



THE EMPLOYER'S GUIDE to employing Emergency Services Volunteers.



An information pack produced by the Department of Fire and Emergency Services (DFES) for employers of emergency services volunteers

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Introduction

To the Employer...

First and foremost it is your decision, as the employer, to permit (or not) an employee to leave work to attend an emergency. That said employers of emergency services volunteers play a vital role in their communities. Because without their support, it would be difficult for volunteers to attend emergencies during work hours.

It can be difficult to initiate the discussion between employee and employer about such releases from work. This can increase stress and affect what may normally be a positive working environment. To reduce stress and confusion it is recommended that you 'have the conversation' – discuss the employee's volunteer role, likely need for release and identify any issues. The aim of this resource is to help employers and employees have this dialogue in lieu of developing a pre-arranged agreement as to how and when emergency services volunteering will work for them.

Everyone benefits from employer supported emergency services volunteering because it may reduce the cost of damage caused by fire and other emergencies by saving lives, communities and the environment. Some communities depend solely on volunteer emergency response so it is important that workplace arrangements are established. Volunteering also plays an important role within the community by increasing local prevention, preparedness, response and recovery capability. Your emergency service volunteers help to make your community safer and more resilient.

A community where volunteers freely give their time is one where people, life styles and businesses thrive due to a higher level of community hazard risk awareness and ability to respond to a local emergency quickly, or, support emergency response further afield (which may be reciprocated one day).

At their own expense, many companies release their employees, and self-employed volunteers invest their own time, effort, and income to help the community. As a result, employers of emergency services volunteers and self-employed volunteers are fundamental to emergency services agencies' operations and community safety.

Research shows that if an employer supports volunteering, your company's organisational image will be improved within the community, the employee motivation levels will increase, along with their job satisfaction, loyalty and performance. This ultimately leads to your business experiencing higher outcomes and financial performance.

However, to ensure continued support in the work place and reduced stress and confusion around entitlements, it is important to address any concerns and/or obligations felt by employers and employees at the outset. As such, DFES encourages a meeting between employer and employee BEFORE there is a need to respond to an emergency. This will facilitate a mutually beneficial understanding and process around deployment during work hours.

This booklet is designed to assist employers to understand the benefits of supporting volunteering and to assist with arrangements that will allow continued mutually beneficial support.

Benefits of employing emergency services volunteers

Benefits to the employer are twofold:

- 1. The training, skills and experience gained by emergency services volunteers are transferrable to the workplace*

Emergency services volunteers are not only trained in technical activities but develop high levels of personal skill and competencies. Emergency service volunteering requires commitment, the ability to cope with high pressure, and the determination to help others. Volunteers gain training in areas such as:

- Confidence and teamwork
- Navigation and problem solving
- Emergency management and decision making
- Effective communication (both oral and technical)
- Health and safety
- Technical and mechanical training
- Leadership, delegation and following instructions
- First aid

This is at no cost to the employer and provides direct benefits to the paid work scenario as these acquired skills are generally transferable to the workplace in most industries.

2. *The benefits of being a 'socially responsible' employer*

Being a socially responsible employer in the community provides many benefits, including:

- A positive reputation
- Favourable consumer attitudes
- Increased employee loyalty and commitment and
- A competitive advantage

Research shows that employees who work for a 'socially responsible' employer are more satisfied and motivated as they feel they are working for a company that gives back to the community.

These benefits indirectly increase the financial performance of the company.

Payroll Tax Exemptions for Emergency Services Volunteers

Any employer in Western Australia who pays wages in excess of \$62,500 in any month is liable for payroll tax. A payroll tax exemption applies to employees who are emergency services volunteers and who attend emergencies during work hours.

The payroll tax exemption occurs for wages paid or payable to an employee while they are performing their volunteer duties, as outlined in the *Payroll Tax Assessment Act 2002*.

For more information, please contact the Office of State Revenue- Department of Finance.

Source:

https://www.finance.wa.gov.au/cms/State_Revenue/Payroll_Tax.aspx

Volunteer Employer Recognition Awards

The nationally accredited Volunteer Employer Recognition Awards (VERA) are coordinated by DFES and recognises employers of emergency response volunteers, including self-employed volunteers, who play a vital role in the response capacity and protection of the WA community.

An annual VERA ceremony is a part of the program and is organised by DFES to celebrate and acknowledge the important role employers and those self-employed volunteers play in protecting the community.

An employer or self-employed volunteer can be presented with one of three levels of awards - gold, silver and bronze. The level of award is determined by the level of support provided by the employer and the associated contribution to the community.

Employers who receive an award gain public recognition for their support. Employers are presented with a trophy, certificate and an endorsed VERA logo for use in marketing and promotional items, business stationary and websites. This award identifies the employer as one who helps protect the community and is seen as being socially responsible by actively supporting their fire and emergency services volunteers.

To find out more about the Volunteer Employer Recognition Awards, please visit the website:

<http://www.dfes.wa.gov.au/volunteers/Pages/employerrecognition.aspx>

Or email: awards@dfes.wa.gov.au

Leave Arrangements

DFES encourages employers and employees to negotiate arrangements that are suitable for both parties before emergency services volunteers are needed to be released during work hours. This may be an informal verbal agreement between the employer and employee or a formal policy. However, as the employer you may wish to formalise this arrangement, DFES can assist you with a sample policy template (see full memorandum accompanying this resource).

It is up to the employer to decide whether volunteers can be released during working hours to attend an incident or planned event. As mentioned above this is better discussed and arranged before an employee is requested. Options may include, or be a combination of: full-pay, half-pay, unpaid leave, paid leave, flexitime or time in lieu.

The table below includes some key issues that are often considered in a volunteer leave policy. These examples may help you negotiate suitable leave arrangements with your emergency services volunteer employees.

By supporting emergency response volunteers, you are making a significant contribution to your community and helping to maintain Western Australia's capacity to prevent, prepare for, respond to and recover from emergencies.

Key considerations when negotiating a workplace agreement:

- How many days per year are you willing to allow your employee to respond to calls to volunteer?
- Have you considered a combination of leave to spread the burden of cost – like annual leave, flexi and unpaid leave?
- How will the employee communicate their absence in the event of an emergency?
- Do the needs of the business allow an employee to be released?
- Will leave be paid, half paid or unpaid; or debited against annual or personal leave entitlements? If there is to be a combination of leave, how will this be managed?
- Does the employee need to provide documentation as evidence of attending the incident?
- What happens if attending to the incident takes longer than expected?
- What happens if an employee is injured whilst attending an incident? (see FAQs)
- How will your organisation manage volunteer fatigue and rest requirements? (see FAQs)
- What is the nature of the emergency or natural disaster?
- What is the size and capacity of the business
- Does the business needs allow you to release your employees for both planned (e.g. training, incoming natural disaster – like a tropical cyclone) and unplanned (e.g. unexpected emergency – like a bushfire or road crash) events?
- If you agree to allow your employee to be released, have you considered your obligations under 'State Declarations'? (see FAQs)

Part A. Leave arrangements - Examples

Example Only - of a work place leave agreement:

Full-time and part-time employees involved in recognised volunteer emergency services shall be entitled to up to 4 days paid leave, 3 days of flex time and 3 days unpaid leave at the ordinary rate of pay to attend emergency incidents. It is the responsibility of the employee to inform the company about the time off needed to attend to emergency duties. Additionally, in order to receive payment, the employee must provide

documentation as evidence that they attended the emergency incident as soon as possible upon return to work.

Please see the ‘Employee Volunteering Policy Template’ within this resource for a full Memorandum of Understanding for employers wishing to support emergency service volunteers in their organisation.

Part B. Leave arrangements - the law

There are federal and state laws that impact on the relationship between employers and emergency services volunteers. These are the *Emergency Management Act 2005 (WA)* (“the Emergency Management Act”) and the *Fair Work Act 2009 (Cth)* (“the Fair Work Act”).

Emergency Management Act 2005 (WA)

The *Emergency Management Act* provides employment protection for emergency response volunteers who are formally registered members of a:

- Bushfire Service (BFS) brigade;
- Volunteer Fire and Rescue Service (VFRS) brigade;
- State Emergency Service (SES) Unit;
- Volunteer Fire and Emergency Services (VFES) Unit; or
- Volunteer Marine Rescue Service (VMR) group.

These employment protection provisions of the *Emergency Management Act* come into play during an *emergency situation* (section 50 of the Emergency Management Act) or *state of emergency* declaration (section 56 of the Emergency Management Act).

This may happen once per year, on average, but it places additional obligations upon the employer.

Continuity of Service

If an *emergency situation* or *state of emergency* has been declared, the purpose of calculating the entitlements of an employee must not be negatively affected. This includes long service leave, sick leave, recreational leave or other benefits, to which the employee is entitled; the employee’s continuity of service is not to be taken as having been broken whilst the employee was absent due to carrying out an emergency management response (section 92(1) of the Emergency Management Act).

Remuneration of the employee

If an *emergency situation* or *state of emergency* has been declared, the employee is entitled to be paid their ordinary remuneration whilst absent due to carrying out an emergency management response (section 92(2) of the Emergency Management Act).

DFES recommends that regardless of whether an emergency situation has been declared or not, wherever possible the employee should still seek permission to be released from their employer.

The employer is not entitled to reimbursement for these expenses.

Victimisation of the employee

It is unlawful for an employer to dismiss or otherwise victimise an employee for the reason that they were called to volunteer at an *emergency situation* or *state of emergency*, unless the employer can prove that the absence was not reasonable having regard for all the circumstances (section 93 of the Emergency Management Act).

For further information on the *Emergency Management Act 2005* please see http://www.austlii.edu.au/au/legis/wa/consol_act/ema2005190/ for further information.

Fair Work Act 2009 (Cth)

If you are a "**national system employer**", then any employee who is a member of a recognised emergency management body (for example, SES, VFRS or VMRS) is entitled to community service leave (unpaid) under the Fair Work Act when they respond to a request from their organisation (i.e. DFES) to attend an incident.

A "**national system employer**" is:

- (a) a constitutional corporation, so far as it employs, or usually employs, an individual; or

- (b) the Commonwealth, so far as it employs, or usually employs, an individual; or
- (c) a Commonwealth authority, so far as it employs, or usually employs, an individual; or
- (d) a person so far as the person, in connection with constitutional trade or commerce, employs, or usually employs, an individual as:
 - (i) a flight crew officer; or
 - (ii) a maritime employee; or
 - (iii) a waterside worker; or
- (e) a body corporate incorporated in a Territory, so far as the body employs, or usually employs, an individual; or
- (f) a person who carries on an activity (whether of a commercial, governmental or other nature) in a Territory in Australia, so far as the person employs, or usually employs, an individual in connection with the activity carried on in the Territory.

If you do not fall within any of the above categories, then the community service leave provisions of the Fair Work Act do not apply to you or your employees.

Community Service Leave

If you are a “**national system employer**”, the Fair Work Act allows an employee to be absent when engaged in a voluntary emergency management activity on behalf of a recognised emergency management body and the absence is reasonable having regard for all the circumstances (such as the reason for and length of the absence, as well as the needs of the employer). It is unlawful for a national system employer to terminate an employee’s employment because they were absent for this purpose.

Under the Fair Work Act an employee must give notice to the employer of the absence, and there is no entitlement to wages for this type of community service leave (except jury service).

Further information

Department of Fire and Emergency Services

Street Address: Emergency Services Complex
20 Stockton Bend
Cockburn Central WA 6164

Telephone: +61 8 9395 9300

Website: <http://www.dfes.wa.gov.au/volunteering>

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