



ANMF (Vic Branch) Policy

Working in bushfire prone areas and where there is ongoing fire activity

1. Introduction

The Australian Nursing and Midwifery Federation (Victorian Branch) [ANMF (Vic Branch)] recognises that some nurses, midwives and carers working in healthcare environments and other industries work in areas identified as high risk for bushfires and experiencing current fire activity, creating a risk to their health and safety.

Given the history of high temperatures and fire risk potential in Victoria there is a need for emergency preparedness in relation to bushfires.

2. Objective

The ANMF (Vic Branch) objectives of this policy are to:

- 2.1 Provide guidance to employers and employees on preparations that need to be made prior to the fire season in order to secure the health and safety of nurses, midwives and carers in relation to risk of bushfire.
- 2.2 Provide clear and specific guidance on preventative actions employers, nurses, midwives and carers should take in the event of the anticipated (and predictable) risk of a bushfire or current fire activity in order to ensure the health and safety of nurses, midwives and carers is not compromised.

3. Scope

This policy applies to ANMF (Vic Branch) members, and all nurses, midwives and carers eligible for ANMF (Vic Branch) membership, in Victorian healthcare environments and other industries.

Please note: this policy applies to predictions of fire risk and the preparations to be made in such a case and does NOT provide guidance relating to the immediate actions to be undertaken in case of an emergency or if caught in a bushfire.

4. Definitions

CFA: Country Fire Authority

DELWP: Department of Environment, Land, Water and Planning

FDR: Fire Danger Rating - the fire danger rating scale adopted by the CFA and Victorian Government. Every day during the fire season, the Bureau of Meteorology, in consultation with fire agencies, determines the FDR for each weather district. The ratings (with the most serious at the top) are:

- CODE RED
- EXTREME
- SEVERE
- VERY HIGH
- HIGH
- LOW – MODERATE

High risk of bushfire area: Area as identified by fire agencies (including CFA, DELWP and FRV), also referred to as Bushfire Prone Areas.

Victorian Fire Risk Register - Bushfire (VFRR-B): a multiagency approach to identifying and rating areas at risk from bushfires across Victoria. The VFRR-B is managed by the CFA and is updated regularly to take into account increased development and changes to risk across the state.

FRV: Fire Rescue Victoria.

Fire Danger Period (sometimes called 'Bushfire season'): Typically from November until April, but is declared dependent upon the locality. Can be declared from as early as October until as late as May, but remains in place until the fire danger lessens. This is declared by fire agencies each year for the upcoming season.

Bushfire warnings:

Warning area

Colour area shows the predicted warning area at the time of the issue. This colour can be yellow (Advice), orange (Warning / Watch & Act), red (Emergency Warning) or black line with a grey fill (Evacuation).

Evacuation

An evacuation is recommended, or procedures are in place to evacuate.

Emergency warning

You are in imminent danger and need to take action now. You will be impacted.

Warning (watch & act)

An emergency is developing nearby. You need to take action now to protect yourself and others.

Advice

An incident is occurring or has occurred in the Area. Access information and monitor conditions. Can also be used as a notification that activity in the area has subsided and is no longer a danger to you.

5. Policy

5.1 Under the Victorian Occupational Health and Safety Act 2004, all employees have a right to perform their work in an environment that is safe and without risks.

5.2 Code Red / Extreme FDR in Bushfire Prone Areas or current fire activity:

5.2.1 No nurse, midwife or carer is required to attend at work locations in areas identified as high risk for bushfires on days where FDR for that area is predicted to be Code Red/Extreme or if there is current fire activity. In those circumstances the workplace should already have been evacuated.

5.2.2 Staff who would otherwise be required to travel through an area identified as high risk for bushfire or has current fire activity to attend work are not required to attend work on days predicted to be Code Red/Extreme FDR or current fire activity (options for leave at such a time must be provided and agreed prior to the fire season).

5.2.3 No decisions about workplace attendance and/or client visit should be made **on** a Code Red/Extreme FDR day or where there is current fire activity – these decisions **must** all be made given the available information at the time, and communicated to affected nurses, midwives and carers by 2pm on the day prior in order to reduce risk of making decisions under pressure in stressful circumstances.

- 5.2.4 Where a FDR level is increased to Extreme / Code Red or there is current fire activity after 2pm on the day prior, all practical efforts will be made by the employer to contact all nurses, midwives and carers affected regarding non-attendance, well prior to the scheduled start of their shift.
- 5.2.5 Once the decision to not attend is made, this is not subject to change, even if a subsequent reduction in FDR occurs, in order to eliminate any confusion.
- 5.2.6 Where a nurse, midwife or carer is not attending a work location due to FDR risk or where there is current fire activity in an area identified as high risk for bushfire, they may be requested to attend for work in a non-bushfire risk area / alternate workplace unless there are extenuating circumstances.

Where a nurse, midwife or carer is directed not to attend due to these circumstances, they will not lose pay nor entitlements as a result.

- 5.3 Severe FDR in Bushfire Prone Areas and/or areas where there is ongoing fire activity:
 - 5.3.1 No nurse, midwife or carer should be put at risk by attending clients / patients in areas identified as high risk for bushfires or where there is current fire activity on days where fire danger is classified as Severe, without an appropriate risk assessment having been undertaken taking into account factors such as route, access, air quality, recent fire activity in the area and agreed risk controls implemented as agreed in advance with the ANMF. The requirements for such a situation must be developed in consultation with HSRs and staff prior to the beginning of the Fire Danger Period.
 - 5.3.2 This risk assessment should be prepared by the manager, in consultation with HSRs and staff.
 - 5.3.3 If a decision is made that the nurse, midwife or carer is unable to attend work, the guidelines in 5.2.5 and 5.2.6 apply.
- 5.4 Other FDR days:
 - 5.4.1 Any nurse, midwife or carer or their HSR may request that a risk assessment is completed to be reviewed by their manager so that an assessment on the suitability of attending work can be made.
 - 5.4.2 If a decision is made not to attend work, the guidelines 5.2.5 and 5.2.6 apply.
- 5.5 Where a HSR has a concern involving an immediate threat to the health and safety of a nurse, midwife or carer arising from the conduct of their employer (or its failure to act), the HSR for an affected DWG may, after consultation with the employer, direct that the work is to cease (s74(1) of the OHS Act).

6. Key elements

6.1 Employers

The ANMF (Vic Branch) requires employers under the OHS Act 2004 to, so far as is reasonably practicable, provide and maintain a working environment that is safe and without risks to health from bushfires, by undertaking the following:

- 6.1.1 Providing systems of work that are, so far as is reasonably practicable, safe and without risks to health from bushfires.
- 6.1.2 More specifically, ANMF (Vic Branch) expects that employers would eliminate or reduce risks to health and safety of nurses, midwives and carers in areas identified as high risk for bushfire by implementing the following precautions, in addition to those contained in Parts 5 and 6 of this Policy.
- 6.1.3 Evacuating any healthcare facility located in an area identified as high risk for bushfire prior to a day that has been declared as Code Red/Extreme FDR or current fire activity.
- 6.1.4 Ensuring that where a decision is made for non-attendance at workplaces / to evacuate prior to a Code Red/Extreme FDR day or current fire activity, this is communicated to nurses, midwives and carers prior to 2pm the day prior where possible.
- 6.1.5 Where there is an increase / reduction in FDR post-2pm, contacting each affected nurse / midwife / carer individually to ensure they are aware of the arrangements to be implemented.
- 6.1.6 Providing information, instruction, training or supervision to enable nurses, midwives and carers to perform their work in a way that is safe and without risks to health from bushfires.

6.2 Consultation and representation

- 6.2.1 Consultation must occur with employee-elected HSRs in relation to all matters that have or could have health and safety implications, including in the planning processes for workplaces in an area identified as high risk for bushfire; eg - evacuation, staff attendance.
- 6.2.2 Where an HSR has a concern involving an immediate threat to the health or safety of any person arising from the conduct of the employer (or their failure to act), the HSR for an affected DWG may, after consultation with the employer, direct that the work is to cease (s74(1) of the OHS Act 2004). This may be relevant in circumstances whereby a decision is made by an employer not to evacuate a facility prior to a predicted Code Red/Extreme FDR day or there is current fire activity in an area identified as high risk for bushfire, or where an employer directs nurses /midwives / carer to attend workplaces located in such areas on these days.

6.3 Preparation

All potential work locations in an area identified as high risk for bushfire will be identified prior to the beginning of the fire season; and

- 6.3.1 The employer will notify all clients / residents / patients affected, of the details of this policy and the effect on them and develop contingencies for care (where appropriate / necessary taking into account Fire Plan of client; ie - to stay or evacuate). Where the individual's plan is to stay, they must be advised that there will be no attendance by nurses, midwives or carers of visiting health services on FDR days of Code Red or Extreme or subject to a bushfire warning of Evacuation, Emergency or Watch & Act.
- 6.3.2 The employer will inform all clients of visiting health services in areas identified as high risk for bushfires that they should have a fire plan should a Code Red / Extreme FDR day be declared (it is not the employer's responsibility to develop nor implement this plan for the client). This should take into account the policy of nurse/midwife/carer non-attendance on such a day.
- 6.3.3 Staff will inform the employer where they may be required to travel through an area identified as high risk for bushfire to attend work (whether their home or workplace are located in such areas or not), and in consultation with staff the ANMF and management, provisions relating to availability of leave on days considered to be Extreme or Code Red FDR will be agreed upon.
- 6.3.4 The employer will institute a process to inform itself, and make the necessary contingencies, to cover the impact of non-attendance by employees as a flow on consequence of Extreme or Code Red FDR, for example unanticipated childcare responsibilities due to closure or evacuation of schools or childcare facilities.
- 6.3.5 Prior to the Fire Danger Period the employer must complete a risk assessment to determine the Fire preparedness of the facility including safe areas for employees to shelter. This should be done in consultation with an appropriate expert and relevant HSRs.

6.4 Communication and notification

- 6.4.1 The employer will ensure that where a decision is made for employee non-attendance prior to a Code Red/Extreme FDR day or where there is current fire activity, this is communicated to nurses, midwives and carers prior to 2pm the day prior where possible. This allows nurses, midwives and carers to undertake any preparatory work necessary for the following day.
- 6.4.2 The employer will as soon as practicable advise nurses, midwives and carers of any alternate working arrangements to be implemented in the event of cancellation / evacuation advice; ie - where they are required to attend if relevant.
- 6.4.3 Where there is an increase in FDR post-2pm, the employer will contact each affected nurse / midwife / carer individually to ensure they are aware of the arrangements to be implemented.
- 6.4.4 Where an individual nurse/midwife/carer is potentially affected by an area identified as high risk for bushfire / FDR, each nurse / midwife / carer will ensure that they notify the employer immediately they become aware of any circumstance which may prevent their attendance at work; eg - where they would be required to travel through an area identified as high risk for bushfire to attend or where their home is in such an area.

6.5 Support for staff

6.5.1 It is critical to the efficacy of this policy that management support their staff in their requirement to not attend any workplace or location in an area identified as high risk for bushfire on a day declared Extreme or Code Red FDR or subject to a bushfire warning of Evacuation, Emergency or Watch and Act or current fire activity.

6.5.2 The right to a safe workplace is a workplace right under the Fair Work Act 2009 (in addition to the duty for this to be provided by an employer under the Occupational Health and Safety Act 2004). Adverse action, or threats of adverse action, along with statements that are reckless as to an employee's workplace right, may be in breach of this legislation.

6.6 Instruction, education and training

ANMF (Vic Branch) supports the provision of instruction, education and training by health care employers in bushfire safety and the policies and procedures to be enacted during the Fire Danger Period as a component of the employer requirement to provide a workplace that is safe and without risks to health for nurses, midwives and carers.

7 ANMF (Vic Branch) members

7.1 Rights of nurses, midwives and carers as employees

Nurses, midwives and carers have the right to work in a safe and healthy workplace environment and to perform their work without risks to their physical and psychological health and safety.

7.2 ANMF (Vic Branch) supports the legislative rights of nurses, midwives and carers to expect that the most effective hazard control measures will be implemented by the employer, including that hazards are eliminated or controlled at their source (eg - evacuation of at-risk facilities) before lower order measures, such as relying on training or providing personal protective equipment, are implemented.

7.3 Nurses, midwives and carers will take reasonable care of their own health and safety and the health and safety of other persons (employees and others) who may be affected by their acts or omissions at the workplace.

7.4 Nurses, midwives and carers will co-operate with the employer with respect to any action taken by the employer to provide a safe and secure workplace, and to assist the employer to fulfil their duties under occupational health and safety legislation, including the cancellation of visits / treatment as may be required to comply with this policy.

7.5 Nurses and midwives in management and supervisory positions should support, facilitate and give due regard to occupational health and safety in their decision making, incorporating consultative processes.

7.6 Nurses, midwives and carers will ensure their employer has current after hours contact details at all times to facilitate effective communication.

7.7 A nurse, midwife or carer not attending a work location due to current fire activity or FDR risk in an area identified as high risk for bushfire should be available to attend for work in a non-bushfire risk area / alternate work location, unless there are extenuating circumstances.

7.8 Prior to the beginning of the Fire Danger Period, the employee will notify their employer in accordance with the established processes where they may be required to travel through an area identified as high risk for bushfire to attend work (whether their home or workplace are located in such areas or not).

7.9 Where they are potentially individually affected by an area identified as high risk for bushfire / FDR or current fire activity, each nurse, midwife or carer will ensure that they notify the employer immediately in the event they become aware of any circumstance which may prevent their attendance at work; eg - where they would be required to travel through an area identified as high risk for bushfire or has current fire activity to attend.

8 ANMF (Vic Branch) commitment

ANMF (Vic Branch) will support, promote and assist in the development of guidance in relation to working in an area identified as high risk for bushfire to ensure a consistent approach to this occupational health and safety hazard for nurses, midwives and carers.

9 Relevant legislation

- Occupational Health and Safety Act (Victoria) 2004
- Occupational Health and Safety Regulations 2017 (Vic)
- Fair Work Act (Cth) 2009

10 Relevant guidance

- ANMF (Vic Branch) Occupational Health and Safety Policy *Preparing for emergencies, A reference guide for organisations in the Health and Community Services Sectors*, December 2020, Department of Health and Human Services
- <http://www.cfa.vic.gov.au/warnings-restrictions/about-fire-danger-ratings>