



ACT
Government



To all ESA staff

ACT Fire & Rescue Enterprise Agreement – Commissioner’s Update – 15 February 2019

You may have noticed recent media reports that the United Firefighter’s Union (UFU) has made an application for protected industrial action under the Fair Work Act. This means that it is seeking a vote of its members on whether industrial action should be taken at some time in the future. This is done through the union proposing a series of yes/no questions covering the range of industrial actions that may be pursued. Should a ballot be successful, a separate notification process of each instance of actual industrial action is required.

The ESA has been seeking clarification from the union on some of its proposed actions and their effect. As public safety is the ESA’s first priority, we have been seeking the union’s assurance that its actions will not adversely affect public safety. ESA representatives held an urgent meeting with the union’s representatives in an attempt to further clarify how that will work in practice.

Whilst the ESA will continue to work with the union and to bargain in good faith, I think it is important that I explain some of the background of the enterprise agreement negotiations.

The ESA’s offer of a 10% pay increase for ACT Fire & Rescue in the first year, in addition to the ACT Government’s core agreement offer of an average of 2.75% p.a. plus a 2% increase in superannuation over the term of the Agreement, is designed to bring greater alignment of the Firefighters’ Agreement to other ACT Government agreements. It is also designed to embed modernised principles within the Agreement that will increase diversity, improve workplace health and safety, and provide much greater rostering flexibility as we are able to do within our other workforces. This offer was rejected by the union.

The proposal is underpinned by the Government’s strong commitment to ongoing and genuine consultation. ESA is similarly committed to consultation and I understand the importance of seeking the views of our workforce prior to making decisions that impact on them. This includes their views on facilities, equipment, resources, uniforms and protective clothing, recruitment and training issues.

The UFU has stated in its submission to the Fair Work Commission that the offer is not negotiable, however, this is not correct. This generous offer has been placed on the table in good faith and remains open to negotiation.

It is also important that I raise the ESA’s obligations under the Fair Work Act to record the absence of staff and time lost in any industrial action involving work stoppages. In the unfortunate event that industrial action does proceed, administrative arrangements will be put in place to make the appropriate pay deductions for work stoppages.

As most of you would be aware, an application for protected industrial action under the Fair Work Act is not something that the ESA has experienced since its formation in 2004. Industrial action can be very confrontational and imposes an additional burden on the agency. While the ESA will do its best to ensure this dispute is resolved smoothly and with minimal disruption, I am very conscious that industrial disputes can be a workplace stressor for staff. If you are affected, please be aware that there are wellness and wellbeing programs available to you.

Dominic Lane AFSM
Commissioner
ACT Emergency Services Agency

15 February 2019