FBU

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HANDS OFF OUR PENSIONS

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TO: ALL MEMBERS

Dear Brother/Sister

PENSIONS - LATEST DISCUSSIONS WITH DCLG AND OTHERS; ACTION SHORT OF STRIKE

A brief update circular was issued last week (3 October) along with a short video which considered various questions arising from the current situation. These can both be found on the FBU website.

You will recall that the DCLG Fire Minister suggested that any considerations would be concluded in the week commencing 8 September and indicated her commitment to getting the best deal for firefighters. She set this claim out in an open letter to firefighters. It is hugely frustrating to negotiators and to FBU members that she has been totally unable to meet that deadline – or the subsequent ones which have been discussed with FBU officials. FBU officials have set this out very clearly to the Minister and to her officials on more than one occasion.

The FBU have continued to press DCLG for their improved position. In response, DCLG have stated that the considerations have been more complex than they expected and that it has taken longer than they initially indicated. As we explained in the video last week and at other times, a key obstacle appears to be the need for DCLG Ministers to discuss proposals elsewhere in Government – particularly with HM Treasury. We are informed that discussions between DCLG and HM Treasury are continuing. We have no doubt that HM Treasury will be monitoring any ideas or proposals in relation to the impact they may have on other public service pension schemes. This is likely to be a factor in the ridiculous delay by Government.

FBU members will rightly ask why Government officials are only just realising how 'difficult' and 'complex' these matters are, when we have been raising exactly the same points for the past three years. We can only conclude that the attacks on our pensions – carried out in the name of so-called 'efficiency' – have been nowhere near as efficient as Mr Osborne and Mr Cameron would like to claim. Indeed in the Fire and Rescue Service the entire process appears to be a complete mess.

It has been an immensely frustrating time for FBU officials and FBU members as there has been very little to report other than to establish that some doors previously closed to us had been reopened. We have been very careful during this period not to raise the hopes of members by suggesting we may be on the verge of improving the position only to then see another false dawn.

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Legal action and challenges

We are able to report that we have submitted a draft regulation which our legal advisors are confident would provide the necessary protection on the issue of **No Job No Pension**. This is being considered by DCLG lawyers and discussions have taken place between both legal teams to try and progress this. We have also been able to open up discussions in relation to improved protection and have also taken further legal advice on this matter.

At local meetings, FBU members rightly flag up questions and concerns regarding the lawfulness of the Government attacks. It is obviously not sensible to report the details of our legal advice by circular (where it will be read by our opponents) but members should be assured that all the concerns raised at local level are raised and discussed with our legal advisors. The FBU has a very good record of challenging DCLG in the courts on pension matters and has won a number of very significant cases over the years. These have included cases on pension commutation arrangements; on part-time workers; and on No Job No Pension – the London three case. We continue to consider whether there are further challenges to be made, for example around concerns over protection and other issues.

Some possibilities for legal action and how that may be pursued, arise as a result of steps which have been taken by Government. It is clear to us that nervousness about possible legal action is one factor that is likely to be under discussion with Government. This is likely to be a factor in the delays on their side.

We are absolutely confident that we have considered attacks on our pensions in more detail and with more analysis than any other organisation or union in the UK. We continue to adopt this approach, as our fight for decent pensions is far from over. Government officials reading this should take note of that.

Latest delays

As a result of the latest delays and the failure of DCLG to provide any detailed information or proposals this week, we raised our concerns again with DCLG. As a result of this dialogue they have informed us that they believe they will be in contact with us on Monday to inform us whether there are any revised proposals to offer or whether a further delay in laying pension regulations is likely to be announced. The Executive Council is therefore making arrangements to meet around these discussions. Further details will follow.

Scotland

Over the last few months we have been discussing actuarial reduction options with civil servants in Scotland and have been informed that they have taken further advice on this issue. We have now written to the Scottish Fire Minister and informed her that we have been patiently awaiting a decision on this issue and outlined that, as with DCLG, we are now considering a legal challenge should they not make movement on this issue.

Wales

Following a reshuffle in Wales there is a new Fire Minister and new team members. We have already discussed our concerns with the new team and will be writing in a similar fashion outlining that we will not hesitate to issue a legal challenge should they not accede to our request to improve their proposed actuarial reduction from age 55.

Northern Ireland

Members in Northern Ireland are currently being consulted on the proposed 2015 scheme. The ballot closes on 22 October. Members in Northern Ireland have been given a detailed explanation which addresses both the positive and negative aspects of the proposals.

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Fitness

An initial tripartite meeting (DCLG, NJC Employers and FBU) took place to discuss the Terms of Reference, aims and membership of a Joint Working Party (JWP) designed to look at firefighter fitness. The FBU has ensured that we will be in a position to fully represent members on this group as the work develops.

Next steps

We have been reiterating to members that although we have been given signals that there may be improved proposals, there is no guarantee that any such proposals will materialise and even if they do, they may not be sufficient to address our concerns. We need to remember that we are dealing with a Government which is engaged in the attempted robbery of our pension rights and we can put no trust or confidence in them as a result. We are aware that we need to try to negotiate with the Government, however we must remain alive to the outrageous attacks they are making on our members' pensions. The Executive Council is receiving regular updates as the situation develops and they will not hesitate to reintroduce strike action if they feel it is necessary. Please ensure that all members remain ready to react if such action is needed.

Action short of strike

The Executive Council has discussed the issue of the continued industrial action short of strike. Members are reminded that **this action stays in place** at the present time. The national advice on this has been as follows:

1. A refusal to undertake voluntary overtime, non-contractual overtime or additional voluntary hours.

2. A refusal to undertake exhibition drills, competition drills or any other similar activity.

3. Withdrawal from readiness to perform MTFA (marauding terrorist firearms attack) duties.

4. In some Brigades, additional action has been called for.

We are aware that there are debates about the interpretation of such action. If in any doubt, members should discuss the issue with local officials who will be able to offer advice. The action is kept under review by the Executive Council.

We are also aware of the pressure which is being exerted on members at local level over some of these issues. It is quite remarkable that some CFO's and other principal managers can resort to bullying tactics in an attempt to undermine our action. Many of the same people have done absolutely nothing to assist us in the public debate about firefighter pensions and have done everything they can to undermine our industrial action – and thereby to assist the Government in its attacks on our pensions. These are largely the same people who will enjoy the very best levels of pension available in the Fire and Rescue Service. These pension rights were won over many decades by the campaigning efforts of previous generations of firefighters through the FBU and with the help of our political supporters. Anybody, in any position, who tries to undermine what we are doing, should be reminded of these facts.

Please continue to support this action. Stand together. The fight goes on.

Best wishes.

Yours fraternally

M. Wrack

MATT WRACK
GENERAL SECRETARY *MW/sll*