



# NEWSLETTER

United Firefighters' Union of Australia Aviation Branch

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## SEPTEMBER 2013 NEWSLETTER

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## 1. TRAVEL ALLOWANCES

The Union and Airservices have been in discussions over the payment of travel allowances over the last couple of months. Airservices issued a memo this week outlining their position on this matter. The Union believes that the payments should be the same across the board and is taking further legal advice on the matter. From the 22<sup>nd</sup> May 2013, Airservices are applying the following arrangements:

- Payment for single day travel - \$66
- Short term overnight travel - Payments in accordance with Taxation Determination 2012/17 - \$116.25\* per day for meals and incidentals - amounts expended over and above this amount will be reimbursed on production of tax invoices covering the expenses in accordance with clause 4.11 of the Enterprise Agreement.

\*In accordance with the Enterprise Agreement this amount will increase from 1 January 2014 to \$118.85 in accordance with Taxation Determination 2013/16

- In accordance with custom and practice FIFO employees will be paid the combined meals and incidentals payments for each half day/12 hour period - \$66. Airservices are also claiming that FIFO employees are caught by changes to the taxation arrangements for Living-Away-From-Home Allowance applying from October 2012 and will now be required to substantiate the actual amounts spent on food and drink and “will require each FIFO officer to provide receipts for actual spend to Airservices (or provide a declaration in the form approved by the [Taxation] Commissioner and retain documentary evidence) AND to make an annual living-away-from-home declaration. The Union has been provided with legal advice stating that Airservices have incorrectly interpreted the legislative changes and FIFO officers are not caught by them and the associated record keeping requirements. However, while this matter is sorted out, the Union would advise members should obtain and keep receipts for all amounts expended on food and drink. The Union is acting to have this matter addressed as quickly as possible.

## 2. GLOVES

As reported in previous newsletters, the Union and ARFF have been working collaboratively on progressing a trial of gloves. While there were a number of alternatives which the Union and ARFF believed would be suitable for trial, current CASA requirements are that any gloves trialled must comply with the Australian Standard as per MOS Part 139H, Chapter 14.1.1.1.

The UFUA rep on the AS committee has indicated that there will be a new Australian Standard around mid 2014 and it seems most likely that current 3 levels of gloves will no longer exist. At the moment then on the basis of CASA requirements per the MOS Part 139H there are effectively only three gloves that could be trialled. Of the three, one glove stands out protection wise at almost double the protection provided by the current issue, with slightly better dexterity but is a leather glove with the supplier claiming they soften over time.

The Union and ARFF are waiting for some further glove samples to arrive and will meet again after these arrive to consider options for further progress on this issue.

## 3. FRMS2

Members will recall the FRMS2 project commenced well over 12 months ago. The project was about the management of the fatigue risk associated with rostering in Airservices and commenced initially with Air Traffic Controllers. The project was widened to include ARFF. To better understand and manage the fatigue risk in ARFF, the Union and Airservices signed a Memorandum of Understanding in 2012 covering data collection for the project. The MOU provided that data would be collected from ARFF locations agreed to between the Union and Airservices and the UFU and that the Union and Airservices would jointly communicate the merits and results of the data collection exercise to ARFF staff.

Integrated Safety Support, a specialist fatigue risk management consultancy hired by Airservices to gather data and report back to Airservices and the Union have completed their report and released it to the parties. The report will be discussed at a meeting between the Union and Airservices in

Canberra on the 10<sup>th</sup> October as part of the scheduled Divisional Consultative Council meeting. An update on the report and its findings will be communicated to members following that meeting.

#### **4. UNION'S LEGAL SERVICE INVALUABLE BENEFIT**

If you ever have doubts about the value of the Union's legal service consider the following two cases.

**Case 1:** Member lodged a claim with Comcare for a particular cancer type believing the claim would be accepted due to the 2011 amendment to the Safety Rehabilitation and Compensation Act [presumptive legislation]. Comcare rejected the claim on the basis that the member had commenced receiving treatment in 2010 when undergoing a test for the presence of the cancer prior to the amendment to S R and C Act. The member was not diagnosed with a cancer however until 2011, after the commencement of the presumptive legislation. The member was referred to the Union's legal service and on review, Comcare's decision to reject the claim was overturned and the claim was accepted. The solicitors are now negotiating a claim for lump sum compensation for permanent impairment and non economic loss in respect of the cancer and based on the treatment to date, the claim has reasonable prospects of success.

**Case 2:** Member had a claim for an injury sustained at work rejected by Comcare. The member was referred to the legal service who agreed to act for the member on a NWNF basis in the Administrative Appeals Tribunal. In discussions with the solicitors the respondent, Comcare, agreed to accept full liability for the member's claim.

#### **5. WHY BELONG**

Quite often these days you will hear someone say, "Why join the Union?" Shouldn't the question be, "why not join the Union?"

##### **What have Unions done?**

Many of the benefits you take for granted today have been hard won by the efforts of those members who have gone before.

You don't enjoy the rights and conditions that you do because employers have just handed them out or because governments just decided to make laws to help working people.

You enjoy these rights and conditions because workers acting collectively through their Unions have campaigned and struggled for them.

Unions, including the Aviation Branch, have a long and proud history of pursuing rights for Australia's working men and women. Achievements include:

- Long service leave
- Annual leave
- Sick leave
- Workers' compensation
- Equal pay for women
- Overtime pay and penalty rates
- Public holiday pay
- Shorter working hours
- Redundancy/retrenchment pay
- Family leave
- Carer's leave
- Paid maternity leave
- Anti-discrimination laws
- Work Health and Safety Laws

This list is by no means exhaustive but these are all conditions hard won by Unions and not something just handed out by employers. Increasingly, employers are launching attacks on penalty rates, leave loading and other conditions and the only thing that will protect and maintain them is the collective power of

Unions. The strength of a Union lies in its membership so it is vital that all those who benefit pay their way and belong to the Union.

The UFUA specifically has been successful in:

- Preventing privatisation of the service at Townsville airport creating and preserving jobs and career opportunities for ARFF firefighters;
- Protected and entrenched the 10/14 roster at Darwin;
- Negotiated a composite rate of pay so that overtime payments and employer superannuation contributions are not paid on a low base rate of pay on a rate that includes averaged penalty rates, averaged public holiday payments and others;
- Successfully defended an attack on the roster at Avalon airport;
- Winning support in the Federal Parliament to prevent the privatisation of the ARFF Service again securing and preserving jobs and career opportunities for ARFF firefighters; and
- has a voice on committees of review of the CASA Reg Part 139H;
- sits on industry working groups;
- represents the views of members at the National Consultative Council and Divisional Consultative Council; and
- Aviation firefighters, along with ACT firefighters were the first firefighters in Australia to be covered by presumptive legislation recognising cancer in firefighters being related to their occupation.

### **Composite Wage**

A significant benefit won by the Union and often overlooked by members is the composite wage. It is significant because when you are on sick leave and some other forms of leave, you do not lose pay. You are not paid on a lower “base” rate of pay which would see your pay reduced by 30+ percent otherwise. Additional hours payments are also paid on your composite rate and not on a lower “base” rate of pay.

### **Wage increases**

The 2013-2017 Enterprise Agreement provides for an average annual increase in remuneration of 4.585% over the life of the Agreement after taking into account the increased superannuation contributions. The average annual wage increase over the life of the Agreement is 4.21%.

Other state Fire Services and public service groups are averaging 2% to 2.5%, often with cuts in conditions. In Queensland, firefighters are struggling to achieve wage increases above 2.2%. In NSW, firefighters were awarded wage increases of 2.5% in arbitration and with a loss of conditions.

### **Presumptive Legislation**

Through a national campaign in which the Aviation Branch was prominent, Aviation Firefighters, together with ACT Firefighters, were the first Firefighters in Australia to be covered by what is referred to as “presumptive legislation.” This means that if you contract a cancer specified in the legislation it is deemed to be occupational and you are automatically compensated. No fighting the employer or Comcare to establish that your injury is work related; it is automatically accepted as being a result of your occupation.

### **Work Health and Safety**

Health and Safety in the workplace is of particular significance for Firefighters and this is one area where Unions have been very successful in securing laws giving significant recognition to the rights of workers to be represented in the workplace through Health and Safety Representatives. Also,

employers are required to properly consult with workers through their HSRs on any matters affecting their health and safety at work. Your HSRs are legally entitled to monitor health and safety at work and hold your employer to their obligations under WHS law.

### **Training**

Unions collectively and individually support education and training for workers including 'on the job' training. The training you receive today is a result of not only the collective action of Unions but also the UFU of A, representing all professional firefighters across the country, including ARFF firefighters, campaigning for and winning the right to access accredited, nationally recognised training. Having access to this has significant benefits for your career advancement as well as your career opportunities across all professional fire services in Australia.

### **Superannuation**

In more recent times, the Aviation Branch was successful in winning employer superannuation contributions of 12.5% for Aviation Firefighters. At the time this was 3.5% above the legislated Superannuation Guarantee Levy [SGL].

In 2012, the federal government legislated for an increase, from 1 July 2013, in the Superannuation Guarantee Levy from 9% to 12% by 2019. This increase would not have automatically flowed to Aviation Firefighters because Airservices was already paying above the SGL. However, your Union, the UFU of A Aviation Branch, was successful in securing the same 3% increase in the contribution Airservices pay to your superannuation accounts meaning that by 2019 employer contributions for Aviation Firefighters will be 15.5% and still 3.5% above the SGL.

### **The right to be consulted**

Unions fought for and won the right for workers, through their Unions, to be consulted on issues affecting their membership. The Union regularly makes a difference on issues through the consultative provisions of the Enterprise Agreement. Through your Branch Committee Delegates and Organisers, your views and opinions are taken into account and represented to the employer through the Union's participation on various consultative forums including the National and Divisional Consultative Councils.

The Union is actively representing members interests in a number of matters including Station Design, replacement gloves, driver training, replacement fire vehicles, to name a few.

Of particular significance are the improvements the Union has achieved in health and safety procedures and protocols associated with Compartment Fire Behaviour Training. This work is not finished and will be continued through the Unions representation on the joint working group established in 2012 as a direct result of the Union's intervention and representations on the matter.

Generally, the Union insists on being consulted on anything that affects our members in the workplace.

### **Advice and assistance**

Your membership of the Aviation Branch allows you to rest confident in the knowledge that at any time you need advice and assistance the Union is there. In the first instance your Organiser and Branch Committee of Management delegates are there on the job for you. The Branch Secretary is there to assist if help is needed at a higher level. You can feel comfortable that you can contact the Union without fear of any adverse action by the employer and that your privacy and confidentiality will be respected.

### **Legal Service**

As a member you also have access to the Union's legal service which gives you an initial consultation free of charge. This service is open to all members and allows members to get advice on any legal

matter. Contact the office for a referral. Legal assistance beyond the initial consultation is provided at a reduced rate.

### **Discount purchasing and other services**

Through “ACTU member connect” members have access to a range of services available exclusively to Union members. Member Connect is 100% union owned by 16 unions, one of those being the United Firefighters of Australia. As a branch of the UFU of A, Aviation Branch members have access to these exclusive services including banking, automotive, shopping, insurance, financial planning, superannuation, home loans, movies, credit cards and car rental as examples.

Additionally, the Aviation Branch is affiliated to the “Union Shopper”. The Union Shopper gives members access to a range of discount buying services. Members’ savings are significant. For example, a member recently bought a new car with a saving of around \$3000 Discounts apply on white goods, cars, computers, cameras, travel, insurance and many more.

### **It pays to belong**

Each and every Aviation Firefighter benefits from the efforts and achievements of the Aviation Branch and more broadly as a Branch member of the UFU of Australia. It is only fair and reasonable that all those who benefit should join the Union and pay their fair share. A Union cannot survive and operate effectively without the participation and financial support of those who share in the benefits of the Union’s achievements.

It doesn’t cost to belong – It pays.

Remember – **STRENGTH IN UNITY**

## **6. ITEMS OF INTEREST**

### **CONGRATULATIONS UFUA TASMANIA! THE FIRST AUSTRALIAN STATE TO PASS OCCUPATIONAL CANCER LEGISLATION FOR FIREFIGHTERS**

The Tasmanian Parliament today passed presumptive legislation recognising occupational cancer for firefighters and in doing so is the first Australian State to protect its firefighters.

The Bill is modelled on the Federal “Fair Protection for Firefighters” legislation in that it provides a presumption for the same 12 occupational cancers with the same qualifying periods for career firefighters.

The Tasmania Government has developed a new template to include volunteer firefighters.

The presumption applies to volunteer firefighters with the same qualifying periods provided the volunteer can also demonstrate having attended 150 incidents within any 5-year period for brain cancer and leukaemia, and within any 10-year period for the remaining 10 listed cancers.

The UFUA Tasmania Branch is congratulated on this significant success that has resulted after months of work.

We also congratulate Minister O’Byrne who championed the Bill through the Parliamentary process. As a result Tasmania firefighters now join their ACT and Aviation comrades in having this protection which will enable them to access medical assistance and entitlements when diagnosed with one of the listed cancers.

The UFUA is actively campaigning to replicate the federal legislation in all other states and hopes the success in Tasmania will flow through the other states shortly. Western Australia and South Australia currently have legislation modelled on the Federal legislation making its way through the political processes.

### **UNIONS LINKED TO WORKER HEALTH AND ECONOMIC GROWTH**

#### **[Thomson Reuters Workforce Daily, Issue 18753, Wednesday 10 July 2013]**

Greater union density promotes worker health and national productivity, a data analysis of 31 European countries has found.

Professor Maureen Dollard, who presented the research at the 10<sup>th</sup> Industrial and Organisational Psychology Conference in Perth last week (July 5) and Daniel Naser from the Centre for Applied

Psychological Research at the University of South Australia, said the data revealed national levels of worker health were positively linked to a country's gross domestic product.

*Workforce Daily* news associate *Occupational Health News* reported Dollard and Nesar said workplace protective factors at the "macro level" were more important for employee health than the quality of specific workplace conditions in explaining employee health at a national level. Union density was classified as a macro factor for increasing wages and benefits, compensation and workplace protection. "Union density likely influences workplace union activity and increases government labour policy enforcement above the role of health and safety committees," the authors said.

Worker representation could "alter and shape work conditions" that impact the health of the workforce. The authors noted "when accidents, errors and turnover occur as a result of stressful conditions, production costs go up because of the associated costs related to sick leave, compensation and replacement costs".

The study revealed the "psychosocial safety climate" (PSC) of an organisation, reflecting the "will of management to prevent and respond to stressful conditions", was as important as union representation in bolstering the health of workers. "A healthy workforce is good for the economy," the authors said. "The prominence of union density and its influence on workplace PSC for worker health raises the possibility that external forces can go further toward improving working circumstances."

### **UK FIREFIGHTERS SET TO STRIKE OVER PENSIONS**

As reported on the FBU site:

Firefighters will strike over pensions on Wednesday (25 September), the Fire Brigades Union has announced. Almost 80% voted in favour of industrial action in a ballot that ended earlier this month, although union officials have left the strike to the last possible moment to allow for the possibility of a negotiated settlement. Matt Wrack, Fire Brigades Union General Secretary, said: "This initial strike is a warning shot to government. Firefighters could not be more serious about protecting public safety and ensuring fair pensions. Governments in Westminster and Cardiff have simply refused to see sense on these issues. "It is ludicrous to expect firefighters to fight fires and rescue families in their late-50s: the lives of the general public and firefighters themselves will be endangered. "None of us want a strike, but we cannot compromise on public and firefighter safety." Firefighters in Scotland will not strike next week while union officials are discussing the Scottish Government's most recent proposals. However, a settlement in Scotland has not yet been found, and the union's strike ballot could still result in industrial action in Scotland too. The strike will take place for four hours, between noon and 4pm. The government's own figures have shown that thousands of firefighters could face the sack without access to a proper pension simply because they are getting older. A recent government review found that over half of current firefighters between the ages of 50 and 54 are no longer able to meet fire and rescue service fitness standards for fighting fires. Beyond the age of 55, two thirds fail to meet the standards. And although the government has previously claimed that older firefighters could be moved to less physically demanding roles, FBU research found only a handful of 'redeployment' opportunities in fire and rescue services, meaning mass sackings would be inevitable. Firefighters already pay some of the highest pension contributions in the UK public or private sector and have seen increases for two consecutive years. The majority of firefighters already pay almost 13% of their salary in contributions with further increases due next year. This will mean some firefighters now face an increase six years in a row. Firefighters also argue that the government's financial projections are flawed. They are based on a prediction of a 1% decline in pension sign-up, but their own information suggests that over 25% of whole-time firefighters recruited last year chose not to join. The FBU has warned these figures clearly demonstrate that changes to the scheme are already having an impact and, if the trend continues, that the financial viability of the scheme will be seriously undermined.

### **PUBLIC SEND MESSAGES OF SUPPORT TO STRIKING FBU FIREFIGHTERS**

From the FBU website:

Commenting on today's four-hour strike by firefighters over government attacks on pensions Matt Wrack, Fire Brigades Union General Secretary, said: "This was solidly supported strike action by

firefighters across England and Wales. It has demonstrated their anger and their determination. "This strike was a last resort after the government refused to negotiate – and a warning shot that firefighters are serious about keeping a fair, safe and workable pensions scheme. "Firefighters across the country are reporting a fantastic response from the public, who seem to understand that the government's proposals on pensions are ludicrous. "We haven't ruled out further industrial action, but let's hope common sense wins out, public safety is put first and the government comes back open to compromise."

Messages of support for strike flood in throughout the day messages of support have been flooding in for firefighters striking over the government's unsafe, unfair and unworkable proposals on pensions. John McDonnell MP said: "Firefighters have my 100% backing for the industrial action they have been forced to take this week and I will be joining local FBU picket lines to support my local firefighters in their campaign to protect their pension rights. "All the evidence demonstrates the physically arduous and dangerous nature of the work firefighters undertake. Forcing these dedicated professionals to work beyond their physical capacity not only puts their health at risk it also increases the risk to safety of the general public. I am urging the Government to see sense and get back to the negotiating table for constructive discussion to resolve this dispute." TUC General Secretary Frances O'Grady said: "There are many reasons why the government shouldn't be pressing ahead with these unfair and ill-thought out changes, with concerns about the likely impact on safety surely top of the list. "Being able to save people from burning buildings or rescue them from the scene of a multiple vehicle pile-up requires not just bravery, but a good deal of physical strength too." Vaxhaull MP Kate Hoey said: "No-one should be expected to do what firefighters do without being fully fit. "The age limit has worked well and I would urge the Fire Minister to recognise that not only will firefighters' health be put at risk, but the general public will be at risk too if these changes are forced through. "Common sense demands that the Government get round the negotiating table again to solve this dispute as soon as possible." Robert F Monks, General Secretary of the Unite Road Transport Union said: "We in the URTU are forever appreciative of the hazardous work that FBU members undertake to ensure the safety of road users in the UK." Mark Serwotka, General Secretary of trade union PCS, said: "PCS offers its full solidarity to FBU members in their strike today in defence of the vital service they provide to us all. "The attack on your pensions is the same attack made by government across the public sector, which seeks to recover the costs of the bank crash from the pockets of tomorrow's pensioners. It is an assault on your members, their future and the vital public service they deliver heroically." John F. Smith, General Secretary of the Musicians' Union, said: "The MU sends its solidarity and support to all FBU members in their struggle for fair pensions and a sensible and reasonable retirement age." Maggie Seraj from Unison South Manchester Hospitals Branch said: "We wish you every success in achieving your main aim which is a fair pension to a group of people for whom we can all be eternally grateful for the work that you do. Your skill and the fact that you put yourself in danger every time you turn out is a commendable act of bravery and should be recognised by the whole of the country."