

Industrial Relations

Purpose of the Report

To update the Fire Commission on the potential for national unrest.

Summary

This paper is for information and briefly describes the main industrial relations issues at present and provides intelligence on uniformed employee trade union positions.

Recommendation

Members are asked to note the issues set out in the paper.

Action

This report is for information.

Contact officer: Gill Gittins
Position: Principal Negotiating Officer, LG Group
Phone no: 020 7187 7335
E-mail: gill.gittins@local.gov.uk

Industrial Relations

Background

1. As far as uniformed operational staff from firefighter to Chief Fire Officer levels are concerned they are in the main represented by one of four unions specific to the fire service – the Fire Brigades Union (FBU), the Fire Officers Association (FOA) the Retained Firefighters Union (RFU) and the Association Principal Fire Officers (APFO).
2. Instances of industrial action at national level are unusual. The last national action was undertaken by the Fire Brigades Union some eight years ago in 2003. That dispute led to a substantial raft of changes to working arrangements which have underpinned the modernisation agenda within fire and rescue services since that time.
3. However, industrial relations in the fire service both at national and local level can still be difficult and at times volatile. It therefore requires careful management. There have been a number of instances of industrial action at local level and in normal circumstances the National Joint Council for Local Authority Fire and Rescue Services Joint Secretariat relationship at national level is often used to provide a conciliation service at the request of the local parties and to assist in the identification of a mutually agreeable resolution to the local issue. There are also independently chaired national processes which can be of assistance.

Current issues with national impact

4. There are two issues with the potential to lead to national unrest at the present time. The first is Government proposals on pension reform. The second is the position in respect of pay i.e. a nationally determined pay award has not been applied since 2009.

PENSIONS

5. Whilst the position on pay is an important factor, the expectation is that pension reform is the most likely of the two issues to potentially lead to industrial action later this year.
6. Members of the Fire Commission will be aware, that at the request of Government, sector specific discussions including employer and trade union

representatives are taking place in relation to public sector pension schemes:

- 6.1 Discussions in respect of fire pension schemes have so far been held in a constructive manner. The talks have a short timetable and are expected to conclude by the end of the month.
- 6.2 Separate discussions were held in respect of the Local Government Pension Scheme, the outcome of which will impact upon control and support staff. Fire service unions are not directly involved in LGPS discussions. Whilst all parties committed to those discussions in good faith they recently concluded without agreement on a way forward to put to the Treasury for consideration. Local government employers have instead put forward their proposals for amendment to the Local Government Pension Scheme in order to meet Government aspirations. The local government unions have informed Ministers that a trade dispute exists and, subject to the outcome of individual union membership ballots, they intend to commence industrial action with some form of action on 30th November.
7. Each of the fire service unions is considering its own position in relation to the Firefighters Pension Scheme and New Firefighters Pension Scheme and industrial relations implications (set out in paragraphs 8 to 11 below).

CURRENT UNION POSITIONS

8. FBU position:

- 8.1 At its most recent Conference in May debate concluded that its members should prepare for industrial action, if necessary. It is continuing with campaign preparations at national and local level in case it should feel it necessary to do so.
- 8.2 Copies of the most recent communications to its members can be found on its website - http://www.fbu.org.uk/?page_id=3979. Members will see that all bases are covered i.e. wholetime including 'officers', retained duty system and control employees which suggests that if there is a ballot for industrial action (which may include strike action) the intention will be to ballot all members.
- 8.3 There is a firm shift of focus to its pension campaign with, for example, resources being diverted from its national and regional education

programme. This has led to the cancellation of the programme for the rest of the year, with the exception of a small number of courses.

8.4 The General Secretary has written to Ministers registering a trade dispute on the matter of pension reform. LG Group was able to provide advance notification of this to fire authorities and to provide a copy of the letter very shortly thereafter.

8.5 At the time of writing this report, the FBU National Executive is meeting. The expectation is that it is considering the potential to ballot its members in support of industrial action. Given that 30th November (potential date for wider public sector action) is now not very far away it may well be a decision making meeting. Ballot notifications would go directly to individual fire authorities as employing authorities.

8.6 The General Secretary has written to local FBU representatives reminding them they have no authority to reach local agreements in respect of cover arrangements during periods of industrial action.

9. FOA position:

9.1 FOA has conducted a questionnaire of its members. We understand the general view from respondents was that, until the detail and impact of any implemented change is known, they were cautious about excluding any form of industrial action if, *'the impact of the changes are disproportionate or punitive in relation to other public sector employees/pension contributors'*.

9.2 However, FOA also advised that, *'its members are wary of undermining the effect of any industrial action by other representative organisations particularly where those actions are taken to protect the national terms and conditions of all employees within the Fire and Rescue Service.'* *'This will probably mean that, even if FOA members do not take industrial action themselves, they may not be able to provide the same level of contingency arrangement as happened in the past during localised industrial action (where membership numbers have allowed such an arrangement).'*

10. RFU:

The RFU no strike approach to industrial relations remains in place although it recognises that there is a clear feeling of dissatisfaction at present. This would especially be the case in services where there are proposals to

reduce numbers of retained duty system personnel or to close retained stations.

11. APFO:

It would be very unlikely that APFO would be involved in industrial action.

Conclusion

12. Whilst there is a significant risk at the present time of national industrial action taking place later this year, it must be emphasised that the talks in relation to fire pension schemes reform are currently constructive. However, if they are not fruitful the risk of the FBU taking part in industrial action, potentially including alongside other public sector unions, is high.
13. Whilst every reasonable effort will be made to ensure industrial action does not arise authorities will want to make sure appropriate business continuity arrangements are in place.
14. In addition to ensuring adequate business continuity arrangements are in place authorities can also access the LG Group Industrial Action guidance on the website - <http://www.lge.gov.uk/lge/core/page.do?pageld=119711>. The guide enables authorities to assess the impact and implications of an industrial dispute and to decide upon the appropriate response, mindful of employment legislation. Additional advice will also be issued shortly on fire service specific matters such as the calculation of pay deductions in instances of strike action.

PAY

15. Pay will not be the main driver in respect of potential industrial action this year. However both the FBU and FOA have made reference to the absence of national pay awards in the last two years. The FBU has made specific mention of it in communications to its members and we understand FOA did so as part of its questionnaire.

LETTER TO THE TRADES UNION CONGRESS

16. Members of the Fire Commission may be aware of a joint statement by the TUC and Government issued in 1979 within which there is a reference to the provision of emergency or essential services (and maintenance of plant and equipment) during industrial disputes and that 'the TUC considers such action is vitally necessary'. In addition, it states that the 'union(s) involved should, where necessary make arrangements with the employer for the

maintenance by their members of supplies and services essential to the health and safety of the community or otherwise required to avoid causing occupational hardship or serious pollution.'

17. In order to be able to advise fire and local authorities appropriately the LG Group's Head of Workforce has written to Brendan Barber, General Secretary of the TUC seeking confirmation that the TUC does still expect its members to abide by that approach and, assuming that is the case, clarity on what fire and local authorities may expect this to mean in practice. Fire authorities have been advised of this via circular EMP/9/11, which includes a copy of the letter. Circulars can also be accessed via the website - <http://www.lge.gov.uk/lge/core/page.do?pageld=123268>