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**NATIONAL JOINT COUNCIL  
FOR LOCAL AUTHORITY  
FIRE AND RESCUE SERVICES**

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

Members of the National Joint Council

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10 June 2008

**CIRCULAR NJC/09/08**

**PART-TIME WORKERS (PREVENTION OF LESS FAVOURABLE TREATMENT) REGULATIONS**

Dear Sir/Madam

1. The National Joint Council (NJC) agreed in November 2000 that both sides would co-operate to ensure that a test case was brought as speedily as possible to an Employment Tribunal.
2. Since that time test cases in two authorities, Kent and Berkshire, were identified and have been subject to the Employment Tribunal, Employment Appeal Tribunal, Court of Appeal and House of Lords processes returning finally at the request of the House of Lords to the original Employment Tribunal again for re-consideration and determination earlier this year..
3. The judgement of the Tribunal on that occasion was:
  - (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. The Tribunal indicated that it believed the parties should endeavour to reach a negotiated settlement. Following discussion within the respective Sides an approach was made to Tribunal to

allow the parties until September for those negotiations to take place, with the possibility that it may take slightly longer. Tribunal has accepted that request and the cases will continue to be stayed in the interim.

5. The pension aspects of the cases are being handled by CLG and overall acceptance of a negotiated settlement will be dependent upon Tribunal being satisfied that all aspects have been settled.

Yours faithfully  
**SARAH MESSENGER**  
**MATT WRACK**  
Joint Secretaries