

PSA/CPSU NSW members affected by bushfires

The PSA/CPSU NSW has received reports of members being asked to attend or remain at work despite risks from bushfires and smoke. There are also reports of members being unsure of their rights when volunteering to fight fires.

Below are some of your rights during bushfire season. Federal employees should also check their Enterprise Agreements.

Clause 17 of the [Crown Employees \(Public Service Conditions of Employment\) Award](#) allows public service employees prevented by natural emergency from attending work at a normal work location to apply for varied working hours, alternate working location or to take Family and Community leave (FACS), flex, rec or extended leave or leave without pay to cover the period.

Alternative work locations for those affected by natural disaster can include working from home or from another office or agency.

The award states that, “when a prolonged transport disruption occurs, Department Heads may extend the flexible working hours settlement period during which the transport disruption occurred by a further four weeks, in order to allow employees to make up additional time taken during the disruption”.

FACS leave can be granted if an employee’s property is threatened by emergencies such as bushfire.

If leave is exhausted as a result of natural disasters, and another emergency arises, the Department Head shall consider applications for additional FACS leave.

Under Clause 40 of the [State Water Corporation Agreement](#), employees of Water NSW also have access to special leave if they are emergency service volunteers.

TAFE NSW employees prevented from attending work at a normal work location by a natural disaster may negotiate an alternative working location or take available FACS leave, flex leave, annual or extended leave, or leave without pay to cover the period concerned.

Additionally, Section 5, Part A of their [Enterprise Agreement](#) allows TAFE employees to apply to vary their working hours.

According to their [Enterprise Agreement](#), “all Forestry Corporation employees are expected to perform any required role in fighting fire that they are competent to perform safely which includes roles that do not involve frontline firefighting”.

Section 56 of the Forestry Corporation agreement stipulates your firefighting duties and hours required, while Section 57 outlines your rates of pay.

Members affected by the fire situations who are unsure of their rights or entitlements or who have a problem with accessing their rights should contact the PSA on 1300 772 679.

Volunteering for an Emergency Service

The following details how members can access leave to attend to bushfire emergencies.

The following clause from the Public Service IR Guide:



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6.17 Special Leave

6.17.7 Emergencies

6.17.7.1 Emergency volunteers and volunteer members of safety organisations Employees who are volunteer members of the: ▪ Bushwalkers' Federation; ▪ Cave Rescue Association; ▪ NSW Volunteer Fire Brigade; ▪ Public Service Support Group; ▪ Rural Fire Services; ▪ State Emergency Services; ▪ Volunteer Coastal Patrol; ▪ Volunteer Rescue Association of NSW (or affiliated groups); or ▪ Wireless Institute Civil Emergency Network; may be granted special leave of up to 5 days in any period of 12 months for the purpose of assisting as volunteers in one of these organisations.

6.17.7.2 Declared emergencies If a situation arises requiring a major operational response, or an emergency is declared under Section 44 of the Rural Fires Act 1997, under other relevant legislation or by the Premier, employees who volunteer to assist are granted special leave with no upper limit. Leave granted under this clause does not count towards the 5-day upper limit specified in "6-18.8.1 Emergency volunteers and volunteer members of safety organisations".

6.17.7.3 Proof of attendance at emergencies

An application for leave must be accompanied by a statement from the local or Divisional Controller, the Fire Controller, Deputy Fire Controller or NSW Police Force certifying the times of attendance. The leave application should indicate the period and area of attendance together with the name of the organisation to which the volunteer member belongs.

6.17.7.4 Rest periods If a volunteer employee remains on emergency duty for several days, the agency head may grant special leave to allow reasonable time for recovery before returning to duty. If a volunteer employee assists in a rescue at a time such that it would be unreasonable to expect them to report for duty at the normal time, the agency head may grant up to 1 day special leave for rest. If the emergency referred to in the preceding two paragraphs is not a declared emergency, in accordance with "6-18.8.2 Declared emergencies", the leave granted is included in the general 5 day annual limit prescribed in "6-18.8.1 Emergency volunteers and volunteer members of safety organisations".

Furthermore, your employer has a duty under the [WHS Act](#) to provide you with a safe place of work and a safe system of work. Contact SafeWork on 131050 immediately if you are concerned about your safety at work.

Please contact the PSA/CPSU NSW Member Support Centre on 1300 772 679 if you have any questions on your rights at work during bushfire season.

