

24 September 2008

Mike Hall
Chief Executive/National Commander
N.Z. Fire Service
P.O. Box 2133
WELLINGTON

Dear Mike,

Reshaping NZFS Management Structures to meet Future Challenges – Consultation Document

The Union refers to the above document and the invitation to the Union to provide “feedback” on the detail of the proposal.

The Union strongly objects to the process the Fire Service has once again adopted to address the Fire Service’s responsibility to properly consult with the Union over any proposed changes that may impact on the employment of Union members.

Clearly the process the Fire Service has adopted cannot come even close to fulfilling the requirement for genuine consultation.

The Consultation Document was developed without any involvement, discussion or input from the Union.

The Consultation Document proceeds from a basis that changes to present structures are necessary, and then determines a clear path of the changes proposed.

No doubt the “feedback” received from various parties will be used to, at best, simply “tweak” the detail as in the Consultation Document.

The consultative process required is now well established in law and is reflected in the Collective Agreement.

“The obligation to consult is not limited to consultation about the consequences of a proposed change, nor limited to numbers only, but includes consultation whether or not the proposed changes should take place and the reasoning behind the proposed change. Although consultation does not equate to negotiation and full agreement may not always be possible, consultation implies a genuine effort on the part of the Fire Service to respond to the views of those being consulted, motivated by a desire to reach consensus.”

At best, the Fire Service consultation process is simply related to “*the consequences of a proposed change*”.

There has been no “*consultation whether or not the proposed changes should take place and the reasoning behind the proposed change*”.

In the course of a regular meeting, which discussed many other issues, between the Union and Fire Service Senior Managers on 8 September, the Union was given copies of the Consultation Document.

It was apparent to Union Representatives that Fire Service Managers present knew little more about the proposal than what was contained in the Consultation Document itself. Union Representatives did not get the feeling that these Management Representatives had been greatly involved in the development of the Document, particularly in regard to the “*reasoning behind the proposed change*”. Discussion on the Document was consequently brief.

The Union was advised that the Fire Service sought “feedback” by 26 September. Subsequently the Fire Service advised that they would consider an extension to this timeframe if the Union so requested.

The Union’s ability to provide even “feedback” on the Document must accordingly be extremely limited and can only really relate to the consequences of the proposed change.

Some comments that can be made include:

1. Background

- Community Safety Teams
Certainly “recruited, trained and operated firefighters in a radically different way”. However, the suggestion that this was a good or positive thing is absolutely rejected.
- Second attempt at restructuring.
Certainly was another failure and of most concern is that the methodology adopted then seems to be mirrored in this approach.

2. Current Issues & Challenges

- The proposal essentially removes one layer of management – Asst. Region Fire Managers – and replaces them with Area Managers.

The Union notes that the Asst Region Fire Commander role is one established not by the Fire Service Act, whereas the Area position is statutorily established in the Act.

Quite how the proposal removes one unnecessary management layer is at best unclear.

- If it is correct that “elements of the current NZFS Structure are the result of accommodating changes whilst maintaining the same staff levels and individuals without regard to appropriate evaluation and assignment techniques”, then what is different about this proposal?

3. Chief Fire Officer – Deputy Chief Fire Officer roles

- The Union sees the Fire Service Act as clearly providing an Urban Fire District with a Chief Fire Officer as the basis building block of the Fire Service.

Particularly because of the decisions made in the mid 90s, dozens (maybe hundreds) of Urban Fire Districts were created, each with their own Chief Fire Officer. The vast majority of these were solely Volunteer Districts and the majority very small – certainly in terms of emergency call numbers.

The Proposal proposes no change to this inefficient, irrational and cumbersome structure.

The Consultation Document does not specifically provide that the area management position is a Chief Fire Officer of any particular Urban Fire District. It would seem likely that in some Districts at least – those with only Volunteer Fire Districts – they most certainly would not be a Chief Fire Officer in their own right.

These hundreds of Urban Fire Districts, each with their own Chief Fire Officer, and each with significant autonomous powers, is the real inefficiency within the present Fire Service management structure.

4. Proposed Areas

- Although the Consultation Document provides some analysis to justify the proposed structures and consequent positions – Area and Deputy Area Managers – there seems on the surface to be very significant anomalies.

Some examples of this are:

- The Auckland Fire Region is divided into 3 Areas whereas Arapawa is divided into 5 Areas. This would appear to be a significant anomaly and it is difficult to understand the rationale for splitting off from the existing Wellington Fire District of Porirua to create a new Porirua/Kapiti Area.
- Even though it is proposed to have 3 paid appliances, Porirua/Kapiti is not provided an Assistant position.
- Christchurch is provided an Area Assistant Manager the same as, for example, Timaru.

5. Numbers

- The Consultation Document proposes that 59 positions are to be disestablished and 52 new positions established – a reduction of over 10%. The Document does not consider what impact this will have on workloads – i.e. who is expected to pick up the shortfall? The Union would be extremely concerned if it was simply assumed that operational crew members would accept further increases in their workload/responsibilities.

As the Union has noted above, the only Document provided to it is the Consultation Document itself.

However, the Union has sighted a further Document “Proposed Assignment/Appointment Process – Area Structure Implementation”.

The Document purports to devise a process of appointment to the new Area and Deputy Area Manager positions from persons currently holding Asst. Region Commander, Chief and Deputy Chief Fire Officer positions.

For some existing personnel, the Document proposes a direct transfer into one of the new roles and in other cases it details personnel who would compete for various positions.

As well as being open to an accusation of a corrupt process (jobs for the boys), the Union believes this process to be unlawful.

The Consultation Document makes it clear that the positions proposed are new positions.

The Fire Service Act, Case Law, and Fire Service policy is clear that any Vacancy – and clearly new positions must be Vacant, must be advertised in a manner sufficient to enable suitably qualified persons to apply for the positions.

In the case of filling these new positions this can only mean gazetting these positions for all persons suitably qualified to apply.

Summary:

1. The Fire Service has not provided a genuine and open process of consultation which meets necessary legal obligations and the obligations of the Collective Agreement.
2. The proposal to not advertise the new positions to allow all suitably qualified persons to apply is contrary to the requirements of the Fire Service Act, Case law and Fire Service Policy.

The Union therefore advises the Fire Service that in regard to consultation and the methodology to be adopted to fill the new positions, it retains its prerogative to pursue its legal rights.

Yours sincerely,

DEREK BEST
SECRETARY