

# **ALERTER**

**Pay  
protection  
and the  
retained**

**ALSO INSIDE:**

**e-learning  
- the new frontier?**

**Asthma sufferer  
stays on the run**



**DECEMBER 2005**

Firefighters working the retained and wholetime duty systems no longer need have their careers cut short because of asthma, thanks to the efforts of the FBU and new discrimination law applying to the fire and rescue service, says Grant Mayos.

# ASTHMA SUFFERERS STAY 'ON THE RUN'

**F**OR many years it has been accepted that asthma sufferers are unable to become operational firefighters. Or indeed if and when asthma is diagnosed at a later stage in life, it was generally accepted that a career within the operational UK fire and rescue service, would be at an end.

This looked like the fate of one FBU member, a firefighter working the retained duty system in Humberside. Management had written to the member and informed him that due to his 'adult onset asthma' he was to be suspended from riding to incidents; he would either have to resign or face a medical dismissal.

But the FBU was determined to find a way of keeping the member operational.

The campaign had a strong legal basis – the Disability Discrimination Act (DDA) 1995, the employment provisions of which were extended to include uniformed services of the UK fire and rescue service on 1st October 2004.

tional health doctors is no longer sufficient in the decision-making process. The final decision must be made by management. Health and safety considerations should also not be used as a barrier to 'reasonable adjustment'.

Humberside FBU officials decided to take up the challenge presented by the new anti-discrimination rules to help this member.

With some expert guidance and advice from Michelle Valentine of the Disability Rights Commission [www.drc-gb.org](http://www.drc-gb.org), Sean Starbuck, Humberside FBU brigade secretary, and Ian Murray, brigade chair, met with management with a view to keeping the FBU member 'on the run'.

The fire authority's position was based on medical evidence that adult onset asthma could be aggravated by the dry air in a BA set. Humberside brigade management did not wish to set a precedent for non-BA wearers being operational, so they sent up a risk assessment



**THANKS** are due to Sean Starbuck, Ian Murray and Michelle Valentine for their sterling work in representing the FBU member in Humberside and their continued assistance on this and other related issues. Their help is acknowledged and very much appreciated. The dedicated work and research that FBU officials have put into this and other ongoing cases of this type will assist in a better understanding of asthma conditions among fire service employees within both operational and managerial roles alike.

*GRANT MAYOS is regional retained representative for Wales (Region 8)*

***Fire authorities now have to take each individual case of disability on its merits and 'reasonable adjustment' must be considered***

As a result of this, fire authorities now have to take each individual case of disability on its merits and 'reasonable adjustment' must be considered in order to attempt to keep that individual employed and indeed operational. The DDA states clearly that failure to consider 'reasonable adjustment' is unlawful.

Under the legislation, advice from occupa-

supporting their decision.

A copy of the risk assessment was forwarded to Michelle Valentine of the DDA and she agreed with the Humberside officials that a compromise could be reached and 'reasonable adjustment' could be achieved for the FBU member.

The FBU, human resources manager, officer-

in-charge of station and the personnel manager all met and discussed the way forward on this issue. The problem always came back to not allowing the FBU member to wear BA because it may trigger an asthma attack.

Ultimately, and after much debate the following decision was reached and was based on the suggestions put forward by the FBU brigade officials:

- No BA wearing under TB1/97 conditions, i.e. having passed through BAECO into a risk area.
- Our member would be sent on an LGV driving course to enhance his skills and develop his role map further.
- Regular health checks would be arranged in order to monitor his condition.
- He would wear a different colour tally in order that he may be identified as a non-operational BA wearer.
- Our member could not form part of a crew of 4 unless he was the designated driver.
- Continuous training must still be carried out in order to maintain competency as BAECO. This position was reached because outside the risk area, the firefighter could remove his facemask in order to administer his inhaler.
- Our member could wear BA for 'comfort wears' at car fires for example. Again, this decision was reached as he could step out of the smoke and administer his inhaler if required.

It must be made clear that this agreement is not a green light for operational non-BA wearers in the brigade. Each case must be treated individually and on its merits.

The member concerned has subsequently passed his driving course and has also passed his initial health check. Management wanted a bi-monthly health check and the brigade officials agreed to this, with the full approval of the member involved. The OIC of the station was extremely helpful and reports indicate that the tally system is working well.

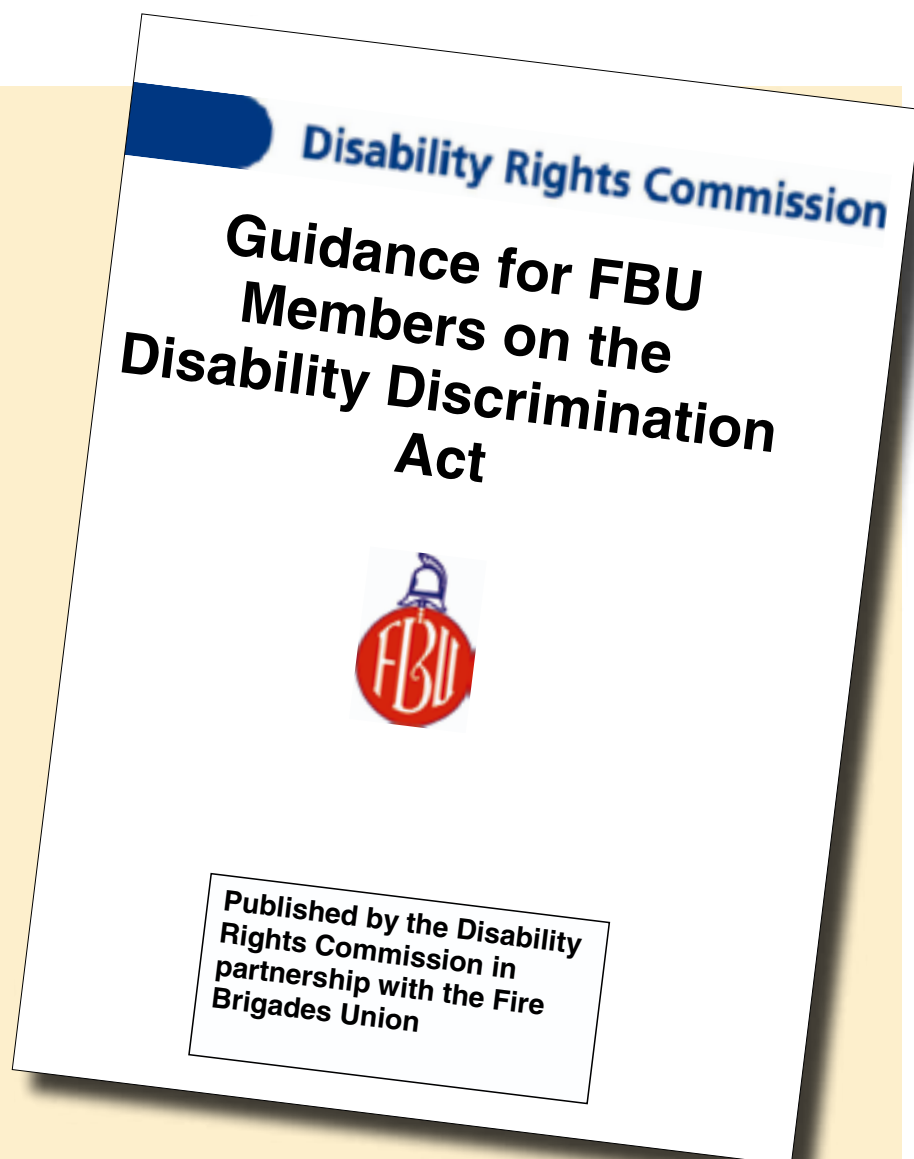
## THINKING POSITIVELY

Sean Starbuck, Humberside brigade secretary stated:

"Our view on the result of this case is one of success, because instead of the brigade's viewpoint which was what the FBU member couldn't offer, we argued for that which he could offer. The fire service has made 'adjustments' for years without really realising it. For example, the way that males and females are utilised at radiation incidents!"

The success in Humberside looks set to be repeated elsewhere in the country. The FBU is currently dealing with several cases involving 'adult onset asthma'.

There is now hope for many FBU members out there that may suffer from asthma at some point in their careers, and who in the past would have been shrugged off by brigades for no longer having anything to offer.



## 'TOP TEN' CHECKLIST THE DDA AND FIREFIGHTERS

### THE Fire Service:

- 1** Must not directly discriminate against a disabled job applicant or employee because of their disability. Direct discrimination cannot be justified.
- 2** Must make reasonable adjustments for job applicants or employees. Failure to make reasonable adjustments cannot be justified.
- 3** Must not subject a disabled job applicant or employee to disability-related discrimination.
- 4** Must not subject disabled employees to harassment or victimisation because of their disability.
- 5** Must develop an inclusive culture in which disabled firefighters are treated fairly.
- 6** Should never make decisions about a person's capability based purely on

medical evidence. Disabled firefighters must be treated as individuals and reasonable adjustments must be made.

- 7** Ensure that managers must work with occupational health and medical advisers to reach decisions about making adjustments, redeploying or dismissing a disabled employee.

- 8** Must ensure that ALL staff have an understanding of the basic requirements of the DDA.

- 9** Must ensure that managers should make decisions WITH disabled employees not ABOUT them.

- 10** Must adopt a 'can do' creative approach to managing disability.

■ The booklet pictured above, "Guidance for FBU members on the Disability Discrimination Act", is available on the FBU website – [www.fbu.org.uk](http://www.fbu.org.uk).





*Rothbury firefighters studying hard*

# E-learning – the new frontier?

An e-learning trial by the FBU and Scottish Fire Service College pilot project with retained firefighters has been completed successfully

and the ULF project team were available for additional support.

## E-LEARNING?

WITH the introduction of IPDS, WDS and S/NVQs, the UK fire and rescue service learning and training ethos is under scrutiny. The 'sheep dip' method over countless years has failed numerous staff and has discouraged countless firefighters and emergency control staff. With a limited number of training hours available for retained firefighters the quality, content and delivery of training has suffered and without the introduction of the IPDS there has been little need for brigades to improve on standards for retained firefighters. In some cases this has been exacerbated by budget and resource restrictions placed on fire and rescue services (FRS) on training delivery but in other cases a certain lack of management drive has been reported. This has all created a major stimulus for looking at alternative methods of delivering learning, the application of IPDS in the Fire Service and how equality of access can be given to all fire and rescue service staff. E-learning is now becoming a universal learning medium and although not the panacea, can, if delivered and supported properly, engage learners who would otherwise not get the

**F**IREFIGHTERS working the retained duty system in Grampian and Northumberland Fire and Rescue Services have successfully completed the pilot being run by the FBU's Union Learning Fund (ULF) Projects and the Scottish Fire Services College (SFSC) e-learning site.

Twelve volunteer firefighters from retained stations in Braemar and Rothbury took part in an eight week project to see how and if e-learning could be used as a delivery medium for retained firefighters.

The virtual college site of the SFSC has been up and running for around two years with brigades throughout the country accessing its modules covering a range of subjects including Equality and Fairness, Health and Safety, Command and Control and Community Fire Safety. The SFSC has recently added the

Firefighter Development Plan to the virtual college site for fire services across the country to access.

For the pilot it was agreed that the participating retained firefighters would be given access to the Command and Control module only and would be asked to complete the course within eight weeks.

The Scottish ULF and ULF project workers – Jock Munro and Chris Williams in Braemar and Adrian Slassor and Claire Wealleans in Rothbury – delivered a presentational introduction to the students at their home stations. Northumberland fire and rescue service ICT tutor Amanda Tee provided additional support in Rothbury.

Throughout the period their progress was monitored by Trevor Shanahan, FBU ULF project manager, who was given the administration rights to the virtual college by the SFSC. Trevor

opportunity to train and improve their skills.

The Fire Service College has recently announced its success in a business plan for a managed learning centre (MLC) that will expand capacity to deliver e-learning in the Fire Service. Trevor Shanahan says: "I have been fortunate to represent the FBU on the FSC e-learners stakeholders group, supporting the MLC and will continue to feed our views into the MLC project team as it evolves." Further news on its construction and implementation will soon be released by the FSC.

## THE PILOT:

MANY of the issues that arose from the pilot project with FBU retained firefighters will no doubt raise issues in many other brigades regardless of duty system. Others were particularly representative of firefighters working the retained duty system.

The self-assessment of ICT skills at the start of the module varied from very basic to intermediate and they indicated that the introduction given by the project staff was very helpful. One of the brigades employed an ICT tutor to give basic ICT training to all staff and this was reflected in the outcomes of the course.

So how did the pilot project go?

Says Trevor: "I am pleased to say that the project dispelled one myth that seems to be circulating in the Fire Service that firefighters on the retained duty system are not interested in training, learning or meeting the requirements of IPDS! During a post course discussion with them and from the completion of a course questionnaire, it was clear they had enjoyed the opportunity to take part, responded candidly to the issues of e-learning but importantly they supported this method of learning delivery." However they did say, adds Trevor, it should be followed up with practical application.

Having overcome the first hurdle of getting their individual internet access accounts the ULF team and students were met with a problem at one of the stations with the reliability and access to the internet. This led to the firefighters having nearly all access taking



**Braemar firefighters at study**

The summertime is the busiest period for the retained firefighters taking part. Engaged in agriculture or tourism occupations, they have limited time for additional training – even e-learning. If IPDS is to be fully implemented across the Fire Service then brigades need to plan carefully recognising such issues.

The retained firefighters involved in the

and take accredited courses if available.

Says Gareth Guy, retained union learning rep at Braemar fire station: "As a new FBU learner, it was a good learning experience to be involved in a new learning project. We all gained from using e-learning and I hope the issues in the pilot will be helpful to retained firefighters.

***There is a positive mood about e-learning.***

***All the retained participants agreed that e-learning and the virtual college was a major step in the right direction***

pilot found the command and control module itself to be interesting, easy to follow and most importantly they all learned from it. The courses do have assessments at the end but on this occasion they completed them voluntarily.

There are also issues here for the FBU to consider on behalf of its members. These include: paid time for accessing courses from home, provision of suitable ICT hardware for all personnel, payment of home internet connec-

Chris Bruce, retained member, Braemar, says: "I wasn't quite sure what to expect but at the end of the module my command and control knowledge and IT skills improved. Well done the FBU for promoting e-learning!"

Stuart McKenzie of Rothbury fire station says: "I wish to thank the FBU and the brigade for giving me the opportunity to experience e-learning through the SFSC. It was hard work but very enjoyable."

Fellow Rothbury firefighter, David Young, adds: "Good cause. I will be continuing with e-learning. Best thing the FBU has done."

Says Trevor: "Thanks should go to the management of Northumberland FRS and Grampian FRS for supporting the pilot project in their brigades and the partnership co-operation with Jim Robson of the SFSC. And a special thanks must go to the retained firefighters at Braemar and Rothbury who took part. Their views and responses will help in assessing the implications of e-learning."

**FOR FURTHER information on the pilot, email Trevor Shanahan at [Trevor.shanahan@fbu.org.uk](mailto:Trevor.shanahan@fbu.org.uk). Details of your regional FBU ULF co-ordinator are available on [www.fbu.org.uk](http://www.fbu.org.uk).**

***I wasn't quite sure what to expect but at the end of the module my command and control knowledge and IT skills improved***

place from their home computer – something the FBU needs to watch carefully. For one unfortunate firefighter this became a bit of a nightmare as his house was struck by lightning which knocked out his home computer!

The main concern of those taking part was the time of year that the pilot was carried out.

tions and associated H and S issues.

However there is a positive mood about e-learning. All the retained participants agreed that e-learning and the virtual college was a major step in the right direction and would be more than happy to follow further courses. Some would also like to improve their ICT skills

# FBU helps get member reinstated

**I** HAVE been a retained firefighter and FBU member with the Hereford and Worcester Fire and Rescue Service for eight years now. I would like to share a recent experience where the support of the Union proved invaluable to me and which could also prove useful to other firefighters working the retained duty system who may find themselves in a similar situation with their full-time employers.

For the past two years I have been employed as a workshop manager at a factory close to my fire station. The job allows me to provide full-cover and I have always been happy and enjoyed it. Imagine my shock, when I returned to work after two days leave this summer, to find that I was being dismissed with immediate effect!

Due to the fact that the dismissal notice was very vague and the content was untrue, my immediate response was to contact my managing director and inform him of my concerns. Having received no constructive



**Carl Horsborough (left) and Ray Price provided invaluable advice to an FBU member and his full-time employer, a local firm.**



***I felt immense relief that I had the full***

***backing of the Union and all of its resources.***

***Until I had spoken to the FBU, I was unsure of what action to take.***

response after two weeks, I sought advice from my watch manager at my station, who I knew had received ACAS training through the fire brigade. He advised me to contact the ACAS helpline for advice which I did. He also contacted our FBU retained representative Ray Price.

Ray contacted me and we went through all of the case up until that point. He advised me in great detail about the steps that we needed to take and ensured that everything I did was compliant to the ACAS and Employment Act guidelines. The relief that I felt at the time, knowing that I had the full backing of the Union and all of its resources was immense. Until that point, I was unsure of what action to take.

I was invited to a hearing at my place of work to discuss the case, and as a result was represented at the meeting by Ray Price and Carl Horsborough, chair of FBU Hereford and

Worcester brigade. Their knowledge of the ACAS guidelines and the Employment Act of 2002 was admirable. The training they have

***Thanks to the Union, I was offered my job***

***back under the same contract as before with***

***full pay backdated to the day of my dismissal***

received through the Union was evident and it was very reassuring to have them present. They advised my employer on every aspect of the Employment Act that was being contravened and also the consequences of an Employment Tribunal, should it come to it. It was evident that as a small employer they were oblivious

to content of the Employment Act and I would assume that this is the same for most small employers.

As a result of this meeting and all of the input and advice given by both Ray and Carl, I was offered my job back with the firm under the same contract as before I left. I got full back pay from the day of my dismissal. I would urge all retained firefighters to consult with their FBU rep on any matters of employment law, should they have problems with their employer. We have the best trained advisors and resources in our Union and they are there ready to assist us with great enthusiasm. It

only leaves me to sincerely thank both Ray and Carl for their support and assistance as without them I don't feel that I would be back at work at this time.

***THE MEMBERS' name and some details have been withheld for reasons of privacy.***



# Pay protection for the retained



AS a result of the November 7th 2003 fire service pay agreement there have been a number of changes in the way in which the payment of retaining fees are paid. The principal of pay parity has been incorporated, full retaining fees have been introduced for all firefighters offering 120 hours per week availability and no less than 75% of the full payment for availability offered below this figure.

The realignment of fees to reflect pay parity with our colleagues on the whole time duty system has moved away from a tariff-style remuneration. Payments are now based on work activity and paid in hourly payments or quarter-hour payments. The only exception to this is the introduction of a new flat rate disturbance payment payable to all retained personnel when they respond to their pagers.

The retained payment system prior to the November agreement was complex and unique to each firefighter. It was dependant on the availability and work activity throughout their pay period. The introduction of the new payments are just as complicated. They require a good understanding of the payment structures particular to retained work systems to enable comparison and assess any impact on retained earnings.

## TACKLING SHORTFALLS

IT was apparent from the outset that sub-officers and leading firefighters would suffer from a significant drop in their turnout fees. Some firefighters on very busy stations were also unable to see an advantage of the increase in the hourly pay because the deficit on the calls outstripped the gains on the drill night hours and extra work. This coupled with the prospect of losing payment for redirections and drill night calls caused panic and confusion up and down the country.

Within the Pay Agreement under section 4.21, "It is not anticipated that any employee on the retained duty system will be worse off under the new pay structure than the current one for the same pattern and level of work activity. However, in the highly unlikely event that this should occur, Fire Authorities are asked to consider appropriate protection Arrangements".

Personnel employed working the retained duty system will only be entitled to pay protection if in employment prior to 7th Nov 2003.

In addition to this, an interim agreement is in force whereby redirected calls and drill night calls will still be paid, inclusive of disturbance payments. This agreement stands until employers complete a survey to determine the effect on the overall pay figure that could lead to an increase in the disturbance payment.

From the enquiries the FBU National Retained

Committee has received, the Union is not convinced that all fire authorities are fully conversant with the new pay structure and we believe some of our retained members will not be receiving their entitlement in full. And that's only on the basic rates: the failure of some fire brigades to implement pay protection should be challenged, as this requires no negotiation. It is part of the Pay Agreement and payments where due should be backdated to November 2003!

## CALCULATION OF PAY PROTECTION:

CALCULATION of pay protection can only be done on an individual basis and only calculated over your pay period. Your pay period will be weekly, fortnightly or monthly, depending on your brigade's method of paying you.

Any attempt to spread it over six months or an annual calculation will produce an average figure. This could mean you are paying your own shortfall and not getting the correct hourly rate as stipulated by the NJC for your work activity over that period

The pay period and work activity are always in real time. The comparison is made between the pay rates of previous stages of the pay agreement to determine an actual percentage increase. This will indicate if the minimum increase has been achieved and if not then pay protection is required

|                |                          |             |                                                                                |
|----------------|--------------------------|-------------|--------------------------------------------------------------------------------|
| <b>Stage 1</b> | 7th Nov 02 – 6th Nov 03  | <b>4%</b>   | No changes to fees no protection required.                                     |
| <b>Stage 2</b> | 7th Nov 03 – 30th Jun 04 | <b>7%</b>   | Minimum protection of +7% on Stage 1 rates.                                    |
| <b>Stage 3</b> | 1st Jul 04 – 30th Jun 05 | <b>4.2%</b> | Minimum protection of 7% + 4.2% (+11.343% Compounded) on Stage 1 rates.        |
| <b>Stage 4</b> | 1st Jul 05 – 30th Jun 06 | <b>3.4%</b> | Minimum protection of 7% + 4.2% + 3.4% (+14.894% Compounded) on Stage 1 rates. |

From the table above you can see that the work activity for a weekly, fortnightly or a monthly period in September 2005 inclusive of all earnings, when calculated at today's rates, should have at least a 14.9% increase on September 2002 rates. If this is not the case then you require a protection payment.

# ON THE MOVE?

office@fbu.org.uk  
www.fbu.org.uk



Advise your Brigade Membership Secretary of any change of address and Head Office of changes to next of kin or nominations for benefits.

# Get in touch

## ALERTER WOULD LIKE TO HEAR FROM YOU.

Write in with your questions or comments and if you've got a story to tell about what's happening in your neck of the woods let us have it. Email [alerter@fbu.org.uk](mailto:alerter@fbu.org.uk) or write to Alserter, Fire Brigades Union, Bradley House, 68 Coombe Road, Kingston Upon Thames, Surrey, KT2 7AE

## FBU National Retained Committee

|            |                 |              |                                                                              |
|------------|-----------------|--------------|------------------------------------------------------------------------------|
| Secretary  | Pete Preston    | 07971 086990 | <a href="mailto:peter.preston@fbu.org.uk">peter.preston@fbu.org.uk</a>       |
| Chair      | Harry Cotter    | 07718 637251 | <a href="mailto:nrcc@fbu.org.uk">nrcc@fbu.org.uk</a>                         |
| Region 1:  | Tam Mitchell    | 07801 047617 | <a href="mailto:thomas.mitchell@fbu.org.uk">thomas.mitchell@fbu.org.uk</a>   |
| Region 2:  | Sean McMillen   | 07736 548070 | <a href="mailto:sean.mcmillen@fbu.org.uk">sean.mcmillen@fbu.org.uk</a>       |
| Region 3:  | Mick Jones      | 07799 430777 | <a href="mailto:mick.jones@fbu.org.uk">mick.jones@fbu.org.uk</a>             |
| Region 4:  | Bernard Clarke  | 07970 010275 | <a href="mailto:bernard.clarke@fbu.org.uk">bernard.clarke@fbu.org.uk</a>     |
| Region 5:  | Miles Parkinson | 07870 847070 | <a href="mailto:miles_parkinson@yahoo.co.uk">miles_parkinson@yahoo.co.uk</a> |
| Region 6:  | Sean Grant      | 07718 159223 | <a href="mailto:sean.grant@fbu.org.uk">sean.grant@fbu.org.uk</a>             |
| Region 7:  | Ray Price       | 07881 914589 | <a href="mailto:ray.price@fbu.org.uk">ray.price@fbu.org.uk</a>               |
| Region 8:  | Grant Mayos     | 07970 475153 | <a href="mailto:grant.mayos@fbu.org.uk">grant.mayos@fbu.org.uk</a>           |
| Region 9:  | Kevin Kiddell   | 07967 041013 | <a href="mailto:kevin.kiddell@fbu.org.uk">kevin.kiddell@fbu.org.uk</a>       |
| Region 11: | Richard Potter  | 07810 012122 | <a href="mailto:richard.potter@fbu.org.uk">richard.potter@fbu.org.uk</a>     |
| Region 12: | Bob Dewis       | 07917 065872 | <a href="mailto:robert.dewis@fbu.org.uk">robert.dewis@fbu.org.uk</a>         |
| Region 13: | Leigh Redman    | 07971 484039 | <a href="mailto:leigh.redman@fbu.org.uk">leigh.redman@fbu.org.uk</a>         |