IN THE FAIR WORK COMMISSION
AT MELBOURNE

FWC Matter No: AG2018/1278

APPLICATION BY THE METROPOLITAN FIRE AND EMERGENCY SERVICES BOARD

STATEMENT OF DAVID ALLAN BRUCE

I, DAVID ALLAN BRUCE, of, 456 Albert Street, East Melbourne, in the State of Victoria, say as follows.

1. I am employed by the Metropolitan Fire and Emergency Services Board (MFB) as Deputy Chief Officer (DCO). I report to the Chief Officer/Chief Executive Officer of the MFB.

2. I am authorised by the MFB to make this statement on its behalf.

3. I make this statement from my own knowledge except where otherwise indicated. Where I make statements based on information provided by others, I believe such information to be true.

4. This witness statement is provided in relation to the approval of the Metropolitan Fire and Emergency Services Board, United Firefighters Union of Australia, Operational Staff Agreement 2016 (Proposed Agreement).

PERSONAL BACKGROUND

5. I have been employed by the MFB for 33 years.

6. I was appointed DCO on 24 November 2014. As DCO, I have operational oversight for the Metropolitan Fire District and anything that involves the MFB or its staff.

7. Prior to working in this role, my substantive rank was that of Assistant Chief Fire Officer where I was responsible for fire stations, command staff and all resources necessary to carry out fire prevention, emergency response and emergency recovery capabilities for the MFB.

8. I worked intermittently as the Acting Deputy Chief Officer from 2012 to 2014.


THE MFB

10. The MFB provides fire and emergency services to in excess of three million Melbourne residents, workers and visitors, and safeguards assets and infrastructure worth billions of dollars. Our services cover the metropolitan district of over 1,000 square kilometres.
Currently the MFB employs approximately 2,350 people, with the majority of those employees being operational firefighters rostered to 47 stations through five districts of Melbourne.

The general roster that MFB’s Operational firefighters follow is a 10/14 roster, comprising of two shifts per day. On the 10/14 roster, a firefighter works:

(a) 2 x 10 hour days commencing at 8am and finishing at 6pm that evening;
(b) 2 x 14 hour night shifts commencing at 6pm and finishing at 8am; followed by
(c) 4 consecutive days off.

The 10/14 roster enables coverage 24 hours per day, 7 days a week. While it is one of a number of possible roster configurations which could be used to provide 24/7 coverage, it is the roster which, generally, the MFB has used for operational firefighters. Whether the standard roster was 10/14 or something else, it would be necessary for the MFB to have some form of roster, whether it be the 10/14, 12/12 or the former MFB roster of three 8 hour shifts per day.

The MFB requires these rosters in order to fulfil the minimum crewing requirements of appliances as per the staffing chart. We have the staffing chart for the safety of the firefighters and the effective service delivery to the community. The crew consists of an Officer to run the incident, a driver of the appliance who becomes the pump operator and one or more geared up with breathing apparatuses to do the ground work. Ideally, we try to have two appliances attend to an incident. The chart is more important than the actual hours worked by firefighters, but nonetheless needs to be backed by a roster system to ensure we have the numbers.

As I explain below, if someone requests any alteration to the shift roster system, it is managed on a case by case basis. A number of considerations need to be worked through in each case to consider whether part-time work is practicable in all of the circumstances (and if so, how it can be achieved). These considerations include factors such as training, skills acquisition and maintenance, building effective firefighting teams, and how flexible work arrangements can be implemented. I discuss some of the relevant factors below.

All of the relevant considerations would need to be taken into account in considering a request from a firefighter for flexible work practices, if such a request were made, on a case by case basis. No two situations are identical.

TRAINING OF MFB FIREFIGHTERS

MFB firefighters are required to participate in three broad categories of training, namely recruit training, skills maintenance training and new skills acquisition training. The majority of skills maintenance and training occurs on shift and on station.

Recruit training

All firefighters who join the MFB, regardless of their experience at other fire services or emergency management organisations, must complete the recruit course and progress through operational ranks in the same way as recruits with no prior operational experience. The only exception to this is via the Country Fire Authority (CFA)/MFB Secondment Program. This provides a mechanism so that the MFB can be assured, whatever the firefighter’s previous experience, they have the necessary skills and training required to work in the MFB environment. Not all fire services, and their methods, are the same, and it is important that MFB firefighters be familiar with
MFB practices (and are trained according to MFB standards) prior to being deployed. While there are some limited opportunities for “lateral” entry into the MFB from another fire service, the main way that the MFB ensures that its operational firefighters are appropriately skilled is by conducting training of its own employees itself.

19. The MFB has a rigorous process for the training of recruits and their integration into operational work, to ensure that all firefighters meet the high standards expected by the MFB and the community.

20. Due to the intensive and immersive nature of the recruit course, there would be real practical difficulties with delivering the recruit course effectively on a part-time basis. Similarly, due to the volume and intensity of the on-going training throughout the first three years of a firefighter’s career (until they become Qualified), there would be practical difficulties with part-time arrangements applying to level 1, 2 and 3 firefighters. In my experience it would be very difficult for a level 1, 2 or 3 firefighter to absorb the level of information required and build the required team skills through group exercises and drills, on a part-time basis.

Overview of recruit course

21. In order to become a firefighter, recruits must pass all competencies of an 18.8 week training program (recruit course), which is regulated by national quality standards.

22. The recruit course is undertaken on a rotating shift of four days on and four days off over an eight day cycle, between the hours of 7.00am and 5.00pm, including weekends.

23. At the beginning of the recruit course, participants are formed into 'syndicates' with a nominated course instructor as syndicate leader. Syndicates are usually made up of 5 - 6 participants to create smaller teams to maximise the learning experience.

24. The recruit course is developed against industry standards in accordance with the Emergency Response Training Framework (ERTF) and in accordance with the MFB’s obligations as a Registered Training Organisation. The course is aligned to units of competency from both PUA20601 Certificate II in Public Safety (Firefighting and Emergency Operations) and PUA30601 Certificate III in Public Safety (Firefighting and Emergency Operations), as well as MFB-specific requirements.

25. The course is conducted at the MFB-owned and operated training facility known as the Victorian Emergency Management Training Centre (VEMTC) at Craigieburn. VEMTC is designed to provide firefighters, including recruits, with firefighting scenarios that are as close to ‘real life’ as possible. This includes road, rail, tunnel and marine fires, as well as other technical firefighting skills. VEMTC has live fire capabilities and its structures include strip shops, a petrol station, a terrace house, a seven-storey building simulating multiple occupancies, a car park, a tunnel and a replica ship. This training facility is also used by firefighters undertaking promotional courses, as well as used by several emergency service organisations including the CFA and Victoria Police.

26. The course is centred on the principle of competency-based training. Competency-based training focuses on training individuals for actual jobs in the workplace using a set of predetermined learning outcomes. The competency based approach to training focuses on what the employee is expected to do in the workplace and embodies the ability to transfer and apply skills, knowledge and attitudes to new situations and environments.
27. At the end of the recruit course, the MFB must ensure that the recruits have absorbed the knowledge, developed the skills, and are able to combine the knowledge and skills to perform in the workplace to the expected industry standard.

28. Successful completion of all components of the recruit course is mandatory in order to progress to becoming an on-shift firefighter. A candidate’s competency is assessed throughout the recruit course.

29. Candidates that are not competent in any particular area will be given additional support, guidance and individual attention from instructors. Candidates will then be required to consistently demonstrate the relevant competency before being assessed as competent.

**Post-recruit course training**

30. Once recruits have successfully completed the recruit training course, they become a Firefighter Level 1. Each Firefighter Level 1 is allocated to a fire station and a platoon. It is preferable that the fire station will be a busy inner city station to ensure firefighters have the opportunity to utilise their new skills and have as many varied experiences as possible. At this stage, Firefighter Level 1 employees are not qualified to take on specialist tasks such as driving the vehicle. To be in charge of an appliance, firefighters must be of Station Officer Rank or above. Though on occasion, a Leading Firefighter might act up if necessary.

31. Wherever possible, the MFB tries to place a Firefighter Level 1 employee as a member of a crew of four people, rather than a crew of three people. This is to ensure that the Firefighter Level 1 is well supported. In a crew of three, there is the Officer in Charge, the driver/pump operator and one other person. If the Firefighter Level 1 employee is the third person in a three-person team, he or she will need to be somewhat autonomous on arrival at the fire ground. In a crew of four, there are two people in addition to the Officer in Charge and the driver/pump operator, so the other two crew members can work together when they first arrive at the fire ground.

32. Recently, the MFB have moved towards a compulsory minimum crewing of four firefighters per primary appliance rather than three for all crews. This ensures that a situation does not arise where a single firefighter has to go into a fire ground without another firefighter in support.

33. Throughout the duration of their first year, a Firefighter Level 1 employee is subject to further assessments in the form of Continuation Training on station and Retention Training conducted in blocks at the MFB training facility at Craigieburn.

34. Continuation Training is undertaken in order to develop the knowledge and skills required to undertake the role of a Firefighter Level 2. As part of Retention Training, Firefighter Level 1 employees also complete a course in Fire Rescue Emergency Medical Services First Responder (22270VIC). Predominantly, training is completed on-shift with support available from a workplace trainer assessor from operational training if required. Again, the firefighters need to be assessed as competent before they progress to become a Firefighter Level 2.

35. Following successful completion of the Firefighter Level 1 Retention Training, firefighters progress to level 2. In the following two years, firefighters complete further level 2 and level 3 training modules and are then eligible to become a Qualified Firefighter after three years of service.
36. The pre-qualification stage is the most critical period of training as firefighters are participating in the skills maintenance drills that all other firefighters participate in, but in addition to that they are also participating in their own modules and developing their own skills and trying to consolidate through repetition and learning those skills to get to the qualified stage.

Skills acquisition

37. Qualified firefighters are able to apply for additional skills training in specialist areas, for example in urban search and rescue, marine training, high angle rescue training, and road accident rescue training. They are also able to apply to take part in promotional courses to be promoted to the next level (e.g. Qualified Firefighter to Leading Firefighter).

38. These training programs are usually run by the Learning and Development Team and take place at VEMTC Craigieburn. Generally, they are run full-time Monday to Friday, for anything from a few weeks to 15/16 weeks for a promotional course. Courses are run on a full time basis due a number of reasons, including access to trainers, candidates, current rostering requirements and access to training facilities. Occasionally courses are in blocks, staged with gaps, but this becomes problematic as outlined above.

39. Promotional courses in particular are extensive, and firefighters are taken off-shift for a significant period of time to complete the courses.

40. Many of the skills acquisition programs, as well as skills maintenance programs (discussed below), are designed around risk. As the fire services are confronted with different types of risk, the organisation combats that risk with a training program to satisfy it. In the past few decades particularly, the fire services industry has had to adapt and up-skill to face more complex risk environments. These changes have included dealing with a broader range of incidents and natural disasters, including floods, earthquakes, windstorms, hazardous materials, search and rescue and anti-terrorism threats. These new risks have required the introduction of more rigorous training requirements and performance standards.

41. The frequency and threat of large-scale risk has also increased the need for the MFB to work together with other Victorian emergency services from time to time. This interoperability has required MFB firefighters to be trained to coordinate and respond with other emergency services. Recently we saw this in practice with the Bourke Street and Flinders Street incidents. The MFB were there assisting as first responders alongside Ambulance Victoria. Due to quick response times, the MFB are often able to get to the scene of an incident before other emergency services are in attendance.

Skills maintenance

42. Apart from the training programs for skills acquisition and recruit training which are run at the VEMTC Craigieburn, all MFB firefighters are continuously undergoing skills maintenance training on shift at their designated stations. This ongoing training is of fundamental importance to the organisation.

43. Formal skills maintenance at the MFB is delivered through a skills maintenance database which sets out the particular drills that must be carried out each month by all operational firefighters. There are a minimum of four drills that each shift must complete every 28 days. When the drill has been completed, it is entered into the skills maintenance database.
At its simplest, skills maintenance includes attending call-outs. More formally, the Senior Station Officer or Station Officer at each station is responsible for delivering skills maintenance exercises and ensuring that their crews have completed the relevant training. Each year, these drills equate to approximately 10,000 skills maintenance activities.

Skills maintenance drills are scheduled by each individual station at times convenient for the station, recognising that shifts can be unpredictable and having regard to the various operational demands placed on each shift throughout the 28 day period. This could pose an issue if there were to be job-sharing by operational firefighters in a station.

If two firefighters were to job share, the same drill might need to be run twice to ensure skills are maintained across the group. This is not a novel issue for the MFB. We have had a similar issues arise in regards to the swapping of shifts between firefighters. I found that on occasion, those individuals who were swapping shifts were appearing repeatedly on my list of firefighters who had not undertaken drills. This causes concern for their safety as well as their crew and the community.

I am responsible for ensuring those safety concerns are met. I need to make sure that no firefighters are falling through the cracks and failing to undertake their skills maintenance training. These are all issues which would need to be carefully managed if job-sharing or some other part-time arrangement were put in place. Whether they could be managed would depend on the particular proposal, the existing training and other circumstances of the relevant employees, and the circumstances of the relevant station.

In addition to on station drills, we run skills maintenance regimes on site at locations such as the Burnley and Domain tunnels. This involves shutting down the tunnels for particular hours overnight and administering a pre-planned exercise for firefighters to prepare for an incident in the tunnels. A great degree of planning and advance notice to affected firefighters goes into these exercises: major facilities such as the Burnley Tunnel are not often shut down, so the MFB makes the most of its opportunities by planning well in advance. These training exercises can be invaluable “add ons” to the day to day and station-based training that occurs throughout a firefighter’s career. Given that the exercises usually occur at night, safety issues (as always) and fatigue need to be carefully managed.

Debriefing

Training also occurs in the form of discussion after responding to an incident. These discussions evaluate the response to the call, and ensure that if a similar incident occurs in the future, the skills to respond are adequate.

This debriefing process is also an important process for ensuring that firefighters are coping both mentally and physically.

Day shift & night shift

Different types of fires, incidents and training tend to occur during night shifts and day shifts. Night shifts for example encounter more frequent house fires, factory fires as well as road accident rescues.

A wide variety of operational skills and maintenance activities are performed only during the day shift. These include crucial activities such as conducting onsite inspections of special hazards, which may not be available or safe to inspect at night
time for a variety of reasons. These inspections are critical to enable firefighters to understand significant and unique hazards. Other activities such as fire education and other community service activities occur during day shifts only, because most schools, community groups, etc, are more likely to be open in the day than the night.

53. It is vital that firefighters are exposed to different kinds of incidents in order to maintain overall competence. For that reason, very careful consideration would need to be given to a proposal for a rostering arrangement that would see a firefighter working only days, or only nights, or fewer than the standard four shifts per roster cycle. Factors to consider would include the firefighter’s existing skill base and qualifications, the training opportunities which would be available to them under the proposed roster arrangement, and what other training support could be put in place to ensure that the firefighter developed and maintained their skills in all relevant areas. Such an assessment would need to be done on a case-by-case basis.

Relationship between teamwork, trust & training

54. Firefighting is an inherently dangerous occupation that requires instantaneous decision-making and problem-solving in volatile conditions. In order to be able to make those decisions and respond appropriately and safely to the incident, whatever the nature or complexity, firefighters must be able to rely, without question, on the training, skills and competencies of one another. Knowledge of one another's skills and attributes is vital to making safe decisions and allocating the tasks on the fireground.

55. Having a generally applied roster is at the core of the MFB’s system that provides trust and confidence in one another's training and abilities. The roster system is based around a platoon structure that enables firefighters to know one another and how they perform in certain situations. Firefighters on shift together spend a great deal of time working in close proximity. They undertake drills and training together on station. They become very aware of each other's strengths and attributes. At the incident and fireground they rely on that knowledge in placing their lives and health in one another's hands.

56. The roster ensures that a minimum number of firefighters with specific levels of seniority and experience are available in a team response. Each firefighter is trained to know their specific role on the fire ground. From time to time operational firefighters at the MFB work with people from other fire services (such as the CFA), other emergency services and from other MFB stations, because of secondments, the type of call-out and to accommodate leave arrangements. If there were further erosion of the consistency of the firefighting team, this would need to be carefully considered and assessed to ensure that service delivery and safety are not compromised.

57. Regardless of whether or not roster arrangements and minimum staffing levels were provided for in an enterprise agreement, it would be necessary for the MFB to have in place a roster and well-defined minimum staffing levels. This goes not just to the number and qualifications of firefighters on a particular appliance, but also the appliances to be based at each particular station.

58. A great degree of thought and planning goes into working out what resources are to be allocated to each station, having regard to risk, demographics and other geographic and resourcing considerations. While there is always a need for some flexibility to adjust resourcing over time, and in emergency situations, these are not plans that are written or re-written on a whim or overnight.
59. At the station level, understanding the strengths and skills of each firefighter empowers Station Officers to plan and implement the management of incidents according to assumed levels of training and experience. Assumptions can be made about those matters, because of the minimum training, qualification and length of service requirements in order to progress from one rank in the MFB structure to the next.

60. I consider it important that the rank structure for operational firefighters include requirements relating to experience (length of service) before progressing from one rank to the next. In the absence of length of service requirements, officers who have to manage firefighters on shift might have concerns about whether or not their competency levels and experience were adequate and the effect this could have on the rest of the staff. This could potentially break down the trust and confidence firefighters must have between each other. Due to their relative lack of experience, firefighters who have not met minimum levels of service would also require more supervision on the fire ground, which could affect the team’s ability to respond and operate efficiently. This could also pose a safety risk if a firefighter has not had the training necessary to provide the skills or experience to carry out their function.

FLEXIBLE WORKING ARRANGEMENTS

61. While it is not impossible for firefighters to perform operational firefighting duties (whether as part of a 10/14 roster or some other roster arrangement) on a part-time basis, there are a number of considerations that would have to be worked through in order to assess whether (and how) such an arrangement would work in each particular case. To my knowledge, this issue has never come up in a practical sense at the MFB, because I am not aware of any request ever being made to work as an operational firefighter, as part of a crew, part-time. However, if a request were made, it would need to be assessed according to the firefighter’s (and his/her station’s) particular circumstances.

62. Operationally, and having regard to the various factors I set out in this statement, flexible work practices and part-time work for firefighters would usually more easily be managed if the firefighter performs task and project-based work. Such task and project-based work – which can be worked as day work or at night (if there is appropriate supervision so that firefighters are not working in otherwise empty work locations) – are not as time-imperative as firefighting as part of a crew and can often be scheduled around other commitments when necessary.

63. Task and project-related work by firefighters is generally undertaken at Craigieburn and Headquarters, or district stations such as Oakleigh, and includes work in fire safety, training, administration and compliance. These are important jobs for the MFB, and they can round out the experience of operational firefighters, giving them a better understanding of the organisation (rather than just a dimensional approach of always just fighting fires). A number of more senior roles in the MFB require the officer to have experience both on shift and in day work roles. Performing day work can therefore be of benefit to firefighters in their career progression.

64. Fire stations are geared up for operational firefighters who are rostered to an appliance. Fire stations have a design guidelines brief to fit a certain number of people in terms of bedding, lockers and facilities. The number of these facilities per station is based on the number of appliances allocated to the station, and the minimum crews for those appliances. Supernumeraries (i.e. those above minimum staffing levels) need to be based at sites where there is infrastructure and facilities to accommodate them, such as additional computers, desks and space.
65. Historically, the MFB has not engaged operational firefighters as part of firefighting crews on stations on a part-time basis. A number of factors would need to be considered before implementing a part-time arrangement.

Pregnancy Policy

66. It is MFB policy that due to the inherent risks of the job, pregnant women are taken off operational duties as soon as they notify that they are expecting. The risks of firefighting are many, including physical risks and exposure to chemicals. Recently, under our new pregnancy policy, we have been able to accommodate pregnant women to stay on 10/14 shift work without being part of firefighting crews.

67. Facilitating this is not without its challenges. We are challenged by accommodation facilities at fire stations, particularly in light of increased crewing numbers. It can be problematic to have someone who is not operational taking up a bed at a station, that is, someone who is not a member of crew on an appliance. Further, there are concerns that when there is a call-out, staff that are non-operational are left behind without supervision. That is why it is generally considered necessary that these staff go to district locations, where there are adequate facilities and supervision.

“Unless otherwise agreed”

68. A number of clauses of the Proposed Agreement contain words to the effect of “unless otherwise agreed by the parties”.

69. Ultimately, I see the words "unless otherwise agreed by the parties" as a provision which allows the MFB to do something which would otherwise be not allowed by the Proposed Agreement. For example, if the words "unless otherwise agreed by the parties" were not in the clause relating to cross-crewing, the situation would be different – cross-crewing would not be allowed, full stop. Those words give the MFB the flexibility to have a conversation with the United Firefighters Union (UFU) (as the representative of the bulk of the MFB’s employees), and to change the default position if required in the circumstances.

70. Cross-crewing, in the MFB, is where Station Officers can choose which truck they crew depending on the call they get. MFB employees are assigned to a particular truck for the day. They are not permitted to cross-crew unless otherwise agreed.

71. In practice this means that, if two trucks are in an engine bay and one truck carries an ultra large pump and the other truck carries an aerial ladder, the MFB must have two crews sitting at the station ready to crew each truck, unless otherwise agreed.

72. It is all about managing the risk. We use historical data to "crew up" according to previous risks and emerging risk. If we cannot find enough people to cover the vacancies at a station, we recall day workers who are still capable of performing operational duties. This decision is made via consultation with the UFU. We do not get resistance from the UFU in relation to that kind of decision. In terms of process I, or if I am unavailable then a colleague (usually a Deputy or Assistant Deputy), will call the UFU to update them on the decision. Our focus is on operations.
Decisions in relation to cross-crewing are usually made at a higher level and then information is fed down to the employees. In the past we have found ourselves in trouble when we tried to take shortcuts in relation to consultation. The employees, understandably, want to know what is going on rather than finding out after the fact or at the very moment that they are directed to jump on another appliance.

DAVID ALLAN BRUCE

13 August 2018