

Collective Agreement between West Midlands Fire Service / West Midlands Fire Authority and the Fire Brigades Union on matters in connection with safety representatives and the joint health and safety committee

This document is a collective agreement between West Midlands Fire Service / West Midlands Fire Authority and the Fire Brigades Union.

The collective agreement is an outcome of discussions that have taken place in respect of a trade dispute registered on 11 April 2018. While this agreement resolves a number of issues it is recognised that there are some issues still outstanding, and therefore this agreement does not resolve the trade dispute in its entirety. It is recognised as a significant contribution to an overall resolution.

The elements of this agreement may be incorporated into WMFS policy documents. In any event, in cases of conflict between this agreement and any Service or Authority policy the elements of this agreement will have primacy.

West Midlands Fire Service commits to implementing in full the Safety Representatives and Safety Committees Regulations 1977 (as amended), and relevant applicable Codes of Practice and Guidance.

Particular attention will be paid to the following matters:

- a) Reasonable paid time off will be given to FBU safety representatives to carry out their work as safety representatives.
- b) WMFS will facilitate FBU safety representatives the opportunity to attend to investigate an adverse event whether he/she/they are **on** or **off** duty. If the FBU representative/s is/are on duty they will be facilitated the opportunity to leave their workplace where reasonable and carry out the investigation.
- c) A request to investigate an adverse event, which can be an accident or an incident, will receive a reasonable and timely response which will be proportionate to that event. Where the FBU safety representative is off duty recompense will be at time and a half including reasonable travelling time.
- d) The FBU's safety representative appointed to carry out the investigation will be selected by the FBU.
- e) The FBU's selection of the safety representative to conduct a specific adverse event will primarily be based upon the criteria of experience and availability, mindful of other factors for example the need to keep appliances on the run and the efficient use of resources.
- f) Where, during the course of initial fact-finding or as part of the accident investigation, an individual performance issue is highlighted, WMFS will ensure the appropriate discussion is held between the appropriate managers. The affected individual/s will be notified. If it is considered that the issue may be a misconduct or capability issue, a separate investigation will be commissioned at the appropriate level. However, the H&S investigation will take priority, and unless exceptional circumstances apply, decisions and conclusions in respect of investigations will not be made until the H&S investigation has concluded. WMFS will discuss the implications of further investigations if approached by the FBU, where the FBU acts with the employee's consent.

- g) Where an individual performance issue is highlighted in respect of a trade union health and safety investigator, the case should be discussed, after obtaining the employee's agreement, with a senior trade union representative or permanent union official at the earliest opportunity and before any management decisions are made. WMFS and the FBU will work collaboratively to resolve the issue allowing reasonable time to seek and provide timely advice.
- h) The appointment of FBU safety representatives shall be the preserve of the FBU. The responsibility for notifying WMFS of the FBU safety representatives falls to the FBU brigade committee officials or regional/ national officials.
- i) Meetings of the Joint Health and Safety Committee (JHSC) will be arranged on a monthly basis commencing October 2018. These may or may not be supplemented by appropriate meetings of lead representatives.
- j) No new policy or initiative that is required to be the subject of negotiation or consultation shall be brought to the (JHSC) until it has been discussed at the appropriate joint WMFS and WMFBU negotiation and consultation committee and agreement reached where required by that forum.
- k) It is recognised that appropriate matters discussed at the JHSC and the WMFS/FBU Forum need to be reported to the other respective committee.
- l) Both sides recognise the strengths and value of joint assessment and information gathering and sharing. However, WMFS recognises that FBU safety representatives have the right to undertake trade union health and safety activities independently of WMFS including consulting and gaining information and views of employees and others who undertake work for WMFS or on WMFS premises and places of work. The FBU recognise that WMFS can similarly act independently.




Signed:

Name	Phil Loach	Name	Andy Dark
Role	Chief Fire Officer	Role	Assistant General Secretary
Organisation	West Midlands Fire Service	Organisation	Fire Brigades Union
Date	21/9/18	Date	21/9/18