FAIR WORK COMMISSION

Matter No. AM2014/202

Fire Fighting Industry Award 2010 – Part-Time Work

REPLY STATEMENT OF BRUCE RAYMOND BYATT

I, BRUCE BYATT, of 8 Lakeside Drive, Burwood East, Victoria, Deputy Chief Officer of the Country Fire Authority (CFA) say as follows:

1. I have previously provided one witness statement in these proceedings.

2. In this reply statement I respond to a number of matters set out in the witness statements of Cory Woodyatt, Patrick Geary, Malcolm Hayes, Gerald (Archie) Conroy, John Radford, Michael Lia and Barry Thomas.

3. I am authorised by the CFA to make this statement on its behalf.

4. 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.

The 10/14 roster – trust, confidence and teamwork amongst firefighters

5. I refer to the witness statements of:

   a. Cory Woodyatt (paragraph 6);
   b. Patrick Geary (paragraphs 9, 11, 12, 14, 18, 21);
   c. Malcolm Hayes (paragraphs 11, 14, 17, 24);
   d. Gerald (Archie) Conroy (paragraphs 11, 12);
   e. John Radford (paragraphs 15–17);
   f. Michael Lia (paragraph 18); and
   g. Barry Thomas (Attachment DK-1 at paragraphs 16, 20–23).
Each of these witnesses suggest that part-time and full-time firefighters should not be permitted to work together on a 10/14 shift as this would compromise health and safety on the fireground because they would not be familiar with and trust the capabilities of their work colleagues.

As a career firefighter with nearly 40 years experience in Victorian and interstate fire services, I have never experienced any difficulties working with firefighters I do not know, and, in circumstances where I have worked on the fireground alongside firefighters that I do not know, I do not believe that health and safety was compromised.

There are numerous situations that arise where firefighters successfully work with firefighters outside their shift/crew/service, including within the CFA.

For example, within the CFA’s integrated fire stations (which are made up of both career and volunteer firefighters), volunteers and career staff are regularly required to work together to battle structural fires.

Another example is in the outer suburbs of Melbourne bordering on the CFA’s and MFB’s areas of operation. Incidents that occur in these areas will often involve both CFA and MFB firefighters attending and working together to suppress a fire.

Another example is where there are large wild fires. This type of event can involve between 10 to 20 fire units in attendance (approximately 60 or 70 firefighters). These firefighters will be from different stations and, in some cases, a mixture of MFB employees and CFA employees and volunteers.

Other common examples where CFA firefighters are required to temporarily work together (which are provided for under the *Country Fire Authority / United Firefighters Union of Australia Operational Staff Enterprise Agreement 2010 (Operational Agreement)*)) include:

a. Where a crew member is sick, the CFA sometimes needs to bring in a replacement employee from another crew to cover their shift in order to meet the minimum manning levels – for example, as recently as Wednesday, 13 April 2016, a number of firefighters from Caroline Springs were recalled to Ballarat to cover absent crew members and were required to work a shift with firefighters they do not usually work with.
b. Firefighters from the MFB are sometimes recalled or seconded to CFA, as well as being accepted via lateral entry.

c. Employees sometimes transfer to alternate shifts.

13 Where these types of movements occur between stations and services, it is implicit that all firefighters have the core skills and capabilities to respond to incidents as part of this ‘hybrid’ team.

Skills maintenance and training

14 I refer to the witness statements of:

(a) Cory Woodyatt (paragraphs 3, 4, 9–12);

(b) Patrick Geary (paragraphs 9, 11, 12, 14, 17, 18, 21);

(c) Malcolm Hayes (paragraphs 9, 15, 16, 17, 20, 21);

(d) Gerald (Archie) Conroy (paragraphs 7, 9, 11, 12);

(e) John Radford (paragraphs 25–31, 37–41);

(f) Michael Lia (paragraph 11–14, 17); and

(g) Barry Thomas (Attachment DK-1 at paragraphs 24–28, 35, 36).

15 These witnesses suggest, in one form or another, that it would be difficult to train part-time employees and maintain their skills and that this would impact on safety, operational responses and the level of confidence that full-time staff and management would have in part-time employees’ competencies.

16 The nature of the CFA as a career and volunteer based fire service, means that it is already required to train and up-skill firefighters that are not on a 10/14 roster, namely volunteer firefighters. This is not new.

17 The CFA, like many other fire services, also has situations where employees are absent for a period of time and on their return, need to up skill. An immediate example which comes to mind is re-training employees who are seeking to return to work after a period of absence (e.g. parental leave or sick leave). In that instance, the person is given a refresher course or, if necessary, a re-training program is put in place to ensure the person is up skilled to the required standard.
Drawing on my 21 years experience with the Queensland Fire and Rescue Service (QFRS), including in my role as Director of Training and Emergency Management, the auxiliary firefighters engaged by the QFRS on a part time basis were required to comply with a training matrix which required certain training be undertaken at certain times throughout the course of a year, including refresher courses where necessary - there was a very high completion rate amongst part-timers for these courses. In my view, provided there is a good recording process and alert system in place, this approach can definitely work for part-timers.

In my view, it is a falsehood to suggest that part time could be less skilled than full-timers. There is a level of self interest for firefighters, regardless of whether they are part-time or full-time to keep skilled because the nature of the work is so dangerous and there are serious consequences if you do not do your job properly.

**Current rostering arrangements**

I refer to the witness statements of:

a. Cory Woodyatt (paragraph 16);
b. Patrick Geary (paragraphs 10 and 22);
c. Malcolm Hayes (paragraphs 25 and 26);
d. John Radford (paragraphs 48); and
e. Michael Lia (paragraphs 6 and 20).

These witnesses state that the current rostering arrangements set out in the Operational Agreement adequately provide for flexibility to allow part time employment. This is incorrect.

The Operational Agreement does not currently provide the flexibility nor permit employment on a part-time basis. Whilst there are other full-time working arrangements permitted within the CFA (e.g. Special Duties Roster), employees who work these arrangements, are still required to work an average of 42 hours per week, just not on a 10/14 shift.

Firefighters on the Special Duties Roster would usually perform duties on a day work roster. Whilst some may provide operational response, these employees also generally perform non-operational duties such as training, participating in project
work and rehabilitation. The Special Duties Roster would not accommodate the employment of firefighters wanting to work a 10/14 shift on a part-time basis. Changes to the Operational Agreement would therefore be required before being able to implement part-time arrangements within the CFA.

24 The specific details around how part time employees would be accommodated within the Operational Agreement and the minimum safe staffing levels would need to be the subject of consultation with employees and the union if and when the CFA sought to implement such a proposal.

25 I cannot see any operational difficulties to implementing part-time arrangements that could not be overcome through discussions with relevant parties, including employees and the union.

26 In his statement, Mr Woodyatt also seems to suggest that, where specialist skills are required (e.g. 24 hour road rescue) part-time employment would prove difficult because of the training involved in acquiring the requisite skills and abilities.

27 In my view, provided they are motivated to do so and led by good operational managers, any firefighter can train and acquire specialist skills. A good example of this is the CFA’s 24 hour road rescue station at Werribee. This is a volunteer only brigade, trained at station level. These firefighters have competed in, and been ranked highly at the Australasian Road Crash Rescue Championships and are regarded by their peers, nationally and internationally, as pre-eminent practitioners in road rescue. The fact that these firefighters are not at the station an average of 42 hours per week has not impacted on their specialist skills acquisition and maintenance.

Firefighter welfare and morale

28 I refer to the witness statements of:

(a) Cory Woodyatt (paragraphs 7 and 8);

(b) Patrick Geary (paragraphs 19–21);

(c) Malcolm Hayes (paragraphs 22–24);

(d) Gerald (Archie) Conroy (paragraphs 11, 12, 20); and

(e) John Radford (paragraphs 33–34, 42–47).
These witnesses express the view that the CFA would be less able to provide support to firefighters engaged on a part time basis and that this will impact on employee welfare.

It is the role of emergency service managers to consider the wellbeing of those they lead. Whilst I acknowledge that this may be enhanced by having an intimate knowledge of a crew member, drawing on the various examples I have given at paragraphs 9 to 12 above, Officers in Charge are already required to manage and consider the wellbeing of those who they are not familiar with on a regular basis (e.g. through the recall process and volunteers). Presently, if an Operational Manager has a crew member he or she did not know, I would expect them to ask questions of that person and set tasks appropriately, depending on their competencies. This would be no different if part-time employees were engaged.

Minimum manning levels

I refer to the witness statements of:

a. Cory Woodyatt (paragraphs 28–31);
b. Patrick Geary (paragraph 23);
c. Malcolm Hayes (paragraphs 8 and 9);
d. Gerald (Archie) Conroy (paragraphs 13, 17 and 18);
e. Michael Lia (paragraph 12); and
f. Barry Thomas (paragraph 13).

These witnesses indicate that if part time arrangements were introduced, part time employees should be rostered in excess of the minimum safe staffing levels provided under the Operational Agreement.

In principle, I could not see why part-time employment could not be considered as part of minimum manning levels. In my view, this would assist the CFA’s capacity to deliver a more efficient fire service by allowing greater flexibility. However, as I have mentioned above, ultimately, the details around how part time employees would be accommodated within the Operational Agreement and the minimum safe staffing levels would be subject to consultation at the appropriate time.
Part-time proposals within the CFA

34 At paragraph 32 of Mr Woodyatt’s statement, he states that the CFA has not brought any proposals for job sharing or part time employment to the Consultative Committee, a committee comprised of UFU and CFA representatives. I am the Chair of this Committee.

35 The Consultative Committee is established under the Operational Agreement and forms part of the consultative processes to be followed when introducing significant changes to matters pertaining to the employment relationship in workplaces covered by the Operational Agreement.

36 The inclusion of part-time provisions in the Fire Fighting Industry Award as a minimum safety net is not a matter that the Consultative Committee is required to consider. Any proposed introduction of part-time employment by the CFA will be a matter for future discussion, at the appropriate time.

Bruce Byatt

18 April 2016