

THE FIRE BRIGADES UNION

IMMEDIATE RELEASE: 13 JANUARY 2009

INJURED FIREFIGHTERS' CHALLENGE TO GOVERNMENT PENSION RULES REACHES COURT OF APPEAL ON 14 AND 15 JANUARY IN LONDON

Firefighters are starting a Court of Appeal challenge to Government pension rules that threaten to leave badly injured and disabled firefighters sacked and without a pension. The Appeal is against a judgment by Mr Michael Supperstone QC handed down at the High Court on 15 May 2008.

The legal moves started after three disabled firefighters had their pensions removed by the London Fire Brigade. The Fire Brigades Union described their treatment as 'totally unacceptable'.

These are the first three cases highlighting Government rules that attempt to end ill-health or injury retirements in the fire service. The rules hit all firefighters who suffer serious injury or ill-health, although the Scottish Government say they will not implement the same rules.

FBU General Secretary Matt Wrack said: "Firefighters were very disappointed with the original judgment and we believe we have grounds for appeal. We cannot tolerate a position where firefighters cannot rely on a pension if they are unable to work after being seriously injured.

"The incidents we work at are treated as life-threatening hazards by other workers. It is totally unacceptable to expect firefighters to take risks others wouldn't then sack them if they are injured or become disabled as a result.

"Firefighters test the limits of health and safety to save the lives of others. The Government has ripped up the understanding that if we were injured or suffered ill-health we had a pension."

Under pensions guidelines issued in 2004 a disabled or badly injured firefighter would be given an ill health pension unless they be redeployed to a job within his or her role. New guidance issued in September 2006 means if they are capable of doing any single part of their work, even answering the phone, they would not get a pension regardless of whether they are, in fact, redeployed to those restricted duties.

This effectively makes it impossible for any firefighter to get an ill health pension even if they are seriously disabled. And if there is no job to which they can be re-deployed the rules force fire authorities to sack them with no pension or other payment.

The three London firefighters taking the legal action are Martin Marrion, Neil Burke and Andrew Scott. They had their pensions re-instated for the time being before the original judicial review hearing. The legal action is against the Secretary of State for Communities and Local Government, the London Fire Brigade and the Board of Medical Referees.

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