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Circular: 2019HOC0352MW

DATE: **01 July 2019**

TO: **ALL MEMBERS**

Dear Brother/Sister,

Pensions: FBU wins landmark case against government

FBU members have been following closely our long-running dispute with the Government over changes made to firefighters' pensions in 2015. This circular gives an update on our most recent victory in relation to the transitional protection that was imposed on firefighters when the new scheme was introduced in 2015.

It is worth stressing that the FBU was the only organisation in the fire service that challenged this and is another example of us continuing to campaign for a pension that is fit for purpose for firefighters. We have emphasised throughout our campaign that we would use every avenue - legal, political and industrial – to fight for good quality occupational pensions for our members. It is important to note that this legal challenge is a part (albeit an important one) of our wider strategy.

In summary, we won our legal argument in December 2018 in a Court of Appeal judgement which found that the transitional protection imposed by government as part of the 2015 firefighters' pension scheme was discriminatory. Government subsequently followed a process to apply for permission to appeal against this decision. This required a decision from the Supreme Court.

Last week we got the news we were waiting for that the Supreme Court had refused the government's application for permission to appeal the Court of Appeal ruling which it lost in December. The Supreme Court refused the application because it found that the government case did not raise an arguable point of law. In addition, the Government has also been ordered to pay the costs of the case. The landmark legal case will likely impact on all public sector workers affected in a similar way in other pension schemes.

This is the last legal hurdle in the dispute, leaving the Government with no further avenue to exhaust. The issue will now be remitted back to employment tribunal for remedy.

The union is already taking steps to prepare for the remedy process and over the next few weeks will be meeting with our legal team to discuss how this can be progressed.

FBU members will recognise that is a hard fought victory and is the result of never giving up on the fight to get a workable and sustainable occupational pension for firefighters. We should all be delighted that our perseverance has paid off.

This will impact on many firefighters of all ranks, roles and duty systems and puts down a marker that the FBU is still fighting to achieve our goal of ensuring the Firefighter's Pension Scheme is fit for purpose. It should be an occupational pension scheme which reflects the occupation our members undertake in the real world.

Our campaign continues

This is not the end of the matter and we are aware that many FBU members still face the prospect of working until age 60 in schemes that do not reflect the job that they carry out on a daily basis. We are continuing to campaign against this unworkable pension age. The message is quite clear from us that the fight for a workable pension for all firefighters continues.

In the meantime we should recognise that once again FBU members have won a victory which will improve the working conditions of firefighters. Other organisations have simply stood back and accepted the injustice while our union took a stand and took on injustice through negotiations, industrially and in the courtroom. The lack of any challenge from other organisations will not come as any surprise to FBU members but their continued compliance in this injustice can only be described as a disgraceful lack of support for firefighters who needed a voice in this fight.

Over the next few weeks FBU head office will be putting out more information and updates in relation to this issue. Please make sure that you continue to monitor the FBU website www.fbu.org.uk and read all the information that is distributed through the usual channels.

Yours fraternally

A handwritten signature in black ink, appearing to read 'M. Wrack'.

Matt Wrack
General Secretary

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