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FIRE & RESCUE SERVICES National Employers

**To: Chief Fire Officers
Chief Executives/Clerks to Fire Authorities
Chairs of Fire Authorities
Directors of Human Resources**

Members of the Employers' Side of the NJC

14 February 2008

CIRCULAR EMP/01/08

Dear Sir/Madam

RETAINED FIREFIGHTERS AND THE PART-TIME WORKERS (PREVENTION OF LESS FAVOURABLE TREATMENT) REGULATIONS: EMPLOYMENT TRIBUNAL 2007

1. Authorities will be aware from circular EMP/11/07 that the House of Lords passed these cases back to the Employment Tribunal and that the Tribunal hearing in March 2007 did not reach a conclusion. Instead the Tribunal would reconvene at a later date. That reconvened Employment Tribunal hearing finished last month.
2. Evidence was heard on non-occurrence (i.e. non-emergency call out) activities carried out by wholetime and retained duty system firefighters.
3. The key question for the Tribunal to decide is whether retained duty system firefighters carried out the same or broadly similar work to their wholetime comparators.
4. The Tribunal has reserved its decision saying that it will either give its decision or an update on progress to making a decision by Easter. Authorities will be advised as soon as that information is received.
5. Authorities will recall the cost-sharing arrangement that is in place in connection with the legal costs of these cases, and are asked to note that they will shortly be invoiced for their respective share of the most recent costs.

Yours faithfully,

A handwritten signature in black ink, appearing to read 'G. Gittins', with a stylized flourish at the end.

Gill Gittins
Principal Negotiating Officer