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**Industrial relations update**

**Purpose of report**

For noting.

**Summary**

This report outlines developing industrial relations issues affecting the Fire and Rescue Service.

**Recommendation**

Members are asked to note the report.

**Action**

Officers to progress as appropriate.

**Contact officer:** Gill Gittins  
**Position:** Principal Negotiating Officer, LG Employers  
**Phone no:** 020 7187 7335  
**E-mail:** [gill.gittins@local.gov.uk](mailto:gill.gittins@local.gov.uk)

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**Industrial relations update**

**Flexibility to apply enhanced redundancy terms to NJC for LAFRS employees**

1. Members will be aware of the survey conducted by the National Employers to ascertain whether or not authorities would like us to explore the possibility of putting in place an express statutory right, which would allow fire authorities the flexibility to apply enhanced redundancy terms (over and above the statutory requirements) should an authority wish to do so as is the case with local authority staff and fire control staff (who are eligible to join the Local Government Pension Scheme). At present authorities do not have this flexibility for e.g. firefighters. Further detail on the background was contained in the survey. The overwhelming majority of authorities who responded indicated that this is something they would be interested in and the National Employers has asked the Secretariat to explore this further as part of the National Employers' short term priorities.

**Future priorities**

2. The National Employers constantly review priorities in the context of what meets the needs of fire authorities and the best strategy for achievement of those priorities. Across the public sector employers are looking at the whole employment package and the fire service is no exception. The exceptionally difficult current circumstances for authorities will be of paramount importance in those considerations and how to take matters forward. A working group of HR and finance advisers from across the spectrum of FRAs, supported by an LG Group researcher, has been set up to progress this work and a report will be presented to members of the Employers' Side of the NJC for LAFRS when it next meets.

**Royal Wedding**

3. Members will be aware that the Employees' Side of the NJC for Local Authority Fire and Rescue Services has entered a claim for 29 April to be treated as a public holiday in the same manner as Christmas Day, for example, in terms of enhanced pay and time off in lieu as appropriate. Unlike Green Book employees there is no automatic entitlement for this to happen for Grey Book employees, hence the claim.
4. Members of the Employers' Side considered the claim and responded that, whilst on this occasion the Employers' Side would be prepared to maintain enhanced payments for those required to work on that day, as is the case for other nationally recognised public holidays, time off in lieu would not be

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appropriate in any circumstances. The provision of time off in lieu would be costly in terms of overtime payments to staff brought in to cover and the administration involved. Authorities are aware of both the claim and the Employers' response. To date, there has been no further contact from the Employees' Side on this matter. If agreement is not reached shortly then FRAs will need to make their own decisions on this matter.

#### **Part-Time Workers**

5. There are approximately 15,000 cases in the Employment Tribunal system brought across all FRAs with retained duty system employees, supported by the FBU (12,500 approx) and RFU (2,500 approx). Test cases have been progressed through the legal system up to the House of Lords, which asked the original Tribunal to reconsider its judgement. At that point the original Tribunal decided in favour of the FBU (which supports the test cases) and asked the parties to negotiate an outcome if at all possible given the complexity of the matters under consideration. LG Employers has represented FRAs in those negotiations as far as the terms and conditions aspect is concerned. Formal agreement is imminent. The pensions' aspect (access to the FPS) is a matter for CLG and the respective unions.

#### **Reducing Workforce Costs**

6. Separate to the NJC, LG Employers has already produced a publication for local authorities covering the principles of reducing workforce costs and providing a number of case studies. Work is currently underway to create a version specific to the fire service which recognises matters such as reducing crewing levels, the introduction of new shift systems, the differing trade union approach to industrial relations and how to handle it, overcoming obstacles (which can sometimes just be perceived rather than real) etc. Again, we are working with fire service HR and finance specialists from across the spectrum of FRAs. We are conscious that this piece of work will now need to be mindful of any potential for repetition and to ensure that we build upon his work delving further in to the 'how'.

#### **Industrial relations**

7. Relations are generally good across FRAs at present, although given the often volatile nature of industrial relations in the fire service, this can change rapidly. The Employers' Secretariat is assisting a number of FRAs in an informal capacity with progressing change at local level. In recent weeks we have also handled one formal Joint Secretaries conciliation. We have been involved in Technical Advisory Panel and Resolution Advisory Panel meetings with the

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outcome from each finding favour with both the management and union representatives in each respective FRS.

8. Members will however be aware that there is a general feeling of unrest developing within the public sector as a whole and trade unions in that sector may decide upon coordinated action of some sort. Whilst this does not appear to be an immediate threat to industrial relations in the fire service, we do nonetheless need to be aware of this as the year progresses and the potential increases. June is likely to be a flashpoint given the usual pay settlement date is in June and announcements relating to any increase in pension contributions are likely to be made at that time. This will follow on from any other pensions change announcements that may be contained in the final Hutton Report due to be released before then in time for the Budget 2011. Pensions change has historically been a difficult issue in the fire service. It does not fall within the remit of the NJC for LAFRS. Whilst technically a national strike on the matter is not possible, in reality 57 (if UK-wide) local disputes with individual FRA employers can easily be coordinated in the post-Summer period.