



File ref. no: FRN21/248
Doc. Ref. no: D2021/115401
Contact: Stephen Brown

Mr Leighton Drury
Fire Brigade Employees' Union of NSW
State Secretary
1-7 Belmore Street
SURRY HILLS 2010

22 October 2021

Dear Leighton,

Thank you for your letter of 14th October 2021 relating to FRNSW's decision to mandate COVID19 Vaccinations for all FRNSW employees.

The decision to mandate vaccines for all FRNSW employees has been made to provide the highest level of protection for our employees, their families, as well as the broader community we serve. It is FRNSW's position that this decision is reasonably practical and has been taken in order to protect our staff (and other persons) against transmission, infection and possible harm to their health, safety and welfare, through the elimination and minimisation of risks, arising from COVID-19, in particular the Delta strain.

This decision was not taken lightly and I'm sure that the FBEU would appreciate this decision aligns with the responsibility of FRNSW as a PCBU, consistent with the WH&S Act 2011.

As you are aware, consultation with all staff was initiated ahead of FRNSW's decision, which included 1003 respondents to the workforce survey (with 72% from Field Operations). Further we have continued to consult on an on-going basis in our weekly COVID-19 Working Party meetings, which have been held on Tuesdays and Thursdays since 17 August 2021. The working party has provided an avenue for FRNSW and the FBEU to discuss the impact of COVID-19 on FRNSW staff and operations, and to hear from the union about any issues or concerns that they or their members wished to raise. FRNSW has also met with members of the Pro-Choice staff representative group, to discuss issues and concerns in relation to COVID-19 vaccinations.

FRNSW considers that the consultation undertaken, so far as was reasonably practicable, ahead of the formation of the decision itself, was reasonable and consistent with consultative requirements of the WH&S Act. In terms of consultation undertaken to date, the vast majority of our employees have provided positive feedback in relation to the decision and we will continue to consult with our workforce and the FBEU on the most appropriate way to implement the mandatory vaccination decision. As you are aware, we are in the process of developing a policy in relation to managing mandatory vaccinations and would appreciate FBEU feedback and input on the draft policy in due course.

As you would be aware, requirements for mandatory vaccinations are not new in the emergency service setting, where risk assessment deems vaccination as the most appropriate way to mitigate significant risk associated with contracting and spreading or transmitting a virus. These mandates are already in place to help mitigate risk for FRNSW Community First Response units and FRNSW firefighters on Disaster Assistance Response Teams.

FRNSW's approach to risk assessment is based on considered analysis of consequence and likelihood. In this instance the assessment has been undertaken in the context of the Delta strain of COVID-19, which poses an elevated risk to the safety of our staff, their families, work colleagues and the community we serve. The risk assessment and identified controls have aligned with various mandated Public Health Orders where relevant.

The concept that risk assessment must be accompanied by 6-8 weeks of consultation is not something that FRNSW believes is appropriate or workable in this instance and in our view presents significant limitations in protecting worker health and safety in dynamic operating environments.

Notwithstanding, the FRNSW risk assessment is a dynamic document in the sense that as information or circumstances change, it can be updated, amended or improved. At any time, it is open to FRNSW staff, HSR's the FBEU and its members to provide thoughts, feedback and identification of any improvement opportunities for consideration.

As you may be aware, there are a range of other PCBUs across the NSW Health and Emergency Services sectors currently managing the risk presented by COVID 19 in public facing roles. Accordingly, FRNSW have and will continue to consult with other duty holders, exchange information and work together in a cooperative and coordinated way so that risks to FRNSW staff and the community are eliminated or minimised so far as is reasonably practicable.

I am confident that this decision allows FRNSW to meet its obligations under the Work Health and Safety Act. We will continue to align our practices with these obligations and remain available to discuss your concerns throughout the upcoming phases of implementation.

I hope this assists to clarify any concerns raised within your letter. I am happy for us to continue to discuss any issues or concerns in our regular COVID-19 Working Party meetings and in your regular contact with the COVID-19 IMT.

Yours sincerely,



Michael Baldi
Executive Director People and Culture