning potential.

The purpose of this standard legal remedy is not only to return the injured worker to the financial position they would be in if the employer had not been negligent, but also to deter employers from acting improperly and cutting safety standards.

The previous government increased the threshold for common law damages to 5% whole of person impairment, meaning for example, that if an injury only debilitated a worker 4.5% of their body's functionality they would be denied this basic right.

Thanks to the insistence of your union, in conjunction with a number of other Queensland Unions, the government has now removed this threshold.

### WorkCover claims history

The new laws also abolish the entitlement of prospective employers to access the work claims history of job applicants without their permission.

This disgraceful provision served no purpose other than to encourage employers to discriminate against prospective employees on the basis of their previous compensation claims. UFUQ welcomed the abolition of this bosses' entitlement.

## Station Visits

This year, State Secretary John Oliver, members of the UFUQ executive and industrial team have held regular tours to stations in all seven regions. In January we held 14 formal and informal meetings, engaging with over 400 members and listening to concerns from individual stations.

We held regional tours across August, September and October, keeping members up to date with the Auxiliary and modernisation award processes.

**2016 will see members of the Executive at station meetings across the state.**

## Firefighters Remembrance Day

On Saturday October 10, State Secretary John Oliver, former State President Mark Dearlove and Senior Vice President Peter Draper, firefighters, fire communication officers, families and friends stopped to pay tribute to firefighters who have lost their lives in the line of duty. Seven services were held across Queensland to honour those who have made the ultimate sacrifice through the course of their service to the community.

Firefighting remains very dangerous work, but UFUQ anticipates that the strengthened workplace safety and rehabilitation laws introduced this year will help to protect fires in years to come.

*Senior Vice President Peter Draper, State Secretary John Oliver, Jo-Ann Miller MP, State President Mark Dearlove, Di Farmer MP*





# "Restoring Fairness" Amendments

Earlier this year, the Queensland government introduced new Industrial Relations laws to restore some of the balance to the Queensland Industrial Relations Commission and the award-making process.

Your union made a formal submission and spoke on your behalf at the parliamentary committee dealing with these new laws.

These amendments return some independence to the QIRC. Commissioners are no longer required to account for the State Government's financial situation when making wage decisions, and the playing field has been levelled somewhat by the new restrictions on legal representation during arbitrations.

The rights of union officials to enter the workplace have also been restored.

The amendments also undid some of the harm caused by the previous government's award modernisation process. Previously restricted content is now back on the negotiating table, including employment security provisions, union encouragement provisions and consultation and training arrangements.

UFUQ has welcomed these amendments, and we now have a bit more room to move in relation to the Award Modernisation process.

## New WHS laws

In June, your union spoke in favour of the government's Workplace Health and Safety laws, which sought to restore protections.

We expressed support for the rights of safety reps to direct unsafe work to cease and to call in immediate external assistance from accredited persons.

We also pushed to allow UFUQ officials to immediately investigate safety problems, without having to give notice 24 hours in advance.

UFUQ submitted that these restored provisions would likely reduce the number of situations that evolve into emergencies, and would decrease the risks faced by UFUQ members who are required to attend emergency situations. All of these provisions were passed by the parliament and entered into force in October.

## Review of PSBA and QFES

In late April, the government announced a review of the Public Safety Business Agency (PSBA), the overarching management body established by the Newman government. After consulting with our members, the UFUQ prepared a submission recommending that the PSBA be discontinued, or at least that all substantive management be transitioned back to the fire service.



The PSBA was an attempt by the government to centralise the management of the emergency services departments for the purpose of marketing them to the private sector.

This restructure had a significant impact on the efficiency of the organisation, and the ability of fires at station level to get on with the job. UFUQ also noted the concern of members that the recruitment and training processes had been over-standardised and were falling short of the high standards fires are used to.

UFUQ contended that the PSBA is the cause of unnecessary and remote layers of bureaucracy for no net benefit. The review committee's report is due by the end of 2015.

## Review of IR Act

Queensland's Industrial Relations system is currently undergoing a substantial review. UFUQ made submissions to the committee in October, expressing our grievances with the current structure and our recommendations as to how the system can be fairer, more reliable and more independent.

Your union filed a submission recommending that the functions and accountability mechanisms of the QIRC be reviewed and that the jurisdiction for WorkCover be moved under a separate body.

We also recommended several amendments to the Industrial Relations Act which would aid the union in advocating for your interests and working conditions.

The results of the review will be released in the New Year.

## New Fire Commissioner

The new Fire Commissioner, Katarina Carroll was officially appointed on 1 August 2015. The commissioner has been open and positive in communications with the union and we look forward to continuing a constructive working relationship in the future.

## Staff Changes

This year we've had to say goodbye to two of our dedicated UFUQ staff members. Paula Newman has served our members since 1996, and has worked as an Industrial Officer since 2001. She has provided valuable industrial assistance, either over the phone or in person, to hundreds of fires across Queensland.

John Spreckley is also leaving this year, after 4 years serving as our Senior Industrial Officer. He focussed his efforts on the union's political strategy, and his work was integral during the section 149 arbitration and in securing the Auxiliary Award this year.

UFUQ is also excited to welcome Nate Tosh as our new Industrial Officer.



**Meeting with Chief Executive Officer of Climate Council Amanda McKenzie, Brisbane region delegate Dean McNulty and Health and Welfare Officer Shane Malley**



**Ed Huffam and photo taker Eric Atkinson – Everest Base Camp Trek in a UFU shirt**

## QFES Survey – Bullying

In June, the fire service released the results of their Future of QFES Survey, which reached about a third of the paid QFES workforce. The survey found that fires were generally happy with their employment, but highlighted the substantial divide between management and the workforce.

Around three quarters of respondents think that fire service management are not capable of resolving workplace conflict effectively, and do not model effective leadership skills.

There were also flags raised with regard to bullying by senior management and over half of the fires surveyed were not confident that they would be safeguarded against retaliation if they were to report a problem.

This survey also dispelled most of the allegations raised in last year's Allison review.

That review was a politically motivated and statistically unreliable attack on the culture of the fire service, which the government used to try and destroy the credibility of fires within the wider community.

Of the huge number of fires surveyed this year, 98% have never witnessed any offensive jokes or teasing, physical intimidation or sexual or suggestive remarks.

Further, male and female firefighters both generally agree that they are part of a supportive and inclusive culture.