



16 December 2016

Rural Fire Service Operational and Stand Down dispute

Background

The RFS filed a dispute in the NSW Industrial Relations Commission (IRC) after a PSA member refused to be stood down on a Friday and work Saturday in operational readiness without being appropriately remunerated. The matter was heard by Commissioner Newall on Wednesday 14 December 2016.

The RFS sought assistance from the IRC after the RFS and the PSA were unable to agree that members stood down in operation readiness were not being appropriately paid for working on a weekend.

The RFS position was that it can direct members to change from the "Standard office hours" clause 7.2 of the Crown Employees (Rural Fire Services Award) to "Worked anytime from Monday to Sunday" clause 7.1 without any additional remuneration.

The PSA did not agree with this position and indicated that working on a

weekend attracted an additional payment.

Hearing proceedings

Commissioner Newall requested the parties participate in private conference enabling discussion from each separately with the Commissioner. The Commissioner was advised of longstanding interpretation issues with the whole RFS award and that the PSA and RFS are currently in negotiation of a new award.

Private conference details are unable to be disclosed under direction of Commissioner Newall but after the conference the following directions and recommendations were made:

- *PSA members must obey any reasonable direction to stand down in operational readiness and any refusal would be a breach of the award and could subject the member to disciplinary action*

- *RFS has to report to the RFS Commissioner and propose an interim position put by the PSA of remuneration for working on a weekend. The PSA put forward a 50% shift penalty on a Saturday and a 100% shift penalty on a Sunday. It was requested this be put in place whilst award negotiations continued.*
- *The PSA are to determine the RFS award clauses that are currently being disputed and propose new clauses for the RFS to consider.*

Where to from here

The PSA advises members to obey any reasonable direction to stand down in operational readiness whilst the dispute continues.

RFS need to report back to the PSA after briefing the RFS Commissioner on the PSA's interim proposal.

The PSA will gather a number of award clauses and table at the PSA Award Negotiation Bargaining Committee for consideration before sending to the RFS for consideration.

- *The PSA advises all members to record ALL work hours in accordance with clause 8.2 of the RFS award and will be asking members to provide these details at a future date. This information is extremely important and will assist in negotiations of the new award.*

A further bulletin will be sent after RFS have reported to the PSA and award clauses have been selected.

If you have any issues or concerns please contact your Departmental Committee member.

Departmental committee members

Graham Brown	Chair
Ivan Perkins	Secretary
James Killen	DC Delegate
Boh Fitzgerald	DC Delegate
Adrian May	DC Delegate
Ashley Frank	DC Delegate
Chris Wallbridge	DC Delegate
Doug Willcoxson	DC Delegate
Mathew Apps	DC Delegate

