

FSMC Industrial Relations Report

Purpose of the Report

To update the Fire Service Management Committee on the potential for national unrest.

Summary

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

Recommendation

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

Action

This report is for information.

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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 the National Joint Council's Joint Secretariat relationship at national level has often been 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.
4. The National Joint Council agreed a Joint Protocol for Good Industrial Relations in 2007 which contains a number of good practice principles and has been used to good effect by a substantial number of fire and rescue services.

Current issues with national impact

5. 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.
6. **PENSIONS**
- 6.1 Whilst the position on pay is an important factor, the expectation is that should it not be possible to identify a solution to pension reform which the unions can also sign up to, then pensions is the most likely of the two issues to potentially lead to industrial action later this year.

- 6.2 Members 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:
- 6.3 Discussions in respect of fire pension schemes are at an early stage and have so far been held in a constructive manner. The talks have a short timetable and are expected to conclude in October. Information in relation to those discussions is covered under agenda item 3.
- 6.4 Separate discussions are also taking place 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. It is understood that those discussions have also been constructive in nature.
- 6.5 Each of the fire service unions is considering its own position in relation to the Firefighters Pension Scheme and New Firefighters Pension Scheme and potential industrial relations implications.

7. **PAY**

- 7.1 We would not expect pay to 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 have made specific mention of it in the attached communication to its members and we understand FOA did so as part of its questionnaire. If industrial action did take place, it is possible the unions could also consider inclusion of pay issues.

8. **CURRENT UNION POSITIONS**

8.1 **FBU position:**

- 8.1.1 At its most recent Conference in May, debate concluded that its members should prepare for industrial action, if necessary. It is putting in place campaign preparations at national and local level in case it should be necessary to consider industrial action.
- 8.1.2 Attached is a copy of the most recent communication to its members. Members will see that it ensures all bases are covered i.e. wholtime, 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.

8.1.3 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.

8.1.4 There is also a possibility of the FBU being included in any wider public sector action. We are aware that it has been involved in such discussions with UNISON, GMB etc. Any public sector action is at present likely to take place in October/November.

8.2 **FOA position:**

8.2.1 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'*.

8.2.2 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).'*

8.2.3 *'Prior to any contingency arrangements involving our members being implemented FOA has said it would expect to 'have meaningful dialogue with both national employers and local FRS managers to discuss the working arrangements of our members during any period of industrial action'.*

8.3 **RFU:**

8.3.1 At 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.

8.4 APFO:

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

Conclusion

- 8.5 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 pension reform are currently constructive.
- 8.6 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.
- 8.7 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?pagelId=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 provided, if it proves necessary to do, on fire service specific matters such as the calculation of pay deductions in instances of strike action.
- 8.8 Members are asked to note the content of this report.