

## P 9 – Responding to Emergency Incidents During Work Hours

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### 1 Objective

The objectives of the Responding to Emergency Incidents During Work Hours Policy are to ensure:

- 1.1 Employees who are registered and trained emergency services volunteers are able to respond to emergency incidents during employment hours and are not financially or otherwise penalised for doing so.
- 1.2 The organisation is aware that an employee is responding to an emergency incident, reducing the risk of a work, health and safety issue for that employee and others that might be impacted.
- 1.3 The employees do not leave the organisation short-staffed when responding to an emergency incident they were not required to attend.
- 1.4 All employees are afforded their work health and safety rights and conditions.
- 1.5 Compliance with the *Emergency Management Act 2005* (Section 92), *Shire of Bridgetown-Greenbushes Outside Works Staff Enterprise Bargaining Agreement 2023* (Clause 7.4) and the *Work Health and Safety Act 2020*.

### 2 Scope

This policy applies to all employees who are registered members of an emergency management agency, including Volunteer Fire and Rescue Services Brigade (VFRS), Volunteer Bush Fire Brigade (BFB), Volunteer Fire and Emergency Services (VFES), Volunteer Fire Services (VFS), Volunteer Marine Rescue Service (VMRS), State Emergency Service (SES), St John's Ambulance and Australian Red Cross.

### 3 Definitions

#### 3.1 Councillors

means members of an elected body that make decisions on behalf of a local government through a formal meeting process. Generally, local government councillors, who include the Mayor or President and councillors, do not have any authority to act or make decisions as individuals.

#### 3.2 Emergency Incident

means any situation to which the emergency services organisation responds to deliver emergency services, including rescue, fire suppression, emergency medical care, special operations, law enforcement, and other forms of hazard control and mitigation.

#### 3.3 Emergency Services

means services registered by an emergency management agency, including Volunteer Fire and Rescue Services Brigade (VFRS), Volunteer Bush Fire Brigade (BFB), Volunteer Fire and Emergency Services (VFES), Volunteer Fire Services (VFS), Volunteer Marine Rescue Service (VMRS), State Emergency Service (SES), St John's Ambulance and Australian Red Cross.

#### 3.4 Emergency Response

means the combating of the effects of an emergency, provision of emergency assistance for casualties, reduction of further damage, and help to speed recovery. Emergency response does include emergency management prevention, preparedness or recovery work.

### 3.5 Employee

means a worker who performs work under the direction and control of their employers, works fixed hours and is paid for the work.

### 3.6 Worker

means any person who carries out work for a PCBU, including work as an employee, councillor, contractor, subcontractor, self-employed person, outworker, apprentice or trainee, work experience student, employee of a labour hire company placed with a 'host employer' and volunteers.

## 4 Policy

4.1 Council supports employees who want to volunteer as registered members of an emergency service within the Shire.

4.2 Employees must notify the Shire of their membership with any voluntary emergency service organisation and provide reasonable evidence of the membership.

4.3 Employees must notify the Shire before leaving work during work hours to respond to an emergency incident.

4.4 When an employee has been called to respond to an emergency incident and will be absent from employment, the employee must (before the employee ceases work or otherwise becomes absent from employment) give notice to their direct Supervisor or their Executive Manager of:

4.4.1 Expected period of absence (if available).

4.4.2 Details of the emergency incident (general location is sufficient).

4.4.3 The emergency service organisation requesting their response.

4.5 If requested by the Executive Manager or CEO because of discrepancies in information provided, the volunteer must provide:

4.5.1 Membership of the emergency service (if not previously provided).

4.5.2 Details of the emergency incident.

4.5.3 Nature of the activities undertaken during the response.

4.5.4 Period of absence from work.

4.5.5 Confirmation that the employee was requested to respond or that it was reasonable to expect such a request.

4.6 If no such request was made, the employee may be asked to provide evidence to establish that it would be reasonable to expect that such a request would have been made if the circumstances had permitted the making of such a request, including but not limited to whether other emergency services personnel were available to respond to the emergency incident.

4.7 The emergency services are those defined under the Local Emergency Management Arrangements (LEMA). Specifically, these are:

- Volunteer Fire and Rescue Services Brigades (VFRS)
- Volunteer Bush Fire Brigades (BFB)
- Volunteer Fire and Emergency Services (VFES)
- Volunteer Marine Rescue Service (VMRS)

- State Emergency Service (SES)
- St John's Ambulance
- Australian Red Cross

4.8 Employees attending emergencies during work hours will be covered by the insurance arrangements and legislative provisions relevant to their respective emergency service, not the employee arrangements.

4.9 In accordance with Section 92 of the *Emergency Management Act 2005 (WA)*,  
"An employee who is absent from the employee's employment because the employee is carrying out an emergency management response is entitled to be paid by the person's employer remuneration for the period of the employee's absence calculated at the employee's ordinary rate of remuneration."

4.10 Payment is only applicable to an emergency management response, which is defined as "the combating of the effects of an emergency, provision of emergency assistance for casualties, reduction of further damage, and help to speed recovery." Payment is not due if an employee chooses to partake in emergency management prevention, preparedness or recovery work.

4.11 Entitlements such as long service leave, personal/carer's leave and annual leave will continue to accrue for the duration of the absence.

4.12 Employees attending to assist emergency services must comply with Section 22.5 of the *Local Government Officers (WA) Award 2021*, and *Municipal Employees (Western Australia) Award 2021* that specifies that an employee must have 10 hours of rest period between the termination of his/her work and the start of his/her ordinary hours of work.

## 5 Accountabilities and Responsibilities

5.1 Council is accountable and responsible for:

- Ensuring the organisation has in place a lawful, transparent, and accountable policy framework, supported by a suite of compliant and appropriate policies and procedures.
- Endorsing (or not) each organisational policy document in a timely and effective manner.
- Delegating implementation of each policy document to the CEO.

5.2 The CEO is accountable and responsible for ensuring the development, implementation, monitoring and review of this policy document, in accordance with governing legislation and Council directives.

5.3 The Executive Management Team and Managers are accountable and responsible for:

- Ensuring that all employees under their direction comply with this policy document.
- Enacting process to redress non-compliance with this policy document.

5.4 All employees are individually responsible for complying with this policy document.

## 6 Risk Management

The potential consequences of not having a Responding to Emergency Incidents During Work Hours include:

6.1 Employees do not respond to emergency incidents because they are unaware of eligibility, the approval process and the fact that they will be paid.

- 6.2 The organisation is unaware that an employee is responding to an emergency incident, posing a work, health and safety issue for that employee.
- 6.3 An employee creates a work, health and safety issue by leaving the Shire to respond to an emergency incident when other employees are depending on the employee to perform an organisational role (e.g. outdoors employees).
- 6.4 The employee is not paid for the time that they are responding to an emergency incident.
- 6.5 The employee leaves the organisation short-staffed when they were not required to respond to an emergency incident.
- 6.6 Non-compliance with the *Emergency Management Act 2005* (Section 92), *Shire of Bridgetown-Greenbushes Outside Works Staff Enterprise Bargaining Agreement 2023* (Clause 7.4) and the *Work Health and Safety Act 2020*.

## 7 Reference Documents

<b>Act</b>	<ul style="list-style-type: none"> <li><i>Local Government Act 1995</i> s.2.7(2)(b) – The council is to determine the local government’s policies</li> <li><i>Emergency Management Act 2005</i> s.92 – Protection of employment rights  (1) For the purpose of calculating the entitlement of an employee to long service leave, sick leave, recreational leave or other benefits to which the employee is entitled, the continuity of service of the employee is to be taken not to have been broken only by the employee’s absence from the employment because the employee was carrying out an emergency management response. (2) An employee who is absent from the employee’s employment because the employee is carrying out an emergency management response is entitled to be paid by the person’s employer remuneration for the period of the employee’s absence calculated at the employee’s ordinary rate of remuneration, determined in accordance with the regulations, on the time that the employee would ordinarily have worked had the employee worked his or her scheduled work time.</li> </ul>
<b>Regulation</b>	<ul style="list-style-type: none"> <li><i>r.19A Local Government (Administration) Regulations 1996</i></li> </ul>
<b>Local Law</b>	n/a
<b>Policy</b>	n/a
<b>Procedure</b>	n/a
<b>Other Documents</b>	<ul style="list-style-type: none"> <li><i>Local Government Officers (WA) Award 2021</i></li> <li><i>Municipal Employees (Western Australia) Award 2021</i></li> </ul>

## 8 Version Control

Version	Date	Author	Amendments
V1	29 April 1999	T Clynch (CEO)	Original document
V2	28 April 2022	T Clynch (CEO)	Three year review
V3	19 July 2024	N Gibbs (CEO)	Three year review
Scheduled Reviewed Date	19 July 2027		