



Victory



PHOTO: JESS HURD

on ill-health pensions

Government proposal to take pensions away from injured firefighters shot down in court of appeal

It's taken two years, a massive national campaign, dedicated work by our legal teams – but we've finally stopped the government from taking away the pensions of firefighters suffering from permanent injury or ill-health.

This is a tremendous victory for the Fire Brigades Union The Court's ruling is a victory for fairness and

This sorry episode began in September 2006, when the government issued new guidance for the operation of the pension scheme. It said that if ill or injured firefighters were still capable of doing any small part of their work, they would not get a pension. And this would apply even if the fire service had no suitable job within their role for them. In other words, firefighters would lose their pension on the basis of being able to perform a hypothetical job – **even if no such job existed.**

Last week, the appeal court had the last word on this wretched business. It described the government's case as "deeply unattractive" because it leads to a "no job, no pension" consequence.

Martin Marrion was one firefighter for whom it led to just that. Back in 1980, then working at Knightsbridge fire station in London, he was called out to the Italian consulate, and his hearing was permanently damaged by explosions there. Over the next 20 years, it gradually deteriorated.

Eventually, in January 2006, he was forced to retire when he failed a hearing test. He wanted to go on working, but was not permitted to. Now 52, he wears two hearing aids and may eventually become completely deaf. But at least he had his pension.

A question the government must now answer

Fact: On 22 January 2008 the then Fire Minister for England, Parmjit Dhanda said in Parliament *"that it was never the Government's intention for an injured Firefighter not to receive an appropriate award or to be left with no job or recompense. It is really important to have that on the record so that Fire and Rescue Services are aware of that when they take these decisions"*.

Fact: In the appeal hearing, the Government's lawyer argued very clearly for a position which would precisely leave firefighters without a job or a pension. The judgement states (para 85), *"the Secretary of State's case remains deeply unattractive in that it leads to its 'no job, no pension' consequence where there is operational unfitness but no other redeployment available."*

Question: If Parmjit Dhanda was telling the truth in Parliament in January 2008, how could the same Government department present a completely opposite argument in the Court of Appeal in March 2009?

Then the government took that away from him.

"I was devastated," he says. "I had the mortgage to pay and bills. When they first told me I thought it meant they had found me a job and I could go back to work like I wanted. But it didn't mean that at all."

Martin was one of three firefighters who, backed by the FBU, took their case to the courts. Their victory means that not only they will get their pensions back, but no other ill or injured firefighter can be treated in the same disgraceful way.



Martin Marrion, retired London firefighter
"I am very grateful to my union, the Fire Brigades Union, which has fought this case for me and for all firefighters. The result is a tremendous relief to me. Now I can get on with my life. My real retirement starts today."

Martin and two other firefighters, Neil Burke and Andrew Scott, have now got their pensions back. Outside the appeal court in London, Martin told waiting journalists:

"I am very grateful to my union, the Fire Brigades Union, which has fought this case for me and for all firefighters. The result is a tremendous relief to me. Now I can get on with my life. My real retirement starts today."

FBU General Secretary Matt Wrack said: "This is a tremendous victory for the Fire Brigades Union after a long and hard fight. The Court's ruling is a victory for fairness and common sense.

"The Government's view that disabled or badly injured firefighters should be sacked without a pension was scandalous and repugnant. Our members routinely put their lives in danger and to deny them a pension if they are unable to work as a result of being injured is totally unacceptable.

"We now call on the Government urgently to redraft the guidance to restore ill-health pensions to firefighters unable to work due to injury or disability. It must make that re-drafted guidance retrospective to restore pensions to any of our members who have already lost them.

"After almost two years of campaigning through the 'Justice For Firefighter Pensions' campaign the FBU has finally achieved success. This campaign has been high on the Union's priority list throughout this time. It is significant that no other organisation within the Fire and Rescue Service had the commitment, energy or resources to take up this fight on behalf of all firefighters."

ides Union after a long and hard fight.

common sense — FBU General Secretary, Matt Wrack

The FBU national officer responsible for pensions, Sean Starbuck, said: “This campaign has been driven by necessity. Members and officials past and present have added their support and it is a tremendous result.”

“Firefighters need and deserve this protection and I am delighted that the FBU was able to deliver it. The legal team were fantastic, and, despite the loss at the initial Judicial Review, we were confident that we had the arguments to win.”

Regional FBU leaders throughout the country welcomed the decision.

London regional secretary Joe McVeigh said: “*This is an outstanding victory for the FBU, the three members involved and all the UK’s firefighters whose pensions would have been at risk if the appeal had been lost.*”

“This is probably one of the most important legal victories the FBU has won,” said Dave Limer, East Midlands regional secretary. “Firefighters understand that there is a risk associated with carrying out their job, but to be injured at work and then left without a pension or a job was totally unacceptable.”

Joe McVeigh, London Regional Secretary

“This is an outstanding victory for the FBU, the three members involved and all the UK’s firefighters whose pensions would have been at risk if the appeal had been lost.”

John Drake, South West regional secretary, said it showed “that there is only one union fighting for members’ rights – the FBU.” Steve Watson, North East regional chair, added: “This victory demonstrates yet again that it’s only the FBU that can protect the conditions of service of all our members.”

The appeal was also successful in defending the right of members to appeal to independent medical boards against specific medical decisions. The Government’s position was that to appeal against any part of the medical appeal meant that all questions would be looked at – not just the question under appeal. Fire Authorities already have powers under the pension scheme to review the pensions of individuals. The government was effectively attempting to intimidate firefighters so as to prevent them registering appeals. The success on this point is also a victory for every member of the Firefighters’ Pension Scheme.



(Left to right) John McVeigh, Regional Secretary, London; retired London firefighter Andy Scott; retired London firefighter Martin Marrion; Matt Wrack, General Secretary.



General Secretary's Comment

A tremendous victory

The victory at the Court of Appeal is a victory for every single member of the FBU. It shows that our union is the only organisation capable of defending the interests of firefighters. Over the past two years we have been the only people within the fire service who fully understood the significance of the attack on ill-health pensions and who had the commitment to challenge this attack and see the challenge through.

Our campaign has involved several strands. Firstly, through political lobbying and campaigning we ensured this matter was at the top of the fire service agenda and that Ministers were forced to answer questions in Parliament. Writing or speaking directly to MPs often seems to be a waste of time. This campaign demonstrated that it can be effective when we work together.

Secondly, we were clear that ultimately we would be willing to take industrial action to defend our pensions. Nobody wants to see industrial strife in our service but government needed to understand that our members were serious about challenging this attack.

Thirdly, we utilised every available legal mechanism in order to challenge the government's position. This can, of course be a costly exercise and governments and employers often make use of this fact hoping that unions will not see through a case to the end. We were initially unsuccessful and therefore embarked on what could have been a costly appeal. Our success means that the government (i.e. the taxpayer) will have to meet most of the costs.

Congratulations to every member who has been involved in this successful campaign.

Unity is Strength.

Matt Wrack

