

Operational Support Unit Dispute– QIRC Decision

The decision from the Queensland Industrial Relations Commission (QIRC) regarding the Operational Support Unit has now been determined and I have attached this document for your viewing. You will note that the Commission has determined that, at this point in time, the OSU is not significant enough in itself to give an allowance or any additional payment for its operation. The QIRC has also recommended that the bans now be lifted to allow the QFRS to roll-out OSU's in the identified locations.

The QIRC did acknowledge statements made by the QFRS that OSU's are only a support vehicle, as the name suggests, and used for transferring extra equipment to an existing incident once it is established by the incident controller. This point needs to be considered when procedures are being written regarding the response protocol. A more detailed explanation is included in the attached decision.

Staffing

The QIRC has determined not to increase staffing numbers, but has asked the UFU and the QFRS to meet and identify positions in stations and functional roles that could be better utilised on the frontline. The Union's SCM and its local branch representatives will give a lot of consideration to this recommendation in the coming week.

Further, the QIRC has now recommended that the UFU and QFRS meet annually with the intention to agree on relative priorities for any changes to existing Stations' staffing levels, method of operation (e.g. 5/7 days or 7/7 days), appliance types etc.

I see this decision by the QIRC as a very positive step towards achieving our goal of upgrading stand alone stations and for them being crewed appropriately.

JOHN OLIVER
State Secretary

QUEENSLAND INDUSTRIAL RELATIONS COMMISSION

Industrial Relations Act 1999 - s. 229 - Notice of Industrial Dispute

**Queensland Fire and Rescue Service v
United Firefighters' Union of Australia, Unions of Employees, Queensland**

D/2012/33

DEPUTY PRESIDENT BLOOMFIELD

28 May 2012

STATEMENT AND RECOMMENDATION

The Queensland Fire and Rescue Services (QFRS) has requested the assistance of the Queensland Industrial Relations Commission (QIRC) to overcome certain difficulties it is experiencing concerning the "roll-out" of a number of new appliances, described as Operational Support Units (OSUs), in the coming months. In particular, QFRS is seeking QIRC's assistance to resolve certain difficulties being experienced at the Gladstone Fire Station where the first OSU (244S) is to be located.

In its dispute notification QFRS informed QIRC that the United Firefighters' Union of Australia, Union of Employees, Queensland (UFU) and its Gladstone-based members had made claims for an increase in staffing levels at each of the Stations where OSUs are to be located as well as a special allowance to reflect the additional skills said to be required to operate the new appliances.

To assist me to better understand the issues in dispute between QFRS, UFU and the membership of that Union, I travelled to Gladstone to inspect the new OSU which had been recently delivered to that Station as well as to discuss the whole matter (in a frank and open manner) with representatives of QFRS, UFU and local Firefighters. The following day I also inspected several other appliances (501T and 645M) in Brisbane in order to appreciate some of the differences between OSUs and other operational support and command vehicles currently in use within QFRS. During the second set of inspections I was also able to speak quite frankly to the Firefighters manning those vehicles about the use to which such vehicles might be put, as well as the training and skills required to utilise those vehicles in a variety of situations.

Based upon my inspections of 244S, 501T and 645M, as well as my discussions with Officers and Firefighters of all ranks familiar with those three vehicles, it is very clear to me that the new OSUs (such as 244S) will be significantly more limited in their role than either 645M or (in particular) 501T.

OSUs are designed to be a multi-function operations support vehicle that are intended to deliver support equipment and resources to an operational fireground as well as to provide the ability to deploy an intermediate command and control capability utilising the on-board command and control facilities. By comparison, 501T is a one-off vehicle used by QFRS as an independent command and control vehicle which also provides the capability of deploying fire communications (ESCAD) systems, which are all used at major emergency and disaster events such as Cyclone Yasi.

To be able to competently work on 501T, Firefighters must have undertaken a structured training course involving three days of Electronic Command and Control (ECC) training, five days of face-to-face training for the appliance, followed by four weeks of mentored training, on shift, working on a series of exercises. Once an assessor is satisfied that a Firefighter has achieved the necessary standard of competency to operate 501T that Firefighter is subjected to a four hour practical assessment before being approved to work on the appliance. By contrast, the training provided to intended operators of an OSU is limited to approximately 16 hours - which includes training pertaining to the safe deployment and use of the appliance, vehicle loading limits and required placement location(s) of equipment to be loaded on board, as well as the capabilities of the vehicle.

Currently, while each OSU does have ECC capability operators are not presently trained to that level, particularly in the Electronic Incident Action Plan (e-IAP) component of ECC. Nonetheless, it is likely that, at some future point in time, persons who might be called upon to operate the OSU (as well as other Firefighters) might be given ECC and e-IAP training.

The monetary claim

From my discussions with Officers and members of UFU it appears that the claim for additional remuneration to be paid to Firefighters who might operate an OSU is based upon the fact that since August 2009 Firefighters assigned to 501T have been paid an additional allowance of 2.5% in accordance with the provisions of clause 5.4 of the *Queensland Fire and Rescue Service - Enterprise Partnership Certified Agreement 2003* (the 2003 Certified Agreement).

Clause 5.4 of the 2003 Certified Agreement provides for what is termed a "Special Flexibility Allowance" to be paid to non shiftwork Station Officers working in particular functional roles and involves the "buy out" of the first two hours of overtime penalties in any single pay period. Elsewhere, the clause provides a similar 2.5% allowance to apply to *"Firefighters and Station Officers with Level 2 Technical Rescue training and employees at BA/Hazmat Brisbane working 24 hour shift work. The Special Flexibility Allowance will compensate employees for on-call arrangements as they are provided with pagers for emergency response."*

Because of the nature of the work involved in operating 501T, including the nature of the training given to Fire Officers manning that unit, the Commissioner decided to extend the 2.5% allowance to those persons operating 501T in August 2009. However, at the time of making that decision, the Commissioner made a clear point to UFU and its members that his decision was not intended to create any form of precedent as to the nature and level of remuneration to be paid to operators of other fire appliances. It was because of the uses to which 501T was to be put, and the likely requirements to be placed on Fire Officers in situations when that vehicle was in use, that the Commissioner decided to extend payment to those Officers.

After having carefully considered the nature of the work involved in operating 501T and 244S - as well as the training required to operate such vehicles and maintain competency - there is no basis upon which I could recommend the payment of any additional remuneration to Firefighters who might be called upon to operate any of the six OSUs which are in the process of roll out.

While the skills required to use those vehicles are certainly different and, one might readily concede, additional to those skills which Firefighters currently use, the extra (or different) skills are not so significant as to warrant the payment of any special additional remuneration or special allowance. Rather, I would suggest (based upon my nearly 20 years as an Industrial Commissioner and 20 years prior to that as an Industrial Advocate) that the additional skills required to operate an OSU constitute an incremental increase in each Firefighter's skills set which is insufficient to justify a wage increase (or an additional allowance) at a single point in time but which, taken together with other incremental increases, ultimately justify a re-evaluation of the worth of a particular role following "work value" cases or JEMS-type assessments.

As such, I would strongly urge all Firefighters who might be asked to participate in the roll-out of OSUs to fully cooperate with that roll-out - including participating in the requisite training to operate such vehicles and maintain competency.

The manning issue

During my discussions with Officers and members of UFU in Gladstone I was informed of the deeply held beliefs of those persons that the current staffing levels at Gladstone are (in their collective view) inadequate. In this respect, I was informed of a recent situation where the city of Gladstone was left without a manned fire appliance for approximately 45 minutes while the (only) available crew attended an incident in Calliope. This incident was said to be but one example of other situations where the city had been left without coverage if an incident requiring the attendance of a fire appliance had arisen.

I was also told that the arrival of the OSU would compound the problem. If a fire appliance was attending an incident where the OSU was required to be deployed it was highly likely that auxiliary Firefighters would be called upon to bring the OSU to the incident. However, because of their relative unfamiliarity with an OSU, and their relative lack of experience in loading the vehicle with the necessary equipment/appliances in the appropriate locations, it might take an inordinate amount of time for the OSU to reach the incident. During this time, the lives of Firefighters, and others, could be placed in jeopardy because of the lack of access to, for example, fresh air tanks.

On the other hand, the representatives of QFRS stressed that each OSU was designed to perform the role that its name implied - namely, support unit. As such, its role was to bring requisite equipment and items to an incident once the need for extra equipment (such as BA cylinders, HAZMAT identification and mitigation material, decontamination equipment etc) was identified. QFRS accepted that it might take some time to load this equipment and then transport it to the incident but its representatives stressed that every decision of QFRS concerning response times, nature of equipment in each Station and the manning levels of each Station required it to balance such factors against the available funding.

QFRS also advised, and UFU confirmed, that in order to "man" an OSU in Gladstone on a 24/7 basis QFRS would need to recruit an additional 10 Firefighters into that Station, at an annual cost of approximately one million dollars. QFRS said that there was no available funding to meet such an obligation.

Consideration of the issues raised in this aspect of the Dispute

During the course of my extensive discussions with the representatives of UFU and QFRS, together with the information obtained during the course of previous proceedings I have participated in in QIRC concerning QFRS, it became very apparent to me that the matters raised in this dispute need to be placed in some context, as follows:

- since the early 1990s the great bulk of QFRS's funding has been derived from a fire levy which has only been increased in line with CPI increases;
- since that time QFRS has been required to fund any expansion in staffing levels and new capital equipment purchases from its own resources (i.e. fire levy and "fee-for-service" income); and
- apart from a special injection of \$20 million by the Queensland Government in 2000, to meet capital equipment requirements, the only other additional funding provided to QFRS was in approximately 2008 to meet the additional cost associated with a work value outcome following an assessment by Mercer.

The ultimate impact of the above considerations is that while QFRS is not operating on the proverbial "shoe string", its capacity to accommodate growth has been limited to (in effect) movements in the CPI since approximately 1990. However, wage increases - which represent the bulk of QFRS's outgoings - have increased at a greater level than CPI over that 20 plus year period. Accordingly, the management of QFRS has increasingly been required to manage competing priorities and decide which "needs" can be satisfied based upon available funding.

The position facing QFRS is such that had I been of a mind to recommend the engagement of additional staff at Gladstone, any such recommendation would have had significant financial implications for QFRS at a time when the Queensland Government is demanding all departments and agencies look to trim current levels of expenditure. Further, and very importantly from my perspective, QIRC is also not the appropriate body to be making determinations as to the Stations within QFRS which are in most need of additional resources - whether they be staffing levels or equipment. That decision is best left to those who are responsible for the overall operations of QFRS across the State (unless there are clear issues of excess workload, OHS issues and the like at which time it might be appropriate for QIRC to become involved).

That having been said, this dispute (nonetheless) does highlight the potential for disagreement between the management of QFRS and UFU and its membership about the way that QFRS determines, and then manages, its competing priorities. Unless that matter is addressed in some way there is potential for further disputation in the future.

Having considered this issue at great length, over a number of weeks, I have decided, in the interests of trying to maintain and progress industrial harmony as well as in the public interest, that it is appropriate that I make a number of Recommendations to QFRS and UFU about the whole matter of managing competing needs and priorities within the Fire Service in Queensland. As such, I make the following Recommendations:

1. QFRS and UFU should meet as soon as possible to discuss QFRS's intentions, subject to budgetary considerations, regarding potential future alterations in staffing levels at individual Stations or the way that individual Stations might operate (for example 5/7 or 7/7). The purpose behind such meeting is to

attempt to agree, as much as possible, on relative priorities concerning the allocation of resources - both physical and capital; and

2. Thereafter, QFRS and UFU should meet annually with the intention of attempting to agree relative priorities for any changes to existing Stations' staffing levels, method of operation (e.g. 5/7 or 7/7), appliance types etc.

In relation to the above Recommendations, I stress that such meetings between QFRS and UFU should not be about deciding which party's list of priorities is better but should involve a sensible discussion about each party's mutual interest in identifying relative priorities so as to inform both QFRS's management and UFU's membership about the identified priorities. (In this regard, while Firefighters at individual Stations and Regional Managers might disagree with the relative priorities identified across the State, it must be remembered that local Firefighters and Senior QFRS Officers in the Regions generally will not have had access to the full picture.)

Importantly, the discussions should not be viewed by any members of UFU as an opportunity for the Union to try to exercise any sort of "veto" over the ability of the management of QFRS to legitimately manage the priorities and direction of the organisation. The discussions should be seen for what they are - viz an opportunity to better understand the direction that management of QFRS sees the organisation moving in and an opportunity to try to influence the "shape" of that direction.

In addition to discussions about the identification of relative priorities and future direction, I also strongly recommend that QFRS and UFU jointly look at the manning levels in all existing Stations and functional areas with a view to optimizing the allocation of all resources of QFRS, based upon current conditions and predicted growth in population, industrial developments and the like. Again, any discussion along these lines will need to be conducted in a sensible and pragmatic manner given QFRS's funding limitations and the clear objective of the new Queensland Government to identify areas where existing expenditure can be reduced or put to better effect.

I recommend accordingly.


A.L. BLOOMFIELD
Deputy President