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UFU OF A AVIATION BRANCH

Newsletter



LACK OF PROPER CONSULTATION ON NEW PERSONAL PROTECTIVE CLOTHING [PPC] COULD LEAD TO DISPUTE

Some months ago your Union was invited to nominate a representative to participate in the project for the procurement of new PPC. The Union took this as a positive sign that ARFF were going to involve your Union [your representative] in a genuine process to ensure that you are wearing the best protection possible when you are engaged in firefighting operations. Your PPC is your last line of defense in your job. Without the best protection available you are at great risk of injury or even worse.

Your Union is in the unique position of being the only end-user represented on Standards Australia and the International Organisation for Standardisation [ISO]. "End user" means you. Not ARFF or the Australian Fire and Emergency Services Authorities Council [AFAC] or other fire services. You are the end user.

Mark Gribble, a former aviation and state service firefighter, represents you at Standards Australia and ISO meetings and has been heavily involved in developing standards for gloves, PPC and other firefighting protective equipment. Mark is respected nationally and internationally for his knowledge of PPC and what he doesn't know could be written on the back of a postage stamp. Mark has been involved with PPC procurement with the Union and management in a number of fire services and given his expertise, your Union offered to provide Mark's services to ARFF at no cost for the procurement project to ensure the best outcome for you and ARFF. Neil Mangelsdorf the National WHS Coordinator for the UFU of A has recently joined Mark at the Standards Australia Committee meetings meaning that the UFU of A now has 2 representatives on that Committee. Neil's services were also offered to ARFF to contribute to the project on our behalf. While Neil did make a preliminary presentation to ARFF further presentations and discussions with Mark and Neil are necessary to ensure the best outcome for your protection.

In consultation with Mark and Neil Mangelsdorf your Union submitted through our Branch WHS Coordinator Wes Garrett a response to ARFF's draft "STATEMENT OF REQUIREMENT" for your new PPC. The initial

response from ARFF was to our WHS Coordinator thanking him for his “fulsome” response to the draft document. This was followed up by a letter indicating that ARFF had “expanded or included additional information” citing various elements “as examples”. ARFF has not invited your Union to any further meetings to discuss our response or to hear important explanation on the vital points in our submission. Nor have ARFF provided any explanation for their decision to only partially or not act on the points your Union has raised. A further offer of the services of our subject matter experts to engage in further important discussion and make a full and proper presentation to the project committee was met with the response “it’s too late for a presentation, the technical specification document has been amended following your input and has been forwarded to procurement to go to open tender.” These actions of ARFF fall far short of their obligations to properly consult with their workers and their representatives under WHS legislation on what is the most significant element of your safety on the job.

While ARFF have expanded and included some additional information following our initial submission on the functional requirement specification document, they have failed to properly address these points and have ignored more important and significant points raised by your Union.

Our WHS Coordinator Wes Garrett has corresponded further with ARFF in a bid to have ARFF engage in further consultation to ensure the right functional specification does go to potential tenderers and again offering the services of our subject matter experts and your Branch Secretary has also corresponded with ARFF. In addition, the following letter was sent to the Chief Fire Officer on the 26th November:



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27th November 2015
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Dear Glenn

PROCUREMENT PROCESS NEW PPE

I telephoned you last Wednesday to discuss concerns the Aviation Branch has about the process underway for the procurement of new PPE for ARFF Firefighters. Unfortunately you haven't returned my call.

The UFU has genuine and legitimate concerns about the conduct and level of consultation with the Union. The Union is a key stakeholder representing the interests of Aviation Firefighters. The UFU has considerable expertise in this area being the only end user represented on both national and international standards committees. The UFU representative on these committees is respected internationally for his expert knowledge of PPE for Firefighters. On this basis the UFU asks that Airservices take a step back from the current process and engage further with the Aviation Branch on the drafting of the functional requirements document for new PPE and also the specification and tender documents. The Aviation Branch seeks that it is given representation on any steering groups and committees established for the procurement of new PPE.

Not so long ago Judge Gordon Lewis A.M wrote a report on the process to select new personal protective clothing for Victorian Firefighters. He made a number of recommendations on a process that should also be adopted in ARFF. I strongly urge you to refer to that report.

You will appreciate that WHS is the number one priority for the UFU particularly when it comes to the protective clothing that our members are required to work in. The UFU believes that it is also Airservices/ARFF's number one priority when it comes to its Firefighters. On this basis, any process for the procurement of new PPE demands that as a key stakeholder representing Aviation Firefighters, the UFU is directly involved at all stages of the process and in fact, this has occurred across the country in most fire services. Mark Gribble who represents the UFU of A on the national and international standards committees has addressed not only Firefighters but also their management on selection of PPE and even been engaged by management to assist them with the selection and procurement of PPE. The UFU believes that it would benefit Airservices/ARFF if Mark's expertise is brought to the current process.

As you would be aware, WHS legislation places very strict obligations on PCBUs to consult with workers who are directly affected by a health and safety matter [s47]. The legislation provides that workers are entitled to be represented in relation to consultation.

*Section 49 of the legislation provides that a PCBU **must** consult when:*

- Identifying hazards and assessing risks from the work carried out or to be carried out;*
- Making decisions about ways to eliminate or minimise those risks;*
- Making decisions about the adequacy of facilities for the welfare of workers;*
- Proposing changes that may affect the health and safety of its workers; and*
- Making decisions about procedures for consulting with workers; resolving health and or safety issues; monitoring health of your workers; monitoring conditions at the workplace and providing information and training of your workers.*

Consultation does not mean telling workers and/or their representatives about a health and safety decision or action after it has been taken. On this basis genuine consultation requires that:

- All relevant information has been shared with workers and their representatives;*
- The information should be provided early on;*
- Opportunity is provided for workers and their representatives to provide comment and feedback;*
- There is agreement to respond to concerns and questions within a certain timeframe and feedback about any options proposed;*
- That information and reasons for employer decisions is provided.*

The UFU has sought to make a positive contribution to the process for the procurement of new PPE in ARFF. It has sought to make available expertise and knowledge that would benefit all parties in the process and it continues to pursue that.

The UFU provided, in your words, a "fulsome" response to the draft functional requirements document it was provided with. Despite this response and the raising of further issues and concerns there has been no response other than "It's too late for a presentation, the technical specification document has been amended following your input and correspondence." There was no comment and feedback on any of the issues the UFU raised. In your letter to the Union dated the 30th October you indicate that "we have expanded or included additional

information pertaining to the moisture barrier as examples. There has not been any real or genuine feedback or information provided to explain why and what was done with the feedback and comment provided by the Union. As a result of this letter, the Union still has issues with the functional requirements document and further discussion with the involvement of the Union will further improve that document resulting in a better outcome for ARFF and in particular our members.

The Union's WHS Coordinator wrote to you again via email on Tuesday of this week highlighting ongoing concerns particularly the absence of any risk assessment work. He also highlighted the need for and benefit of facilitating a meeting with the Union's subject matter experts Mark Gribble and Neil Mangelsdorf, the costs of which would be met by the Union.

The Union would appreciate your advice of a suitable date for a meeting with Messrs Gribble and Mangelsdorf and Aviation Branch representatives from the Aviation Branch as soon as possible before the end of this year.

The selection of PPE is an issue which must be dealt with properly and not rushed. The Union wants to genuinely contribute to the best outcome for Airservices/ARFF and our members. This would be best achieved with the direct involvement of the UFU at all stages of the process. Please refer to the recommendations of Judge Lewis in the Victorian case and work with the UFU in a genuine process to get the best outcome for all concerned. It is widely recognised that a properly constructed and carried out consultation process delivers better informed decision making.

Please be aware that the UFU believes that there is further discussion which needs to be had before Airservices/ARFF proceeds to tender for any new PPE. There has not been adequate consultation on such a significant matter for our members and on such a significant purchasing decision for Airservices. The Union does not want to unduly delay the process and, as has already been stated, only wants to be a positive player. However, if Airservices/ARFF do not respond in a positive way to our proposals, the Union will initiate action designed to bring all parties to the table in a genuine process which will deliver the best outcome.

I look forward to your continuing working with you on this most significant matter for our members and your employees.

Yours faithfully

*Henry Lawrence
Branch Secretary*

Your Union will not compromise on your safety and neither should you.

You will be advised of further developments as they occur.