

Alert

The magazine of the Fire Brigades Union Retained Members www.fbu.org.uk

Summer 2008



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active in your Union!

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**Historic legal victory
ends discrimination
against RDS firefighters**

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Editorial



On 11 March 2008 the FBU finally ended, after an eight year legal campaign, discrimination against firefighters working the retained duty system.

An Employment Tribunal has decided that under the Prevention of Less Favourable Treatment Regulations 2000 RDS firefighters are part-time workers. This decision followed a previous ruling from the House of Lords, and should be viewed as a momentous victory ending discrimination by employers depriving thousands of fire-fighters the right to a pension and equal sick pay.

The FBU has had to fight hard to win this historic victory and now we have established clear legal rights of part-time workers not to be treated less favourably than full time workers.

FBU officials are working with our solicitors exploring how to progress the outstanding issues which will have an impact on our working conditions, contractual or otherwise.

It is hoped that the Employers will now accept the decision of the tribunal and will be prepared to negotiate a settlement of the outstanding claims.

If agreement is not reached there will need to be a return to the Employment Tribunal for a remedy hearing, to determine awards to RDS members. This can be a complicated process which will involve further hearings.

Such a historic victory has provided a further spur to the Union's campaign to boost membership among all uniformed staff in fire and rescue services across the UK.

Already over 250 RDS firefighters joined us in the first quarter and reports from across the country received by the National Retained Committee suggest this expansion in membership continues apace.

Such a process can only strengthen the Union. TUC Organiser Dan Giblin has been visiting retained stations up and down the country, accompanied by local FBU officials, to hear your problems and to answer any questions you may have regarding your fire service employment, career and associated issues. To request a station visit email stationvisit@fbu.org.uk.

We encourage RDS firefighters to get active in the Union, by attending branch meetings, joining in campaigns and stepping forward as reps. This is your Union and your participation ensures your issues are tackled and your voice is heard - within the Union and in the fire service more broadly. Together we are stronger.

Tam Mitchell, Executive Council Member, Retained.

You and the FBU



Why not sit down on a regular basis at the end of a drill night and have a chat about what happening on your station or what letters you have received from the FBU

It's your union

The FBU is currently visiting RDS fire stations nationwide to speak to firefighters about what issues are affecting them currently and how we as a union are attempting to solve these problems.

We are stressing the importance of belonging to the FBU and how the more members we have, the stronger position this puts us in especially when negotiating on your behalf.

Here are some tips on how your station can play a part:

- Open letters and place on station notice boards. Place correspondence from the FBU on station notice boards.
- Hold regular meetings. Why not sit down on a regular basis at the end of a drill night and have a chat about what's happening on your station or what letters you have received from the FBU.
- Contact brigade officials with any concerns or issues on your station. Contact your brigade chair, secretary, or retained rep. They are there to help.
- Contact local stations. Have you had a visit from the FBU? Any news from your station? Why not give your neighbouring stations a call to tell them your news and find out what's happening on their station.
- Attend brigade committee meetings. Get the views across of the members on your station. Contact your brigade chair for dates and times.



Weeley Crew, Essex

Get active!



Says Daniel Giblin (left), a TUC Organiser who has been hired by the FBU for a 12-month period ending November 2008:

“By getting active in the union you and your colleagues will benefit as you will be kept up to date with all the issues affecting your brigade and your station. You will also be able to speak on behalf of members at your station on how you feel about Union decisions both locally and nationally.

“You will have the support of fellow Union officials and you won’t be just thrown in at the deep end. There are several training courses and union schools that you can attend to help you learn about your role within the Union.

“It will give you the opportunity to gain experience in areas that would never be possible within your current employment, and give you skills that can be taken into your full time employment as well as your job within the fire service.

Adds Daniel, who was formerly an organiser for PCS civil service union: “Getting involved in a union was the best decision I ever made. So why not give it a go?”

→ Want the FBU to visit your station?

Email: stationvisit@fbu.org.uk

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CAMPAIGN NEWS

In short

◆ The voice of RDS firefighters will be heard loud and clear at the FBU's Annual Conference 2008 in Southport in May. The National Retained Committee has put forward resolutions on bounty schemes, establishment levels and the transfer to wholetime, and issues of relevance to RDS firefighters will be raised by the 300-odd delegates from brigades across the country. The NRC delegation will have four representatives.

◆ The Government has announced £3.2 million in fresh money for English fire and rescue authorities for the New Dimension programme. In making the announcement Fire Minister Parmjit Dhanda stressed that training was "obviously vital to make best use of this equipment." Last year money was specifically allocated to training of RDS firefighters on New Dimension equipment.

◆ Congratulations to Stella James of St Albans and Alex Telfer of Hatfield, Hertfordshire on their marriage. Their romantic story begins with an innocent and unsuspecting visit to Asda in Hatfield in June 2006. On Valentine's Day 2008, Stella and Alex ran away to that well known town where lovers go – Gretna Green – and were married. For a honeymoon they went to climb the highest mountain in Africa; Kilimanjaro, followed by a few days on a beach in Kenya to allow their legs to recover.



Four closures deferred but campaign will go on

HUMBERSIDE

Humberside fire authority has deferred the decision to close four fire stations, downgrade two others and axe one in ten frontline firefighter posts.

The chief fire officer must now explore ways of obtaining additional funding, carry out an impact assessment on what these proposals will mean on the communities affected and explore issues surrounding the recruitment of RDS firefighters.

Councillors also called for negotiations to be launched with the FBU "to find an acceptable solution to the proposals".

The decision on April 11 followed a four-month campaign led by the FBU, which

included marches and rallies in Hull and Grimsby. However, the Union stressed that the campaign is not over.

The public consultation leading up to the meeting showed massive opposition which included eight petitions containing 17,213 signatures and an additional 23,132 letters of objection. Of 194 e-mails in response to the consultation, only four supported the plans. Members of Parliament from all political parties have publicly opposed the plans including Ian Cawsey MP, Elliot Morley MP, Graham Stuart MP, Greg Knight MP, Austin Mitchell MP, Alan Johnson MP, David Davis MP and Shona McIsaac MP.

➔ More: www.youtube.com/fbutube

RDS membership continues



100 per cent: The Southborough crew (left to right): FF Paul Hallett FF Paul Genery FF Matt Burren crew manager Darran Lewis, FF Gary Wickens FF Sean Mitchell crew manager Jason Visser FF Arron Jefferys FF Richard Selvey FF Tim Mitchell watch manager Tony Mole

Recommended: Quick Reads – ‘It’s a lot better than watching TV’

LIFELONG LEARNING

If anyone said to you “I can’t read”, you might think they were stupid.

Well, I’m not, but I have only read one book in my life and that was when I was about 10. It took about three months (*Biggles Flies West*) and since then I haven’t bothered to pick up a book as they are normally hundreds of pages long and I know I would give up before the end.

Even reading a newspaper or magazine, if it was a long article I would give it a miss, choosing the shorter items.

I then found out through the FBU’s Learning Project, that there is a range of books called “Quick Reads”. Ideally suited to me, not too long, not too in-depth, but with interesting and inspiring stories. So, with much trepidation and not wanting to ask for fear of being embarrassed, I went to Smiths, searched out the “Quick Reads” and bought *Reading My Arse* by Ricky Tomlinson, it was fantastic.

Then, while in Milton Keynes recently, I saw a Waterstones. A shop assistant asked if I needed any help, my heart started beating faster and I asked for “books which are part of the ‘Quick Reads’ range?” The assistant disappeared for a while and then came back with one.

I was disappointed that there was



Ferry ‘cross the Mersey: TUC Deputy General Secretary Frances O’Grady joined Ricky Tomlinson in Liverpool for a ‘book swap’ event on World Book Day

Union
Learning
Fund

with unionlearn

If you haven’t picked up a book for a while, have a go with Quick Reads. Take up the challenge and, believe me, you won’t look back

only one, but bought it anyway. I’m not quite sure what it was called, but it was based on a true story about a young couple who got married and the husband murdered his wife on a chicken farm. It took 10 days to read. For me, this was a real achievement.

I searched out more Quick Reads but couldn’t find any. In passing, I mentioned it to our Regional Learning Co-ordinator Paul Fletcher; who sent me two more Quick Reads books.

On my birthday wish list is the autobiography of Ricky Tomlinson, a good socialist who went to prison while on strike as a plasterer. That is where he took up reading and inspired him to embark on his successful acting and writing career.

I recommend to anyone: If you haven’t picked up a book for a while, have a go with Quick Reads. Take up the challenge and, believe me, you won’t look back. I don’t expect that I will ever read the works of Shakespeare, but it’s a lot better than watching TV.

Bob Dewis, the National Retained Committee member for Southern Region (Region 12).

→ For more information on Quick Reads go to www.quickreads.org.uk or contact your Regional Learning Co-ordinator or workplace Union Learning rep.

to grow as recruitment drive pays off

A GROWING UNION

FBU membership is growing across the country among RDS firefighters as the Union continues its recruitment drive.

In recent months, some 20 RDS joined in **Cornwall** (see page 8) and 30 joined in **North**, and Mid and West **Wales**.

In **East Sussex** Barcombe and Lewes fire stations have gone 100% FBU as has Southborough (left) in **Kent**.

Said Southborough crew manager Jason Visser: “All of us here at Southborough are members of the FBU and we appreciate all the hard work the union has done on behalf of RDS firefighters over the last few years and in particular the case for equal

treatment that was finally decided in the Union’s favour by the Croydon Employment Tribunal in March.”

In **Hertfordshire** one new member, Bill Liggins, has stepped forward as the new rep for RDS firefighters in the brigade. A watch manager at Wheathampstead with eight years service, Bill is determined to tackle a range of outstanding issues:

“A firefighter is a firefighter on the fireground but the way we get there is different. Recruitment has to be local, training has to be in the evenings and weekends, rota systems have to be flexible to attract people with child care responsibilities and extra paid time should be agreed for completion of NVQs. Most importantly, a senior manager should be given overall

responsibility for the RDS with a management structure dedicated to designing and implementing recruitment, training, allocating resources and structuring the RDS.”

Bill will be organising in the next few weeks meetings for RDS firefighters across the county and is then keen to work with FBU regional officials in organising meetings across region. The aim is to compare working conditions to identify good and bad practice and then encourage management to implement positive change.

“I’ve been banging my head against a wall with senior managers from Hertfordshire Fire and Rescue Service to make decisions on key issues for retained firefighters for eight-odd years. Now I want to give it a go with the FBU.”

'WE'VE GOT PARITY. FULL STOP'

The Union is working with its solicitors Thompsons to ensure that FBU members get the most from the landmark Employment Tribunal ruling establishing the right to equal treatment between full-time and part-time workers. It could result in simple access to the same pension for RDS and wholetime firefighters. And it means fire authorities will no longer be able to deny access to training, which may assist RDS firefighters seeking to transfer to wholetime work.

A momentous and far-reaching victory for retained firefighters and the FBU has finally won equality at work for firefighters working the retained duty system (RDS). A long and difficult battle against the Government and fire authorities – who were intent on denying key rights to RDS firefighters – has seen them comprehensively defeated. Now the Government and fire authorities have to recognise that there are only firefighters in the UK when it comes to employment rights, not retained or wholetime.

As is often said, you don't get a retained fire. When the shout goes out because members of the public require help in a fire, flood or car accident, the men and women of the fire service put their lives on the line to save others, and they do so as one body. And that is how they are seen by people across the UK. Most members of the public are totally unaware that 60 per cent of the country is covered by RDS firefighters.

FBU General Secretary Matt Wrack said the case was about securing fairness and justice for thousands of retained firefighters across the UK. "They are first class firefighters and they should not be given, nor should they

accept, second class employment rights," he said. "This momentous decision paves the way for ending 60 years of discrimination against firefighters working the retained duty system. Retained firefighters have worked on the front line at almost every major incident. Huge areas of the UK rely completely on retained firefighters and when the public are being rescued they don't stop to ask your employment status."

Tam Mitchell, executive council member for retained and a crew manager at Carlisle, Strathclyde said: "The FBU has had to fight hard to win this historic victory and now we

have established the clear legal right of part-time workers not to be treated less favourably than full-time workers. FBU officials are working with our solicitors exploring how to progress the outstanding issues which will have an impact on our working conditions, contractual or otherwise."

Pete Preston, retained committee secretary and a watch manager in Colwyn Bay, North Wales, was equally delighted and said the ruling has huge significance: "This ruling now enshrines the concept that the FBU have been campaigning for many years: that a firefighter is a firefighter regardless of the duty system worked. It will no longer be possible for firefighters working the retained duty system to be treated less favourably than those working full-time duty systems. Our members are fast becoming aware of the far-reaching significance of this victory and are eager to see the FBU progress longstanding issues of contention – such as transferability – in addition to pensions and sick pay."

The Union knew it had a good and just case when it set off eight years ago to right a longstanding injustice. The case revolved around proving that the retained were purely part-time firefighters and not a separate employment



Martin Jones: 'Now we've got parity, full stop. The next step is to get a national agreement on transferability so it's standard across the board.'





entity. EU legislation enacted in July 2000 had ruled in the *Part-time Workers (Prevention of Less Favourable Treatment) Regulations 2000*, that part-time workers doing the same job as full-time employees should be entitled to the same benefits.

Determination and dogged persistence has characterised the union's pursuit of justice for the retained. Twelve cases of retained firefighters were contested, six from Royal Berkshire fire authority and six from Kent and Medway. These were used as test cases to prove the wider issue. Knock-backs from the initial employment tribunal and the Court of Appeal meant the FBU had to take the case to the House of Lords, where finally justice was served and the Law Lords upheld the appeal brought by the union in relation to its 15,000 members working the retained duty system.

But the case still had to return to the employment regulation adjudication system. However, this time Croydon Employment Tribunal had the not insignificant steer of the House of Lords, which had clearly stated that the original employment tribunal had focused too much on the differences rather than the similarities between wholetime and retained contracts.

'It's never been a better time to join the retained. From now on there can be no more discrimination by the brigades against us'

Consequently, the tribunal upheld the Union's claims, in the light of the Law Lords' support. But it is only with the end of the appeal period for the Department for Communities and Local Government and the fire services – which expired on April 22 – that retained firefighters can now fully celebrate victory.

Lincoln Ball, FBU Officers' Secretary for the Royal Berkshire brigade, 39 and with 15 years wholetime service, was heavily involved in the case as FBU Brigade Secretary in Berkshire during 2000 and 2001. He says he's delighted with the result but the Union should not have had to take such measures: "I'm still

angry that the Government keeps saying part-time workers should get decent pensions but then we had to go to court to win our case. The Government said one thing in public but then put the shutters down against us and became adversarial. But now we've won and I'm pleased for all retained firefighters in the UK. They deserve this."

The Union is working with Thompsons solicitors to ensure FBU members get the most out of the Employment Tribunal ruling. It could result in simple access to the same pension. And it means fire authorities will no longer be able to deny access to training, which may assist RDS firefighters seeking to transfer to wholetime.

Martin Jones, 39, an acting crew manager at Conway in North Wales said: "Now we've got parity, full stop. The next step is to get a national agreement on transferability so it's standard across the board."

"It's never been a better time to join the retained," said Julian Blackford, 36, a retained crew manager in Colwyn Bay. "For me, the access to the pension is the main issue but, across the board, from now on there can be no more discrimination by the brigades against the retained."



CORNWALL

RDS rep Chris Starkey joined the FBU in September 1996 and is now crew manager at Newquay

Chris Starkey, FBU rep for members working the retained duty system in Cornwall, is a busy man. Senior managers are proposing a new salary scheme and a new availability tool. Chris has to make sure that RDS firefighters are properly consulted and that systems and procedures are in place to ensure that they are protected and see any benefits due to them when these important changes come on stream.

A salary scheme for Cornwall's 400-plus retained firefighters was on the cards for a couple of years. It only became a reality when £300,000 of fresh funding was released in February, following the Union's successful 14-month campaign against Cornwall County Council's proposals to downgrade Falmouth and Camborne fire stations that would have ended 24-hour cover in the county. Instead the council agreed on 20 February to add £1.1m to the budget for 2008/9, £1.6m for 2009/10 and £1.9m for 2010/11.

"There is strong interest among retained firefighters in this new salary scheme, but not everyone is enthusiastic," says Chris. "What we as a Union have to do is make sure that our members are properly consulted about it and, if and when it is introduced, that it is fair."

"The idea is to pilot the scheme in three stations in different parts of the county. The Union, in the first instance, is seeking a pilot agreement that all can sign up to."

Another issue the Union is grappling with is Rappel, a centrally controlled firefighter and resource availability monitoring system. "Initially the brigade wanted to roll Rappel out county-wide in one big bang," says Chris. "We want to make sure it is only used as a tool

for appliance availability and not for discipline. There needs to be appropriate training. Both firefighters and managers need to be clear on how they are expected to use it. Members need to have the opportunity to discuss, under an agreed consultation process, what the implications are."

Chris, FBU brigade chair Mike Tremellen and brigade secretary Terry Nottle have their work cut out. They are also answering queries and seeking to address wider concerns, from ill-health pensions to the impact of control room closures. It's not all plain sailing, but Chris and the FBU team must be doing something right.

Following visits to stations in the county by the team – plus Dan Giblin from the TUC Organising Academy – 20 RDS firefighters (among them RFU members and reps) have decided to sign up to the FBU, resulting in a string of new members at St Columb and Mevagissey fire stations.

Says Chris: "The FBU offers unequalled support to its members. That's what I've found from my own experience as an RDS firefighter over 12 years. And that's what I tell anybody who asks me what the FBU does or could do for them. In discussions with RDS firefighters I've also been saying get active in the Union, because this is your Union and you make this Union strong. I'm proud of the fact that Cornwall enjoys an increasingly strong FBU membership which demands the best representation, and it is my intention to deliver exactly that."

Chris Starkey
Brigade Retained Rep

➔ Check your station notice board regularly for information on FBU meetings and local campaigns. If you don't have a rep at your station and want an FBU rep to visit, email: stationvisit@fbu.org.uk

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