



THE FIRE BRIGADES UNION

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END OF 60 YEARS DISCRIMINATION AS RETAINED FIREFIGHTERS WIN MOMENTOUS DISCRIMINATION CASE AT HOUSE OF LORDS

The House of Lords has today backed retained firefighters battling for equal pension and sick pay rights. The landmark decision paves the way for retained firefighters in Fire and Rescue Services across the UK to have access to the Firefighters pension scheme,

The Law Lords upheld the appeal brought by the Fire Brigades Union (FBU) in relation to rights for over 15,000 firefighters working the retained duty system across the UK. The Law Lords said that retained and whole-time firefighters are employed on the same “type of contract”.

The Law Lords ruled the Employment Tribunal (ET) which rejected the Fire Brigade Union’s case, had focussed too much on differences rather than similarities between wholetime and retained duty contracts. The decision also means that tens of thousands of part-time workers will be able to use the new Part-Time Workers Regulations to compare their work with that of full-time colleagues.

The case centres on the exclusion of retained firefighters from the Firefighters’ Pension Scheme and worse treatment under the sick pay scheme. They claimed they were being treated differently because they are part-time workers and that this was unlawful.

The FBU, which backed the test case throughout, says this case will secure fairness and justice for every retained firefighter in the country. Without retained firefighters most areas of the country would not have a full fire service and some would have none at all.

The UK has around 15,000 retained firefighters typically employed outside main urban centres “on call” for between 120 and 168 hours a week. They are employed on the basis that they have other jobs but have to work or live close to the fire stations where they are “retained” so they can respond quickly to emergencies.

The test case was taken by 12 retained firefighters, 6 from Kent and 6 from Berkshire.

FBU General Secretary Matt Wrack said: “This momentous decision paves the way to ending 60 years of discrimination against firefighters working retained duty. Retained firefighters are first class firefighters and will no longer have to accept second class employment rights.

“No longer will we have firefighters working retained duty serving their communities for 30 years being left without a pension. Having secured holiday rights, sick pay rights and proper time off, we have now taken a major step to securing pensions.

“The Fire Brigades Union has fought this case for many years against great odds. Once again we have proved we are the only organisation in the fire service with the will and the means to protect firefighters working retained duty.”

Union solicitor Richard Arthur said: “This case will impact on hundreds of thousands of part-time workers who will be able to use the regulations to get equal treatment. It is a truly momentous decision.”

The union was represented by leading employment lawyers Thompsons solicitors, Robin Allen QC and barrister Martin Seaward.

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