



New Zealand Professional Firefighters Union

6 August 2019

Rhys Jones
FENZ CEO
By email: Rhys.Jones@fireandemergency.nz

Dear Rhys

I refer you to the FENZ *“Building Fire and Emergency New Zealand – proposals for our organisational structure and approach to rank, proposals for consultation”* document provided in confidence on 29 July 2019 dealing with proposals for Tranches 2, 2B, 3 and the approach to rank. In your accompanying email you notified that the section of the document detailing your proposed approach to rank *“is yet to be updated to reflect the feedback received from members of the USD Working Group over the last week”*. We have not received any update.

Rank and command structures

The NZPFU has made it very clear in various communications that the protection of the profession of career firefighters and the underpinning rank and role structure is critical to the health and safety of our members, and the protection of the community. The Fire and Emergency and New Zealand Professional Firefighters' Union Collective Agreement for Uniformed and Communications Centre Employees 1 July 2018-30 June 2021 (“the CEA”) enshrines the ranks of trainee firefighter to Senior Station Officer and the required service, training and assessed qualifications required for the achievement of those ranks. The agreement also expressly provides that the other classifications of employees covered by Part 4 of the agreement are subject to the provisions of the NZFS Rank and Authorised Command Level Policy.

The rank structure ensures that operational personnel only undertake duties commensurate to their rank/qualification which is critical to safe systems of work and response. Safe and effective operational command and control structures are founded on the most qualified and experience rank in control with the responsibility of the determination of the nature and implementation of response, and delegating tasks in accordance with qualifications and skills as immediately identifiable by rank.

These safe systems of work require strategic and tactical operational decisions to be made by qualified and experienced personal on all operational matters, not just at dynamic incident scenes. These safe systems of work not only provide the best protection for the health and safety of the firefighter, but also the community as the appropriately trained, qualified and experienced personnel are deployed.

It has become clear through the USD group that FENZ is intending to change the current application and operation of rank and role throughout the organisation. Any change to command and control, and those making decisions that impact on operational matters, affects the health and safety of our members and their terms and conditions of employment. This includes the rank and authorised command levels of positions that will be in command or managing our members.

We cannot consider any proposals for organisational restructure until the rank, role and command structures are clarified and agreed. These matters are critical to the health and safety of our members and impact their terms and conditions of employment.

Consultation

We remind you of FENZ's obligation to consult with the NZPFU in accordance with Part 1 Clause 20 of the CEA. FENZ must not undermine or weaken that consultation process, and must not bypass the union. Consultation is required to be undertaken with the Union as the representatives of our members.

Further we are entitled to represent our members' collective interests as employees in accordance with section 18(1) of the Employment Relations Act 2000.

Therefore, FENZ must not attempt to consult with our membership directly and must not seek broader consultation with other groups until its obligations to the NZPFU have been honoured.

We propose that meetings be scheduled forthwith with a view to reaching agreement on the application and operation of rank, role and command. As these critical matters directly affect any reorganisation, these matters will have to be resolved before any re-organisation is proposed for consultation. It is at that stage we will consult with our members on any such proposal and respond accordingly.

We look forward to meet with you to resolve the above.

Yours sincerely

A handwritten signature in black ink, appearing to be 'Wattie Watson', written in a cursive style.

Wattie Watson
National Secretary

Cc National Commander Kerry Gregory
Deputy Chief Executive People Brendan Nally