

NJC update

Summary

The report updates Members on the National Joint Council.

Recommendations

Members are asked to note the report.

Action

Officers to progress as appropriate.

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NJC update

Background

1. *Constitution* - The next meetings of the National Joint Council (NJC), Middle Managers Negotiating Body (MMNB) and the National Employers are Annual General Meetings. In the case of the first two bodies there is an Independent Chair, Professor Monojit Chatterji, who is part way through a three-year term of office and will therefore continue. Employer members will consider the appointment of the Employers' Side Chair, Vice-Chair and members of the Negotiating Group in accordance with the constitution.
2. *Pay 2010* - Employer members will commence early consideration of the approach to pay for 2010 when it meets on 29 September, including that for brigade managers. No doubt members will be mindful of the expectation of public sector pay restraint. They will also be mindful of any further change authorities may wish to see to terms and conditions and the view of the Advisory Forum (which meets on 10 September). The Advisory Forum, which was set up in 2004 with the sole purpose of advising members of the Employers' Side consists of CFO, HR, Finance and legal representatives drawn from across all four of the NJC's Employer stakeholder bodies and reflects the different types of fire authorities. At present the LGA has one CFO adviser vacancy. The LGA's lead adviser will normally also chair this Forum.
3. *Part-time workers (Prevention of Less Favourable Treatment) Regulations* - Both the FBU and RFU took a number of cases to Employment Tribunal several years ago citing discrimination against retained duty system firefighters under this legislation (introduced in 2000) in respect of pension access and terms and conditions issues. Approximately 2,500 RFU cases have since been stayed pending resolution of the approximately 11,000 FBU cases. LGE represents fire and rescue services through the use of Beachcroft Wansbroughs legal company in the matter of terms and conditions. A cost-sharing arrangement exists between fire and rescue services and LGE. CLG is responsible for the access to pension aspect.
4. The FBU test cases were heard at Employment Tribunal, Employment Appeal Tribunal and Court of Appeal finding in favour of the employers on each occasion. The FBU then appealed to the House of Lords who found in favour of the FBU on one of the two points and referred the second back to the original Employment Tribunal to consider again. Tribunal consequently found in favour of the FBU on that second point and went on to request the parties to endeavour to reach a negotiated settlement.
5. Those extremely complex and difficult negotiations are drawing to a close. When the Employers' Side last met they were very pleased with the direction of

travel of the negotiations in respect of the terms and conditions remedy and agreed that settlement could be reached on that basis. Since then CLG have raised a point in connection with the pensions remedy which may have implications for those NJC negotiations. A meeting will be held on 18th September involving all appropriate stakeholders as well as legal representatives to ascertain whether or not allowing CLG to utilise their preferred position would be a better deal overall for fire and rescue services. Based on the evidence to date it is not believed that would be the case.

6. Necessary amendments to the Grey Book to eliminate any continued discrimination under these Regulations are currently being considered by the respective legal representatives.

Financial Implications

7. There are no financial implications arising directly from this report.

Implications for Wales

8. Officers to discuss with the WLGA as appropriate.

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