

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

11 March 2008

CIRCULAR EMP/03/08

Dear Sir/Madam

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

1. Authorities will be aware from circular EMP/01/08 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 decided to reconvene, which it did in January 2008.
2. At that time the Tribunal reserved its decision saying that it would either give its decision or an update on progress to making a decision by Easter.
3. I write to advise you that we have today received the following judgement:

"The unanimous judgment of the Tribunal is that:-

On the Application for Review

The application for Review succeeds to the extent that paragraphs 15 – 22 of the original Reasons are set aside and replaced by the findings and conclusions in these Reasons.

On the Issues Remitted From the House of Lords

- (i) The Tribunal finds and declares that the Claimants were engaged in broadly similar work as their named comparators.
- (ii) The Claimants were treated less favourably than their named comparators in respect of access to pension rights and payment for sickness absence.
- (iii) The Respondent's arguments of justification are dismissed.
- (iv) The Claimant's claim for increased pay for additional responsibilities is adjourned for 8 weeks."

4. A copy of the Reasons are **attached**.

5. We will now give careful consideration to the implications of this judgement and authorities will be advised of the outcome of those considerations in due course.

Yours faithfully,



Gill Gittins
Principal Negotiating Officer

