

Guidelines for Managers - Industrial Action

To ensure that a consistent approach is taken to responding to situations that may arise during industrial action, the following guidelines have been issued to managers to assist with decision making.

NZFS recognises the right to take industrial action - our focus therefore is on minimising the impacts on that industrial action on the New Zealand public, and the Fire Service.

A number of general principles have been developed to assist managers in making decisions during industrial action.

- As soon as a strike notice is received, NZFS will immediately act on that information and cancel arrangements already in place that would be impacted or would not be able to proceed to conclusion based on the scope of the strike action. For example, if notification is given of a strike that would prevent attendance at training, and a training course for paid firefighters and/or officers is scheduled across any part of the strike period, the course will be immediately cancelled.
- Any discretionary entitlement that would generate additional "cost" (\$, time, effort) by NZFS or its management or support staff during the strike action, will not be available to striking employees.
- Opportunities for striking employees to gain public exposure for their industrial action will be minimised.
- Available resources will be directed, where practicable and possible, to ensure support for volunteer brigades is maintained at an acceptable level.

Detailed Guidance

Training

- All already scheduled paid training will be cancelled once notice of strike action for the period that the training occurs has been received. No new paid training will be scheduled until the strike action has ended.
- Scheduled training courses where the attendees are a mix of paid and volunteer staff will go ahead where trainers can be provided and where it is viable for the course to be run for volunteers only - additional places that were taken by paid staff can be made available to volunteers to assist in ensuring viability.
- Volunteer training will be prioritised at a regional level so that available resources are utilised to best effect in maintaining support to volunteer brigades.

Discretionary Entitlements

- No extensions to sick leave entitlements will be given during the industrial action - this creates additional cost for NZFS
- No splitting of leave periods - this impacts on our ability to use relieving staff effectively, and can generate additional cost for NZFS by requiring replacement labour on overtime. Overtime costs are to be minimised during strike action because of the very limited productivity achieved from staff during the strike period.
- No study leave - generates additional cost for NZFS by requiring replacement labour on overtime. Overtime costs are to be minimised during strike action because of the very limited productivity achieved from staff during the strike period.
- No approval of leave without pay applications - generates additional cost for NZFS by requiring replacement labour on overtime. Overtime costs are to be minimised during strike action because of the very limited productivity achieved from staff during the strike period.
- For staff on coloured watches, any leave requests that require approval as to timing (pro-rata leave, service holidays etc) should be declined over the period of industrial action. They generate additional cost for NZFS by requiring replacement labour on overtime. Overtime costs are to be minimised during strike action because of the very limited productivity achieved from staff during the strike period.
- PLEASE NOTE: Entitlements already approved must stand, but new requests should be considered in accordance with the above guidelines.

Return To Work/Alternative/Light Duties

Arrangements for striking employees currently undertaking return to work/alternative/light duties as part of a rehabilitation plan will be terminated and these employees are to be placed back on sick leave (with or without pay depending on entitlements) until such time as the strike has ended and they are able to fulfil the obligations of their rehabilitation plan and fully undertake their return to work/alternative/light duties. The reasons for this approach are inability for the employee to fulfil their obligations regarding rehabilitation plan/agreed duties and limited availability of direct supervision.

Leave

The productivity of black watch staff taking strike action of the nature outlined in the current strike notices will be limited. Where this is the case, these staff should be required to take any leave owing, within the rules that apply to directions to take leave. Employees can be required to take annual leave if you are unable to reach agreement as to when the employee will take his or her annual holidays. You must give the employee not less than 14 days' notice of the requirement to take annual holidays. Recent changes to the Holidays Act also enable us to direct when alternative holidays can be taken.

Again, if agreement cannot be reached then the employer may direct when the leave is taken, as long as 14 days notice is given.

Obviously, directing coloured watch staff to take leave will typically generate overtime opportunities (unless you have staff available over and above MSM levels) so is not encouraged during periods of industrial action.

Secondments and Acting-Up Appointments

- All secondments from coloured watches to black watch of striking employees should be terminated unless the secondment can continue without impact to productivity and performance during the industrial action. The productivity of the majority of black watch staff will be very limited during industrial action, and their absence from a coloured watch position generates additional cost for NZFS by requiring replacement labour on overtime. Overtime costs are to be minimised during strike action because of the very limited productivity achieved from staff during the strike period. In cases where a manager wishes to continue with a secondment, approval of the Fire Region Manager will be required. These arrangements will only be allowed to continue if productivity is not impacted by the industrial action, and will be terminated as soon as the scope of the industrial action begins to reduce productivity.
- The notified strike action bans acting up into executive officer positions. Any such arrangements should be terminated and staff returned to their substantive position on their substantive terms and conditions of employment.

Involvement in Working Parties, Projects etc

The scope of the strike action will prevent most striking employees from participating in anything outside of their core operational duties. This will mean they will not be available to be consulted on issues, contribute to working parties or projects etc. Given we have received notification that they will not undertake this work, the working parties, projects etc should proceed without their involvement. It is by choice they have elected not to participate and the progress of these projects etc should not be delayed because of their decision not to participate.

Other Issues

- Fire Region Managers will be communicating with emergency service partners and other key stakeholders about the strike action and its likely impacts so that plans can be agreed to minimise the impact on those partners. A standard template letter will be prepared to assist with this communication. This may be adapted to meet individual needs.
- A standard template letter will also be prepared for Area Managers to enable them to advise volunteer brigades so that impacts can be managed effectively.

- Communication at a national level will also occur to key stakeholders so they are aware of the action and its potential impacts, and so that any impacts can be worked through.
- Events that are likely to generate public or media interest e.g. station openings etc should be considered in relation to the opportunities they provide for firefighters to gain public exposure for their industrial action. FRM's will make decisions on these on a case by case basis in consultation with the Chief Executive.
- External email to and from striking employees will be blocked during the strike action. A generic response will be sent to email senders referring them to the relevant Area office. This is being done because some staff placed inappropriate out of office responses on their external email during the last period of industrial action, designed to generate support for their industrial action.

Movement of Fire Appliances

Officers should be notified that no movement of fire appliances from stations may occur unless for valid business continuity reasons including:

- Operational Readiness, e.g. refuelling, however this should be done on return from fire calls
- Risk Reduction, where a request for advice is received and a crew is prepared to undertake task (eg smoke alarm for a disabled person)

Officers should be instructed that any movements other than emergency calls require duty executive approval.

Duty Executives should consider carefully before approving. The movement of fire appliances for other than direct business purposes have a direct cost in fuel and vehicle usage that is not justifiable.

Attendance at sporting or community events or functions, Fire Service or Non Fire Service.

For the reason outlined above in Movement of Fire Appliances, the cost of these activities is not justified and should not be approved.