



VOLUNTEER FIRE BRIGADES VICTORIA

News Note

NOTE TO MEMBERS – 18 November 2016

UFU CLAIMS ABOUT CHANGES TO THE FAIR WORK ACT

A bulletin from the United Firefighters' Union (UFU) this week wrongly portrays recent changes to the Federal Fair Work Act as enabling an attack on career firefighters' entitlements and conditions.

The changes to the law only ban proposed clauses in any Enterprise Bargaining Agreement (EBA) that would interfere in an emergency organisation's legitimate work with, and support of, its volunteers, or its compliance with State laws such as the CFA Act.

Given that the UFU has previously stated that its proposed Enterprise Agreement had no effect on volunteers in any way, any claim that the new legislation will somehow interfere with staff's conditions of employment is bewildering.

In fact, the amendments to the Fair Work Act specifically rule out having any effect on clauses that do not involve either protecting volunteers or complying with State laws. The amendments only enable VFBV to make a submission to the Fair Work Commission (FWC), on matters that affect, or could affect, CFA volunteers. So clearly, if any part of an EBA has no impact on volunteers, VFBV would have no ability to make a submission to Fair Work.

VFBV has always pointed out that it is only interested in aspects of the proposed CFA/UFU EBA that affect volunteers. We have never asked for any role in the normal negotiation of pay and conditions, and the changes to the Fair Work Act do not give us that role.

HOW THE LEGISLATION WORKS

The recent Federal legislation made a simple change to the Fair Work Act, including amending section 195A of the Fair Work Act to make it objectionable for workplace agreements to restrict or limit the emergency service organisation's ability to:

- engage or deploy its volunteers;
- provide support or equipment to those volunteers;
- manage its relationship with, or work with, any recognised emergency management body in relation to those volunteers;
- otherwise manage its operations in relation to those volunteers;

In addition, the legislation makes objectionable any term requiring CFA to reach agreement with any other person or body before taking any actions described in the above 4 bullet points, as well as anything that restricts or limits CFA's ability to recognise, value, respect or promote the contribution of its volunteers to the wellbeing and safety of the community.

Clearly, these changes were designed to have no impact on the legitimate negotiation of pay and conditions; the improvements to the Fair Work Act simply represent what we have been asking for all along, a fair go for volunteers.

Platitudes and sweet sounding words about how wonderful volunteers are and the important roles they perform are of no consequence, when at its heart, a Commonwealth industrial law was being misused to disrespect, demoralize and subjugate tens of thousands of hard working emergency management volunteers, simply because they choose to receive no payment.

Volunteers ask for very little in return for their contribution to the community. However, what they do ask, is for their ability to perform their duties and protect their communities to remain unhindered. This includes protecting them from Commonwealth legislation being misused to their detriment, and the new legislation now provides that protection.

From the outset, VFBV has affirmed that it will only appear in Fair Work should CFA and the UFU submit an EBA that again tries to interfere with the roles and arrangements impacting upon volunteers. Should the parties agree to genuinely only submit an EBA that restricts itself to the legitimate pay and conditions of its workforce, then VFBV will have no quarrel with it, and will not seek leave to appear in the Commission.

Our aim during this dispute begins and ends with ensuring that industrial arrangements do not try to dismantle the fully integrated nature of CFA, that they don't discriminate against CFA members simply because they choose not to be paid, and that volunteers can continue to deliver CFA services without interference from agreements in which they have no say.

It has been VFBV's express position that we have neither the desire nor the right to be involved in legitimate CFA/union negotiations on pay and conditions for paid staff. Our interests are solely limited to those matters that affect volunteers.

We maintain that leadership is about moving forward, and the new legislation now provides CFA and Government the best opportunity to move forward and treat all fire-fighters (paid and not paid) as professionals and treat them with respect; backed by the full force of the law.

Constant misinformation campaigns only serve to extend the disruption and demoralizing impacts of this dispute for everyone involved. If CFA and the UFU put up a fair and lawful enterprise agreement that rewards our paid colleagues with better pay and conditions, while protecting and supporting the CFA volunteers that work alongside them in a fully integrated way, we can all move forward.

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A full copy of the legislation is attached to this news note for clarity around what it does and does not do.