

Date: Tuesday, 16 November 2004

ALL MEMBERS

BALLOT ON CO-RESPONDERS

Dear Brother/Sister,

You should all now have received your ballot papers regarding the ongoing trade dispute with regard to co-responder working in Merseyside that has been implemented without agreement with the FBU.

This proposal has now been implemented despite our genuine concerns and despite the registration of the trade dispute by the Fire Brigades Union, it is that implementation that has led to a ballot of our members.

The Service has decided that it will not negotiate or consult with the FBU on this matter nor will it utilise the agreed disputes resolution machinery to resolve this issue. It has decided to ignore the Fire Brigades Union and implement without regard to our members concerns and without regard to the agreed national procedures.

The Brigade Officials have been informed of imminent proposals that may lead to a reduction of ambulance cover in the associated area, from 8 ambulances down to 5 ambulances on the night shift. We await further information from Mersey Regional Ambulance Service (MRAS) on that matter.

It is vital that all members record their vote in this ballot to best inform management of MF&RS that implementation of any proposal without proper consultation/negotiation, and so without agreement with the representative body, the FBU, does not pave the way for a modern Fire and Rescue Service. In fact the National Employers have provided a draft circular on this matter 'EMP/31/04', which was circulated by Jackie Teasell, Senior Negotiating Officer of the Employers side. I attach it for your information.

The draft commentary of the circular is particularly interesting and contains the following advice for management and Fire Authorities:

'Consultation'

'It is good practice to consult both employees and trades unions on changes in the work place. Consultation is designed both to inform and to consider alternative approaches to issues.' EMP/31/04, page 3.

'The idea of consultation with a view to reaching agreement is best practice, it means consulting with an open mind. It reflects the fact that Authorities should not just inform trades unions, they should be genuinely open to persuasion, but equally do not have agree to any change.' EMP/31/04, page 3.

'The removal of the status quo and the right to dispute everything means that whilst Authorities are free to implement change, the trades unions are free to ballot for industrial action to block change.' EMP/31/04, page 4.

(nb, the status quo provision has only been removed on consultation issues, not issues of negotiation, FBU)

'Difference between consultation and negotiation'

The simplest explanation is that anything which is contractual and therefore needs the agreement of the individual employee or their trades unions on their behalf is negotiation and everything else is consultation.' EMP/31/04, page 2.

'As contractual change requires agreement there is the capacity to fail to agree. At a corporate level such an FTA (sic) could be sought to be resolved through the use of agreed external assistance and/or arbitration. There are occasions such as when change is minor that it may be possible to change without agreement or by giving contractual notice of the change, however, the normal position would either be change by agreement or by termination and re-engagement on new terms and conditions.' EMP/31/04, page 4.

It appears that MF&RS decided not to follow this advice.

There has been mention of the Authorities part performance policy, part performance is defined as performing part of member's contractual duties. If co-responder working is deemed to fall under the Authorities part performance policy, it is deemed as contractual and as such is a matter for negotiations which require collective agreement, not imposition. This as you can see is a fundamentally important dispute and it is crucial that all members have their say in this ballot. If you have not yet received your ballot paper can you contact the FBU Office as soon as possible?

VOTE YES IN THE BALLOT-SUPPORT FBU POLICY

Yours in unity

L Skarratts
Brigade Secretary