



VECCI member advice: bushfire season 2010

With the impending bushfire season, Victorian businesses are encouraged to consider a range of issues that may impact their business as a result of bushfires, including school closures, leave entitlements, fire plans, cancellations of bookings and more. This information is intended as a guide only.

1. What is a Code Red Day?

For explanations of the new Fire Danger Ratings, including Code Red, click on the links below to take you to the Country Fire Authority (CFA) website and downloadable PDF brochures with information about Fire Danger Ratings and essential information for the fire season.

<http://www.cfa.vic.gov.au/index.htm>

<http://www.cfa.vic.gov.au/residents/summer/firedangerratings.htm>

http://www.cfa.vic.gov.au/residents/documents/summer/fire_danger_rating_brochure.pdf

http://www.cfa.vic.gov.au/residents/documents/summer/essential_info_fire_season_2009-10.pdf

2. What implications could a Code Red day have on workplace relations?

One aspect of Code Red days is that school closures are likely to be implemented.

Accordingly, given that Code Red ratings encourage residents to leave the area in which they live, there are likely to be implications for businesses with regards to the availability of staff to work.

Similarly, where a business is located in a Code Red area, employees may not be able to attend work.

Businesses will need to consider strategies to manage these Code Red days and the bushfire season more broadly.

Strategies might include:

- Arrangements for employees to manage their parental responsibilities where their child's school is closed – this might include working from home, or the adoption of emergency 'child-friendly' practices in the workplace.
- Understanding the entitlement of employees – from 1 January 2010 – to 'community service leave' under the National Employment Standards for those employees engaging in volunteer emergency management activities (such as the CFA or SES).
- Understanding and utilising the 'stand down' provisions in the Workplace Relations Act 1997 (until 31 December 2009) or the *Fair Work Act 2009* (from 1 January 2010) where an area is declared to be at a Code Red fire danger rating. These may allow an employer to stand an employee down without warning where the employer cannot reasonably be held responsible for circumstances – such as fire or flood – that mean the employee cannot be provided with work.
- In instances where a legitimate 'stand down' is enacted, this period may be unpaid. Whether or not an employer will be able to stand down an employee without pay will be dependent on a variety of factors, including the provisions of the relevant award or agreement, and whether the employee can be otherwise engaged outside of the ordinary workplace.

3. *Where can I find lists of school closures?*

For the Department of Education and Early Childhood Development's policy on school closures and for a list of school closures, visit

<http://www.education.vic.gov.au/about/bushfires/default.htm>.

4. *Where can I find information on how to create a fire plan?*

For further information in completing fire plans, understanding fire ratings or for the latest information on fire bans, visit <http://www.cfa.vic.gov.au>.

5. *Where can I find information about planned burns?*

For further information about the bushfire season, including planned burns, visit www.dse.vic.gov.au.

6. *Where can I find up-to-date information about any fire incidents?*

Information about incidents and up-to-date warnings can be found at www.cfa.vic.gov.au and at www.dse.vic.gov.au.

During times of fire emergency, local ABC radio networks may also broadcast up-to-date information.

www.vicroads.vic.gov.au may also provide up-to-date information about road closures as a result of fire incidents.

For information about closures of national and state parks and reserves and walking tracks due to forecasts of extreme, severe or Code Red fire danger forecasts, severe weather activity or as a result of fire, visit www.parkweb.vic.gov.au or call 13 19 63.

7. *I'm in the accommodation and tourism industry and I am receiving cancellations from interstate and international visitors due to bushfires. What are my rights and obligations?*

Businesses are reminded that there are rights and obligations for businesses under the Fair Trading Act.

For businesses in potential bushfire areas that may have to deal with cancellations of bookings (for example, accommodation, hospitality and tourism), please visit www.consumer.vic.gov.au for business owner rights and responsibilities.

In addition, to assist businesses with their obligations for matters such as the cancellation of accommodation due to external factors, Tourism Alliance Victoria (TAV) has developed a fact sheet. To access the fact sheet and a range of advice for those in the tourism sectors in potential bushfire areas, Tourism Alliance Victoria (TAV) has a range of information available, including the Tourism Victoria's Crisis Essentials Guide. Visit www.tourismalliance.com.au for more information.

8. *Who can I contact for further advice or information?*

- For general workplace relations advice, contact VECCI's Industrial Relations – Workplace Relations Helpline on 03 8662 5222.



- VECCI's team of workplace relations consultants can assist businesses with workforce management strategies. To discuss how VECCI can assist your business, please call 03 8662 5333.