



# **NUPGE Wildland Firefighters Representatives: Recommendation for CIFFC to Change or Replace the WFX-FIT Test**

December 10, 2020





The National Union of Public and General Employees (NUPGE) is a family of 13 Component unions. Taken together, we are one of the largest unions in Canada. Most of our 425,000 members work to deliver public services of every kind to the citizens of their home provinces. We also have a large and growing number of members who work for private businesses.

The office of the National Union of Public and General Employees is on the traditional and unceded territory of the Algonquin peoples and is now home to many diverse First Nations, Inuit, and Métis peoples.

We recognize the crimes that have been committed and the harm that has been done and dedicate ourselves as a union to moving forward in partnership with Indigenous communities in a spirit of reconciliation and striving for justice.

Bert Blundon, President

Jason MacLean, Secretary-Treasurer



## NUPGE Wildland Firefighters' Concerns about the WFX-FIT Test

The purpose of this meeting is to talk about the concerns that NUPGE wildland firefighters have regarding the validity of the WFX-FIT test currently used by the Canadian Interagency Forest Fire Centre (CIFFC). We understand that CIFFC is only able to speak to the WFX-FIT test as it relates to exchanges. CIFFC does not dictate how testing is administered within a province, territory, or in Parks Canada. Nevertheless, CIFFC continues to use a test in which certain aspects have been called into question.

Our position is that for the following reasons, the WFX-FIT test is not a bona fide test:

- Aspects of this test have been ruled discriminatory,
- The test has injured firefighters, thereby taking them out of the field and denying them the ability to carry out their duties,
- The test does not reflect what is actually required during firefighter duties,
- The test is not the same as used in other countries (like the US and Australia), so it puts Canadian firefighters at a disadvantage compared to foreign firefighters.

Therefore, we are calling on CIFFC to change the WFX-FIT test or replace it.

WFX-FIT is a pre-employment physical performance test used to determine whether an individual possesses the physical capabilities necessary to meet the demands encountered while fighting wildland fires.

In December 2015, [an arbitrator ruled](#) against the Government of Saskatchewan, and in favour of the Saskatchewan Government and General Employees' Union (SGEU), that aspects of this test are discriminatory against women and older men. In June 2018, the [Court of Appeal for Saskatchewan](#) upheld that decision (in which CIFFC was an intervenor for the government). And in March 2019, leave to appeal to the [Supreme Court of Canada](#) was denied, so the arbitrator's 2015 decision stands.

These court rulings undermine the legitimacy of aspects of the test, and clearly require further consultation on a better test design. 4 key factors call into question its legitimacy:

### 1. The test discriminates

First, the test discriminates. The arbitrator identified 2 aspects of the test that are discriminatory: one aspect is the cut score itself. The arbitrator ruled that the test "is not a bona fide occupational requirement, because the cut score has a potential discriminatory adverse impact on females and older males." The second critical aspect singled out as discriminatory is the requirement to carry a hose pack over the ramp 50 times. The arbitrator ruled that this demand for high-aerobic exertion was one of the reasons the cut score is discriminatory.

### 2. The test injures

Second, aspects of this test are clearly dangerous and jeopardize the health and safety of firefighters. Again, the ramp is the main culprit here: there is credible and recurring

evidence (there are numerous cases) in which this aspect of the test is causing serious injuries. So, it must be stopped. Firefighters who are volunteering to fight fires in other provinces, and in other countries, are getting seriously injured while taking the test. Their injuries are taking them out of the field and denying them the ability to carry out their duties.

### **3. The test does not evaluate actual duties in the field**

Third, the arbitrator, and wildland firefighters, argue that aspects of the test (specifically, the ramp) do not reflect what is required during firefighter duties. Thus, having the ramp as part of the test is questionable.

### **4. The test puts Canadian firefighters at a disadvantage**

Fourth, the test is questionable because not all countries use it—other countries use a different test. The WFX-FIT is not the only way to measure the fitness of a firefighter.

Until 2012, the international standard that was employed was the Arduous Pack Test, developed by the US Forest service. This is the test used by other agencies around the world, including the National Interagency Fire Center of the US, and fire agencies in Australia and New Zealand.

Because they use a different test in the US and Australia, the WFX-FIT puts Canadian firefighters at a disadvantage. Further, using it often creates bizarre contradictions: for example, someone from New Brunswick who fails the CIFFC test could be prevented from volunteering in Australia, where the fitness test isn't even in use, or from volunteering even in another province in Canada. But an Australian can fight fires in Canada without having to pass the test—the same test required for Canadians. Therefore, CIFFC should adopt the same test as other countries with which we share our resources, countries that don't employ the CIFFC test.

### **Recommendation**

For all these reasons, we call on CIFFC to change or replace the WFX-FIT test. NUPGE wildland firefighters are calling on CIFFC to comply with the 2015 Saskatchewan arbitration ruling, the 2018 Saskatchewan Court of Appeal ruling, and the 2019 Supreme Court of Canada ruling.

# nupge

## COMPONENTS



B.C. GENERAL EMPLOYEES' UNION



Canadian Union of Brewery and General Workers

CANADIAN UNION OF BREWERY AND GENERAL WORKERS



The Union of Healthcare Professionals

HEALTH SCIENCES ASSOCIATION OF ALBERTA



HEALTH SCIENCES ASSOCIATION OF BRITISH COLUMBIA



Health Sciences Association of Saskatchewan

HEALTH SCIENCES ASSOCIATION OF SASKATCHEWAN



MANITOBA ASSOCIATION OF HEALTH CARE PROFESSIONALS



MANITOBA GOVERNMENT AND GENERAL EMPLOYEES' UNION



NEW BRUNSWICK UNION OF PUBLIC AND PRIVATE EMPLOYEES



NEWFOUNDLAND & LABRADOR ASSOC. OF PUBLIC & PRIVATE EMPLOYEES



NOVA SCOTIA GOVERNMENT AND GENERAL EMPLOYEES UNION



ONTARIO PUBLIC SERVICE EMPLOYEES UNION / SYNDICAT DES EMPLOYÉS DE LA FONCTION PUBLIQUE DE L'ONTARIO



PRINCE EDWARD ISLAND UNION OF PUBLIC SECTOR EMPLOYEES



SASKATCHEWAN GOVERNMENT AND GENERAL EMPLOYEES' UNION

The National Union of Public and General Employees is an affiliate of the Canadian Labour Congress and a member of the Public Services International.