Fire and Rescue NSW

2. Background

Fire and Rescue NSW has 337 fire stations across New South Wales and more than 6,800 firefighters. Firefighters are made up of full-time (permanent) or part-time (retained) staff. Permanent firefighters work rostered shifts, generally two ten-hour day shifts, followed by two 14-hour night shifts and then four days off. Retained firefighters work on an on-call basis.

Exhibit 2: Types of firefighters and responsibilities

- **Permanent firefighter**: A member of a permanent fire brigade
- **Retained firefighter**: A firefighter who works on an ‘on call’ basis

<table>
<thead>
<tr>
<th>Incident</th>
<th>2012–13</th>
<th>2011–12</th>
<th>2010–11</th>
</tr>
</thead>
<tbody>
<tr>
<td>Structure fires</td>
<td>6,721</td>
<td>6,704</td>
<td>7,053</td>
</tr>
<tr>
<td>Outside storage fires</td>
<td>233</td>
<td>257</td>
<td>259</td>
</tr>
<tr>
<td>Vehicle fires</td>
<td>3,742</td>
<td>3,937</td>
<td>4,000</td>
</tr>
<tr>
<td>Bush and grass fires</td>
<td>10,107</td>
<td>6,381</td>
<td>6,970</td>
</tr>
<tr>
<td>Rubbish fires</td>
<td>7,551</td>
<td>7,918</td>
<td>7,972</td>
</tr>
<tr>
<td>Other fires</td>
<td>371</td>
<td>360</td>
<td>353</td>
</tr>
<tr>
<td>Non-fire rescue calls (medical assistance, animal rescue, motor vehicle accidents)</td>
<td>10,682</td>
<td>11,213</td>
<td>10,857</td>
</tr>
<tr>
<td>Hazardous material incidents</td>
<td>15,795</td>
<td>15,578</td>
<td>15,558</td>
</tr>
<tr>
<td>Storm, floods and other natural disasters</td>
<td>7,037</td>
<td>7,033</td>
<td>6,452</td>
</tr>
<tr>
<td>Good intent calls</td>
<td>11,958</td>
<td>11,115</td>
<td>10,849</td>
</tr>
<tr>
<td>False calls, false alarms</td>
<td>51,211</td>
<td>54,376</td>
<td>55,061</td>
</tr>
<tr>
<td>Other calls</td>
<td>8,203</td>
<td>5,871</td>
<td>5,556</td>
</tr>
<tr>
<td><strong>Total</strong></td>
<td>133,611</td>
<td>130,743</td>
<td>130,940</td>
</tr>
</tbody>
</table>

Key Findings

3. Is there a fitness standard for firefighters and are they regularly assessed against it?

**Finding:** There is a fitness standard for permanent and retained firefighters. At recruitment, permanent and retained firefighters are assessed against a fitness standard to ensure they are physically fit for duty.

Post-recruitment there is no ongoing assessment to ensure firefighters remain fit for duty. There are measures in place which provide some degree of monitoring of health and fitness, for example, skills training which requires a certain level of fitness, reports on near miss injury incidents and data on workers compensation claims.

The Crown Employees (Fire and Rescue NSW Firefighting Staff Death and Disability) Award 2012 commits Fire and Rescue NSW and the Fire Brigade Employees’ Union to agree to and implement a compulsory health and fitness program for all firefighters. This commitment has been in the Award since 2006. A health standard has been developed by Fire and Rescue NSW. Despite the issue of health and fitness being the subject of proceedings in the Industrial Relations Commission, at the time of this audit, a health and fitness program had not been agreed and implemented.

3.1 Current fitness standard for permanent firefighters

The Fire Brigades Regulation 2008 requires that, before appointing a candidate as a permanent firefighter, the Commissioner of Fire and Rescue NSW must be satisfied that he or she is medically and psychologically fit to exercise the functions of a firefighter.

If someone wants to become a permanent firefighter at Fire and Rescue NSW, he or she must, among other things, meet a fitness standard. Exhibit 4 outlines the recruitment process.

**Exhibit 4: Permanent firefighter recruitment**

1. **Psychometric test**
   - Cognitive ability and workplace assessment
   - Emotional intelligence and work reliability scale

2. **Physical Aptitude Test**
   - Cardiovascular fitness and musculoskeletal strength

3. **Panel Interview**

4. **Pre-employment medical Assessment**
   - Medical history, physical examination- includes cardiovascular conditions, hearing, vision and mental health

5. **Employment check**
   - National Police check

6. **Recruit training program**
   - 13 weeks

Candidates must meet a fitness standard to become a permanent firefighter.

Source: Fire and Rescue NSW 2014.
Fire and Rescue NSW introduced a new physical aptitude test in 2013 which seeks to ensure candidates have the level of strength and fitness to meet the demands of firefighting. Refer to Exhibit 5 for detail of the new physical aptitude test.

Exhibit 5: New physical aptitude test – permanent firefighters

<table>
<thead>
<tr>
<th>Stage</th>
<th>Task</th>
<th>Test focus and description</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td>Reduced visibility search</td>
<td>Claustrophobia – candidates are required to wear a frosted face mask and perform a crawling search in a dark and confined space.</td>
</tr>
<tr>
<td>1</td>
<td>Ladder raise and lower simulation</td>
<td>Upper body strength and endurance – candidates are required to pick up a resistance reel with straight bar attached, with a combined vertical force of 29 kg, off the ground and bring it to navel-height, then squat under the bar and stand up, raising the bar above their head with their arms completely straight.</td>
</tr>
<tr>
<td>2</td>
<td>Single-sided jerry can carry</td>
<td>Upper body strength and endurance, grip strength, shoulder stability – candidates are required to adopt a unilateral grip on a 26 kg jerry can to lift it from the ground and move forward along a 30 metre corridor, completing a distance of 195 metres or 6.5 laps.</td>
</tr>
<tr>
<td>2</td>
<td>Stair climb with single-sided jerry can carry</td>
<td>Upper body strength and endurance, lower body strength and power – candidates are required to adopt a unilateral grip on a 17.5 kg jerry can and step up and down a step 36 times. The task must be completed in the full 36 steps while carrying the jerry can in one hand.</td>
</tr>
<tr>
<td>2</td>
<td>Rescue tools static holds</td>
<td>Upper body strength and endurance, shoulder stability – candidates are required to grip a simulated rescue tool, weighing 19 kg, with both hands, lift it from the ground and raise and hold it above their shoulder height for 40 seconds.</td>
</tr>
<tr>
<td>2</td>
<td>Repeated hose drag</td>
<td>Cardiovascular fitness, upper and lower body muscular strength, power and endurance – candidates are required to grip a 2.8 metre length of 38 mm hose weighing 11 kg and move forward along a 30 metre corridor, completing a 150 metre distance in total.</td>
</tr>
<tr>
<td>3</td>
<td>Simulated fire attack</td>
<td>Functional strength and endurance – candidates are required to grip a 2.8 metre length of 38 mm hose weighted to 11 kg and adopt a crawling technique to remain below a 1.25 metre height indicator line and moving forward along a 30 metre corridor. The entire body must remain below the height level for the 30 metre distance.</td>
</tr>
<tr>
<td>3</td>
<td>Firefighter rescue</td>
<td>Whole body functional strength, endurance and power, aerobic and anaerobic capacity – candidates are required to safely lift a 30 kg weighted firefighter breathing apparatus off the ground and lower themselves below a 1.55 metre height marker and walk backwards along a 10 metre corridor, without dropping or dragging the breathing apparatus off the ground.</td>
</tr>
</tbody>
</table>

Source: Fire and Rescue NSW 2014.

Fire and Rescue NSW informed us that the physical aptitude test was designed following rigorous research and testing. The test replicates scenarios that could impact on the candidate’s capacity to effectively perform the firefighting role. It also identifies any health conditions that could be aggravated by undertaking duties essential to firefighting and that could result in serious injuries.

Firefighting agencies in other States rely on different testing arrangements. Appendix 2 provides a more detailed comparison of standards and testing in jurisdictions across Australia.

There are also psychometric tests focusing on emotional intelligence, cognitive ability, work safety knowledge and work reliability. Apart from this, there are medical examinations to gauge the general health of a candidate.
A candidate is recruited if he or she is successful in all of these assessments. Following this, permanent recruits undergo a 13 week training course to further build their fitness and skills for the role. This includes:

- preventing injury and working in a team
- operating communication systems, equipment and breathing apparatus
- providing emergency care and administering oxygen in an emergency situation
- participating in a rescue operation and responding to urban fire and wildfire
- checking and operating installed fire safety systems
- using personal protection at a hazmat (hazardous materials) incident, making the incident area safe and monitoring hazardous atmospheres
- operating the fire truck
- maintaining safety at an incident scene.

3.2 Current fitness standard for retained firefighters

As outlined earlier, the Fire Brigades Regulation 2008 requires that before appointing an applicant as a retained firefighter, the Commissioner must be satisfied that the applicant is medically and psychologically fit to exercise the functions of a firefighter.

Retained firefighters represent 50 per cent of the number of firefighters within Fire and Rescue NSW. They are part-time firefighters who live and work within close proximity of a fire station. They are required to be ‘reasonably fit and healthy’ to complete a pre-employment medical and functional (physical) assessment. Recruitment of retained firefighters also includes consideration of local risk factors such as dwelling types and the number of incidents in the area.

Although they carry out similar but less frequent work to permanent firefighters, retained firefighters have a less rigorous fitness assessment process. Fire and Rescue NSW informed us that they are currently aligning the retained firefighter’s physical aptitude test to the permanent firefighter’s physical aptitude test. Fire and Rescue NSW advised that in some small communities where it is difficult to attract sufficient numbers of candidates who can meet the physical requirements, a risk management approach will be adopted.

3.3 No ongoing fitness assessment

According to the Fire Brigades Regulation 2008, the Commissioner may terminate a firefighter’s appointment if the firefighter is no longer medically or psychologically fit to exercise the functions of a firefighter.

As an employer, Fire and Rescue NSW has obligations under Work Health and Safety legislation to ensure the safety of its firefighters. This includes the provision of any information, training, instruction or supervision that is necessary to protect firefighters from risks to their physical and psychological health and safety.

As workers, firefighters have an obligation under Work Health and Safety legislation to maintain their own health and fitness in undertaking their role.

Fire and Rescue NSW has confirmed that firefighters are expected to maintain the same fitness standards they achieved to enter the service throughout their career. However, there are no explicit ongoing assessments of fitness to ensure that firefighters are maintaining their fitness for the job.

In the absence of any ongoing fitness assessment, there is a risk that:

- Fire and Rescue NSW is failing to meet its duty of care responsibilities
- firefighters currently in the workforce do not have the level of fitness to carry out their roles safely and effectively.
In addition, the Crown Employees (Fire and Rescue NSW Firefighting Staff Death and Disability) Award 2012 (the Award) commits Fire and Rescue NSW to develop a compulsory health and fitness program and for firefighters to be assessed against fitness standards.

The commitment for a compulsory health and fitness program has been in the Award since 2006, however no agreement has been reached with the Fire Brigade Employees’ Union.

Fire and Rescue NSW has made some progress towards developing a health standard for firefighters. This standard aims to:

a) define the level of health and fitness required to perform the inherent requirements and demands of firefighting
b) describe how the health and fitness of firefighters is assessed and reported in relation to these requirements.

The standard is proposed for both permanent and retained firefighters to identify significant chronic conditions likely to affect the fitness for duty. It includes an assessment of:

- cardiovascular conditions
- psychological conditions
- vision disorders
- hearing loss
- musculoskeletal disorders.

However, at the time of this audit, the proposed health standard had not been agreed and implemented.

**Exhibit 6: Proposed health standard for firefighters**

The proposed health standard supports consistent assessment of fitness for duty across the career of firefighters to ensure firefighters meet the required level of health and fitness for performing the firefighting tasks.

Health assessments may be conducted at various points during a firefighter’s career. It includes a pre-employment assessment, a periodic health assessment program and a fitness for duty assessment.

**Pre-employment health assessments**

This is to determine the initial fitness to perform firefighting duties. The assessment aims to detect conditions, including cardiovascular, neurological conditions and psychiatric disorders. It comprises of a health questionnaire and clinical examination. Candidates also undergo a physical aptitude test to determine their ability to meet the high physical fitness demands of firefighting.

**Periodic health assessment program**

The periodic health assessment program supports firefighters in addressing chronic disease risk to support ongoing fitness for duty. It identifies physical and psychological health issues which are likely to affect ability to perform inherent firefighting tasks.

These are conducted according to defined frequencies:

- a) at time of commencement; then
- b) every five years to age 50; then
- c) every two years to age 60; then
- d) every year

Firefighters must have a health assessment conducted within two years after attaining age 50 and within one year after attaining age 60.

**Fitness for duty assessments**

In addition to routine periodic assessments, health assessments may be conducted in response to incidents or concerns regarding a firefighter’s health.

These assessments are likely to address a particular health issue. They also include health assessments initiated as a result of concerns regarding prolonged or recurrent sick leave or related to a firefighter’s return to work following illness or injury.

Source: Fire and Rescue NSW 2014.
We found that no Australian Fire and Rescue agency has an ongoing fitness assessment for its firefighters. Refer to Appendix 2 for details. However, some firefighting organisations internationally have implemented ongoing assessments. For example, certain regions in Scotland require firefighters to undergo a mandatory fitness test every three years in addition to a health assessment. Refer to Appendix 3 for details.

Some organisations in New South Wales such as the NSW Office of Environment and Heritage, which have roles with risks similar to that of firefighters have ongoing fitness assessments. Refer to Exhibit 7 for examples.

Exhibit 7: Periodic health and fitness assessments in some organisations

National Standard for Health Assessment of Rail Safety Workers

Arising from the Waterfall rail accident in 2003, a national standard for health assessments of rail safety workers was developed. Effective as at 20 January 2013, it relates to assessments for the health and fitness of workers and their ability to perform rail safety duties. The fitness for duty is assessed through:

- periodic health assessments – conducted to identify health conditions that may affect safe performance of rail safety work. Examples are single-operator train drivers and rail signallers. Periodic health assessments are conducted at the time of commencement, then every five years to age 50, then every two years to age 60 and then every year.
- triggered health assessments – in response to incidents or concerns regarding the workers ability to safely perform their job. This is for non-safety critical workers. The assessments are conducted at the time of commencement, then at 40 years of age, then every five years.

The health assessments are an examination of medical conditions including blackouts, cardiovascular, neurological, psychological and musculoskeletal conditions.

Ambulance Service NSW – paramedics

The Health and Wellness Program aims to ensure that paramedics remain both physically and psychologically capable of delivering pre-hospital care to the community to the highest standard. It comprises of:

- a health assessment program designed to ensure paramedics are fit to meet the inherent physical and psychological job requirements
- a health support program that provides health related information, interactive tools, health events and support programs to promote a healthy lifestyle, as well as interventions to support paramedics with poor health assessment program outcomes.

NSW Office of Environment and Heritage – bush firefighters

Bush firefighters at the NSW Office of Environment and Heritage are required to pass an annual physical fitness assessment to carry out bush firefighting roles. The physical fitness assessment tests aerobic fitness, muscular strength and endurance, and flexibility needed to complete firefighting tasks over extended periods and work shifts.

1) light walk test – staff entering the fire ground unaccompanied are required to pass the light walk test. The test is a 1,610 metres walk in a time limit of 15 minutes.
2) moderate field test – the minimum fitness standard for general firefighting. Roles requiring this standard include aerial firefighting and general firefighting duties. The test requires carrying an 11.3 kg pack vest/weight and walking a distance of 3,220 metres in 30 minutes.
3) arduous pack test – the minimum fitness standard for employees wishing to participate in remote firefighting and interstate or international deployments. The test requires carrying a 20.4 kg pack vest/weight and walking a distance of 4830 metres in 45 minutes.

3.4 Current fitness initiatives and programs for firefighters

Firefighters within Fire and Rescue NSW have an obligation to maintain their fitness. There are several opportunities and programs provided by Fire and Rescue NSW to firefighters.

Around 64 per cent of fire stations are equipped with fitness facilities. Where there are no such facilities, firefighters can be supported through partially subsidised gym membership fees.

Firefighters also undergo regular skills training which provides some degree of health and fitness monitoring. This includes:

- training in cutting up cars to assist in motor vehicle accident rescues
- re-certification of self-contained breathing apparatus qualifications annually
- re-certification of confined space training every two years
- re-certification of swift water rescue operator every two years.

We found that pre-employment assessment for permanent and retained firefighters can identify medical conditions for which periodic monitoring is advised, for example, cardiovascular and type two diabetes risk factors. Such applicants can be recruited subject to review. Fire and Rescue NSW however, does not have reliable systems to follow up on the medical conditions of all personnel once they are employed.

Assessment of fitness for duty also occurs in response to monitoring of sick leave which includes diagnosis and duration of absence, response to specific performance or behavioural concerns and self-declaration of medical issues. Permanent and retained firefighters must also be examined by a Fire and Rescue NSW medical officer if they are absent on sick leave for a period of more than 28 days.

Fire and Rescue NSW informed us that near-miss injury incident reports and workers compensation claims also provide some degree of monitoring of the health and fitness of firefighters. Near miss injury incident reports have reduced from 210 in 2011–12 to 128 in 2013–14. In 2012–13, the total number of workers compensation claims for injuries sustained by firefighters was 585. This resulted in a cost of almost $3 million, compared to 648 injury claims totalling $5.4 million in 2011–12.

A policy on health, fitness and wellbeing developed by Fire and Rescue NSW outlines that all employees have responsibilities to engage in health promotion, prevention and support programs. Fire and Rescue NSW has several health promotion initiatives which firefighters can undertake. These are voluntary programs to assist firefighters in maintaining their fitness levels. Refer to Exhibit 8.
The station officer and crew members also assist each other through counselling, especially during a critical incident. There are also assistance programs in place to support firefighters following traumatic incidents.

Exhibit 9: Psychological support programs

<table>
<thead>
<tr>
<th>Chaplaincy and family support</th>
<th>Supports, nurtures and expresses the spiritual and religious beliefs and values of firefighters and their families. The focus is on physical, cognitive and spiritual development.</th>
</tr>
</thead>
<tbody>
<tr>
<td>Critical incident support program</td>
<td>Offers help to firefighters affected by individual traumatic incidents or a cumulative effect over their career. The aim is to lessen the impact of critical incidents on all personnel involved in the activities of Fire and Rescue NSW.</td>
</tr>
<tr>
<td>Employee assistance program</td>
<td>An external service providing professional and confidential counselling. Access is available to all firefighters and their families, 24 hours a day, seven days a week, providing three free visits per 12 months. In 2012–13, the program was used by 253 employees.</td>
</tr>
<tr>
<td>Peer support</td>
<td>One-to-one assistance, on-scene support and follow-up, and education and information sessions to firefighters. The scope includes providing support and guidance to employees on mental health issues, encouraging early intervention and referral to professional support services.</td>
</tr>
</tbody>
</table>

Source: Fire and Rescue NSW, 2014.

Some firefighters we met raised concerns on the effectiveness of these support programs, stating that:

- some programs are not helpful in dealing with the psychological issues faced by firefighters
- some programs are not long enough to provide the support needed
- there is a lack of proactive measures to create mental health awareness.
Some station officers were also concerned with the lack of training to assist and manage mental health issues among firefighters. Fire and Rescue NSW accepts that better assistance needs to be provided to assist firefighters in dealing with psychological impacts of firefighting. Fire and Rescue NSW advises that it has introduced initiatives in partnership with organisations such as the Black Dog Institute.

### 3.5 The importance of an ongoing fitness assessment

Most firefighters with Fire and Rescue NSW stay with the organisation until they retire. Almost 43 per cent of permanent and retained firefighters are 45 years old and over.

#### Exhibit 10: Age profile of firefighters

![Age profile of firefighters chart](chart.png)

Source: Fire and Rescue NSW 2014.

Some research confirms that the health and fitness of firefighters decline with age. Refer to Exhibit 11 for details.

#### Exhibit 11: Research showing fitness decline with age

A study in 2012 by the Hindawi Publishing Corporation in the United States of America on ‘Age related decline in cardiorespiratory fitness among career firefighters’ concluded that cardiorespiratory fitness of firefighters is significantly reduced with increasing age. However, this is also dependent on body mass index and physical exercise habits. It supports the importance of measuring cardiorespiratory fitness, physical activity, body composition and cardiovascular health at entry and at regular periods throughout a firefighter’s career. This will assist in preventing the decline in cardiorespiratory fitness with increasing age.

A study in 2011 by the Institute of Occupational Medicine in the United Kingdom on the ‘Review of aging and the demands of firefighting’ states that some firefighters will be capable of continuing to meet the operational demands of being a firefighter beyond the current retirement age. However, age related deterioration in physical fitness; muscle strength and heat tolerance will mean that a high number of firefighters will find it difficult to meet the acute challenges of firefighting, resulting in reduced operational performance. For example, older firefighters may perform operational tasks more slowly.


A recent study in the United States of America also found a consistent decline in fitness as firefighters aged. The 14-year study of more than 4,300 firefighters from California, found that more than 50 per cent of firefighters did not meet the ideal fitness levels to perform firefighting tasks efficiently. It recommended that mandatory fitness assessments be implemented to ensure firefighters maintain an appropriate level of fitness, especially as they advance in age.
In the absence of any mandatory health and fitness assessment in Fire and Rescue NSW, it is unclear whether current firefighters have the level of fitness to perform the full range of firefighting tasks.

Limited information available through a voluntary health and fitness program introduced by Fire and Rescue NSW in 2004–05, provides some indication that fitness is a concern within the agency. Assessment of firefighters under this program found that:

- 19 per cent of all participants were classified as obese according to body mass index
- 41 per cent of all participants had at least one cardiovascular risk factor
- 28 per cent of all participants had two or more cardiovascular risk factors.

These results cannot be considered as representative as the sample size is low. However, it supports the need for a better understanding on the health and fitness of firefighters.

In the eight years since the program’s inception, 741 firefighters have participated. However, participation in this program has significantly declined with only five health and fitness assessments requested in 2013. This indicates that a voluntary system of monitoring health and fitness has not worked.

Statistics on the number of injuries sustained by firefighters, the number of firefighters on light duties, the number of medical discharges and the death and disability claims indicate that Fire and Rescue NSW needs a better process to ensure that its firefighters are fit for duty.

In 2012–13, firefighters reported a total of 584 injuries. Fitness related injuries such as body stressing and mental stress were amongst the top five injuries over the last three years.

**Exhibit 12: Top five firefighter injuries**

<table>
<thead>
<tr>
<th>Types of injuries</th>
<th>2012–13</th>
<th>2011–12</th>
<th>2010–11</th>
</tr>
</thead>
<tbody>
<tr>
<td>Body stressing</td>
<td>235</td>
<td>252</td>
<td>258</td>
</tr>
<tr>
<td>Falls, Trips And Slips Of A Person</td>
<td>140</td>
<td>150</td>
<td>129</td>
</tr>
<tr>
<td>Being Hit By Moving Objects</td>
<td>51</td>
<td>46</td>
<td>51</td>
</tr>
<tr>
<td>Hitting Objects With A Part Of The Body</td>
<td>54</td>
<td>40</td>
<td>54</td>
</tr>
<tr>
<td>Mental stress</td>
<td>29</td>
<td>38</td>
<td>61</td>
</tr>
</tbody>
</table>

Source: Fire and Rescue NSW, 2014.

Currently, almost ten per cent of permanent firefighters are on light duties. Light duties are roles apart from full operational duties as a firefighter. Fire and Rescue NSW has informed us that the main reasons for this are physical and psychological injuries.

**Exhibit 13: Permanent firefighters on light duties**

<table>
<thead>
<tr>
<th>Year</th>
<th>2012–13</th>
<th>2011–12</th>
<th>2010–11</th>
</tr>
</thead>
<tbody>
<tr>
<td>Permanent firefighters on light duties</td>
<td>329</td>
<td>297</td>
<td>362</td>
</tr>
<tr>
<td>Number of permanent firefighters</td>
<td>3,457</td>
<td>3,498</td>
<td>3,516</td>
</tr>
<tr>
<td>Per cent (%)</td>
<td>10</td>
<td>8</td>
<td>10</td>
</tr>
</tbody>
</table>

Source: Fire and Rescue NSW 2014.

The number of firefighters medically discharged from 2010–11 to 2012–13 has more than doubled. Fire and Rescue informed us that this is a result of a new medical assessment process to manage firefighters who are unfit. Firefighters are medically discharged when they are considered permanently unfit to carry out firefighting roles.
Firefighters medically discharged

Exhibit 14: Firefighters medically discharged

![Graph showing the number of firefighters medically discharged from 2010–11 to 2012–13.]

Source: Fire and Rescue NSW 2014.

Firefighters have benefits under Crown Employees (Fire and Rescue NSW Firefighting Staff Death and Disability) Award 2012. Benefits are for injuries on or off duty that result in:

- total and permanent incapacity
- partial and permanent incapacity.

Total and permanent incapacity (TPI) is when a firefighter, by reason of ill-health (physical or mental) is unable to ever again engage in gainful employment for which the firefighter is reasonably qualified by education, training or experience. Partial and permanent incapacity (PPI) means that a firefighter is no longer fit to carry out the full range of his/her pre-injury duties with Fire and Rescue NSW.

Compensation under the scheme continues to rise with over $7.4 million paid in 2012–13, for 44 claims.

Exhibit 15: Cost for claims under the firefighting staff death and disability award

![Graph showing the cost of claims under the firefighting staff death and disability award from 2010–11 to 2012–13.]

Source: Fire and Rescue NSW 2014.

A mandatory ongoing fitness assessment and actions to ensure firefighters maintain or regain their fitness would:

- provide greater confidence on the effectiveness of firefighters to colleagues and the public at large
- reduce the risk to the health and safety of individual firefighters
- reduce the risk of liability to the organisation.
There would, however, be potential impacts of such a process. One such impact Fire and Rescue NSW could face is that initially a high number of firefighters could fail the ongoing assessment. As a result, there are several options.

Firstly, those firefighters who fail could engage in programs which help them regain their fitness.

According to the Award, if a firefighter is not capable of regaining or maintaining an acceptable level of fitness, he or she can be placed in another position within the organisation. However:

- that reduces the accountability placed on firefighters to be fit for the job
- Fire and Rescue NSW’s capacity to absorb these firefighters is limited.

Secondly, Fire and Rescue NSW has the authority to terminate employment of firefighters if they are unfit to carry out their roles. Fire and Rescue NSW should exercise this authority where firefighters persistently fail to meet fitness standards.

In the event where a firefighter who persistently fails the ongoing health and fitness assessment and has proven injuries as defined under the Award, he or she may rely on the Award to exit the organisation. Depending on the number of firefighters who fail and the severity of the injury, this could become expensive for the NSW Government. In 2012–13, the average death and disability settlement was approximately $170,000.

We would argue that firefighters deemed unfit by the ongoing fitness assessment alone should not be able to rely on the Award as a means to leave the organisation. In this circumstance, it will be important for Fire and Rescue NSW to rigorously assess firefighters to ensure the provisions of the Award only apply to those who clearly meet the on and off duty injury criteria.

Other potential impacts of such a process also need to be carefully managed. They include issues such as:

- negative effects on staff morale
- industrial consequences
- how those who fail the assessment will be assisted to improve their health and fitness
- attraction and retention of retained firefighters.

Recommendations

Fire and Rescue NSW should, by December 2014:

- introduce an ongoing health and fitness assessment for firefighters. This should:
  - be mandatory
  - define frequency of assessment.
- implement measures that:
  - require firefighters, as part of their duties, to undertake activities to maintain their fitness
  - assist firefighters who fail their assessment to regain the required fitness standard
  - manage firefighters who continually fail assessments including terminating employment either through the Crown Employees (Fire and Rescue NSW Firefighting Staff Death and Disability) Award or the Fire Brigades Regulation 2008.