

FBU Pensions Bulletin



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FIREFIGHTERS' PENSIONS

FBU says no to the threat of mass sackings

The Fire Brigades Union's campaign to defend firefighters' pensions is reaching a **critical stage**. Within the next month there will be new developments that will make a huge difference to the direction of our campaign.

- The Westminster government's Public Service Pensions Bill is reaching its final stages in parliament.
- It imposes a normal pension age (NPA) of 60 on all firefighters, despite overwhelming evidence against it – including from the government's own experts.
- Such an **unworkable** NPA will mean older firefighters facing **capability dismissal** towards the end of our careers.
- The Westminster government is due to respond to the review it commissioned into the NPA for firefighters.
- The review does **NOT** recommend an NPA of 60 for current firefighters. It makes clear that the majority of firefighters will not be fit enough to work to 60 and recommends additional protection.
- And it clearly warns that mass capability dismissals are likely.

One thing that leaps out of the review is that capability dismissals are firmly in their plans and this is a real **game changer** for all of us. The threat of capability means that whatever situation you are in, **nobody is safe**.

Capability

Every firefighter is under threat if these proposals go forward. Firefighters with 10 years or less to go included in the transitional protection arrangements the government has already offered (as well as those with partial protection for a further four years) are **NOT** protected. With the

stringent fitness requirements outlined in the report, capability dismissal is possible up to the end of your career – with the consequent deferment of pension rights.

Some **retained** firefighters may believe that they are not threatened. But these proposals hit retained firefighters especially hard. The review says every fire and rescue service should implement regular fitness training and regular fitness assessments to ensure fitness is maintained. It says wholtime firefighters should have 2.5 hours of fitness training built into their work routines, but only recommends that retained firefighters get “appropriate support and opportunities”, whatever that is. RDS firefighters are especially vulnerable because they are not getting the same opportunity to maintain their fitness, but will be assessed to the same levels and face the same action if they can't. This means the threat of **dismissal**.

Whatever shift system you work, **role** you perform, age you are, **gender**, or pension scheme you are in, the threat is the same. This is not about whether you're in the FPS or NFPS. It doesn't even matter if you are not in any pension scheme. **Capability threatens us all.**

The NPA review is currently being considered by the Westminster government. Governments in Scotland, Northern Ireland and Wales have all said that they will be implementing the same scheme as England, so whatever is proposed in England will in reality be UK wide.

Matt Wrack, FBU general secretary said: *“Now we know what the government means when they say ‘we are all in it together’. With these pension proposals, on the issue of capability dismissals, every firefighter is in it together. No one is protected. We all face the threat of the sack – just for getting older.”*

Why they are threatening to sack thousands of firefighters

- If the government goes ahead with its current proposals for a new firefighters' pension scheme, it will **decimate** the fire and rescue service.
- Their own report identifies the plain fact that thousands of firefighters will face the prospect of **capability dismissal** because they will not be fit enough to work to 60.

Public Service Pensions Bill: This is going through the Westminster parliament at present and imposes a normal pension age of 60 on all firefighters. The FBU opposed this Bill and sympathetic Labour MPs spoke against it and put amendments to the Bill. But that stage is now over. It will become law very soon.

Pension age review: In January this year the Westminster government published its own review into the normal pension age for firefighters, authored by **Dr Tony Williams**. The report does **NOT** recommend a normal pension of 60. Most of its recommendations to the government are about what would have to change before the normal pension age could be considered. These include new entry expectations, new fitness programmes of at least two and a half hours a week, routine testing and new studies of fitness issues, which will not be in place for years, before anything approaching a new NPA is possible.

The report is clear that significant numbers of current firefighters will have a choice of leaving or facing capability dismissals because they are not and will not be fit enough to work longer than they were expecting to. Both of these **unacceptable options** do not allow immediate access to an individual's pension so the **'no job no pension'** scenario returns. The report recommends allowing firefighters aged 55 and over, who are not fit enough to work longer, to leave early "on an actuarially reduced pension" that would be calculated "so there is no overall financial advantage or disadvantage to the firefighter". That's a slippery formula but it at least acknowledges the problem and suggests dealing with it. All of these options suggest one thing – **an NPA of 60 is not appropriate for firefighters** and the scheme is being bent in all directions, rather than simply tackling the real issue head on.

Pension contributions: The Westminster government has to announce increases in firefighters' pension **contributions** this month if it wants to implement them in the new financial year starting in April. It is proposing to increase contributions for FPS members by at least

1.3% and NFPS members by a further 0.8% from next month. The FBU has provided detailed evidence that this will force some firefighters to **opt out** of their pension because of the current cost of living. The government's own research in England and in Scotland confirms that high levels of opt-outs are likely – meaning the Treasury will not even make any savings from the increases.

For all these reasons, the firefighters' pension campaign has reached a crucial stage.

NPA review

In various places throughout Dr Williams' NPA review it mentions of what happens if a firefighter cannot maintain fitness.

The clearest indication of future intentions appear on page 123 paragraph 9.1.2 where it describes an option for dealing with firefighters who cannot maintain fitness but do not qualify for an ill health pension:

"Not all firefighters meet the criteria, so significant numbers will be in a position where they can no longer cope, often through loss of fitness, but the only option is to leave or have their contract terminated on capability grounds without early payment of pension. This is often a difficult process for all involved."

There is **no national agreement** on a standard that firefighters must maintain and below which they are required to leave or face capability dismissal.

Dr Williams' review means that thousands of firefighters face the prospect of – **no job, no pension** – dismissal on grounds of capability.

The FBU cannot accept this position



DECENT PENSIONS FOR FIREFIGHTERS

VO₂max

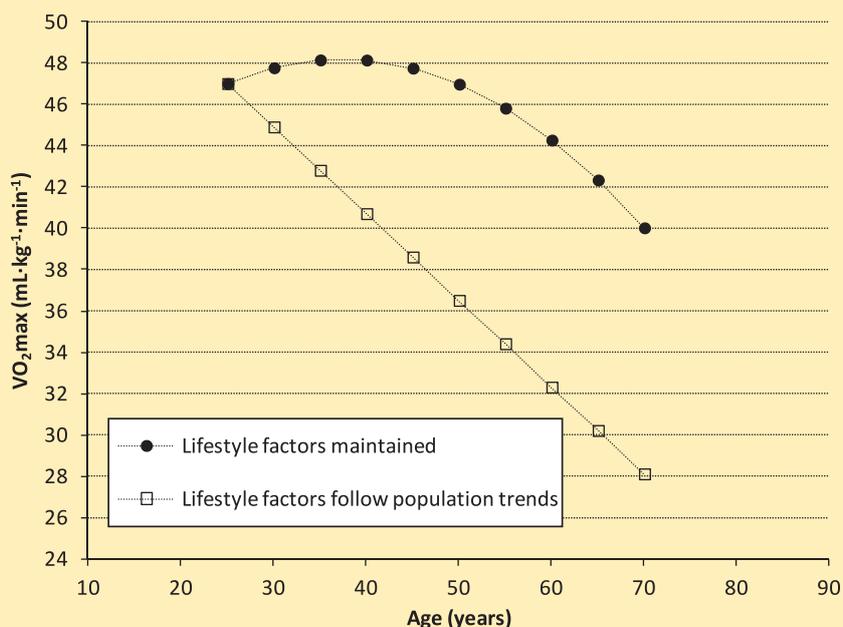


Figure 4.8 p.51 Average VO₂max for UK Fire and Rescue Service personnel with ageing, assuming lifestyle factors are maintained (Jackson et al., 2009) or follow the typical population decline (Shvartz and Reibold, 1990), assuming a starting VO₂max of 47 mL·kg⁻¹·min⁻¹.

Dr Williams' report refers repeatedly to “VO₂max”, which is a measure of minimum **aerobic fitness** or ‘oxygen cost’ for safe and effective firefighting. VO₂max quantifies the oxygen requirement of firefighting tasks.

The report uses a VO₂max of **42 mL·kg⁻¹·min⁻¹** for firefighting as a minimum standard, to work out if firefighters can work beyond 55 (2.4.4 p.19). This is the widely-used level in local fire and rescue services. The graph shows what can happen to an individual's VO₂max. Notice it declines for everyone with age – due to loss of muscle mass, additional fat and associated weight gain.

The normal population drops below 42 mL·kg⁻¹·min⁻¹ before the age of 40 for men. This is the “worst case scenario” in the report – see the line with squares in the graph. The report says that **85% of firefighters** on this scenario would not have a VO₂max of 42 mL·kg⁻¹·min⁻¹ by 55 years of age (4.4.4 p.49).

Even someone who exercises regularly, has a BMI of 20, doesn't smoke and eats only healthy food will still see their VO₂max decline (the black dots line). This is the “best case” in the report. Even in this “best case” at least **23% of firefighters** would not have a VO₂max of 42 mL·kg⁻¹·min⁻¹ by 60 years of age (4.4.3 p.49).

Both scenarios are flawed because they both use a starting point of 47 mL·kg⁻¹·min⁻¹. This is **not** and **has never been** the minimum standard for recruits on entry

to the service. The National Firefighter Selection Tests equate to about 42mL·kg⁻¹·min⁻¹. But if you start at this level, with age-related decline – even with lifestyle changes, most will not be fit to work beyond 55.

The application of these standards means that between half and two-thirds of current firefighters would be unlikely to reach the normal pension age – and would therefore face the threat of capability dismissal.

The fitness requirements are **the same irrespective of the duty system worked and the threat of capability dismissals are the same**, but the support offered is different.

If capability is a threat for wholtime firefighters who get on duty training, it follows that it is an **increased threat for RDS** because they are not proposing the same support.

Individual members with protection may think that they are exempt from the NPA changes, but this capability threat is clearly a threat to everyone. It doesn't matter if you are in protection, outside protection, FPS, NFPS or not in a scheme - if you fail to maintain the required level of fitness as you get older you will be forced to leave or will be sacked under capability.

It doesn't matter which scheme you are in or even if you are not in any scheme, the capability threat is a threat to everyone.

NO TO MASS DISMISSALS

Q&A

Q. Why is the campaign at a crucial stage?

A. Because despite the overwhelming evidence to support our concerns the government isn't listening to firefighters and it's not even **listening** to its own experts and evidence. No one seriously argues that firefighters can currently work to 60. We cannot endorse or sign up to changes to the firefighters new pension scheme that will make it **unworkable** and will ultimately see thousands of firefighters sacked on capability grounds.

Q. What is the line in the sand? What is the bottom line?

A. Throughout the campaign all sides have said that any pension scheme must be **fair, sustainable and affordable**. This is exactly what we want. But the government needs to understand that an occupational pension scheme in our service has to be tailored to the actual job and the real firefighters who do it. The government's current proposals don't meet the bottom line and the evidence shows this. The FBU is willing to discuss and to negotiate. But doing nothing is **not an option** when the government's current proposals will decimate the scheme and our service.

Q. Why don't we just tell them – no changes?

A. There are some changes we are seeking ourselves. For example, we want improvements for members of the New Firefighters Pensions Scheme (NFPS) by reducing the pension age. We want all firefighters, whether they are in the FPS or NFPS, whether retained or wholetime, and whatever rank or role they occupy, to be able to reach their normal pension age (NPA). Members have been continually consulted throughout the pension campaign and we are all realistic about the expectations. At meetings around the country members have told FBU officials that if changes are wanted, they must be negotiated. The current proposals are **not acceptable**.

Q. What's the difference between attainable and appropriate?

A. The review was supposed to look at whether or not and NPA is **appropriate** and it broadly supports our position that it is not. The English fire minister has written to us saying an NPA of 60 may be **attainable**. There is a clear difference.

'Attainable' means some **individuals** could work to 60, if they start with a very high fitness, if they train like an athlete their whole career, never smoke, drink alcohol or eat takeaways, if they never get injured etc. However 'appropriate' refers to the reasonable expectation that **the overwhelming majority of** those who join the scheme can work to the normal pension age.

Q. What do I say to members who say: "I'm alright, I'm protected and I've only got a few years to go"?

A. The threat of **capability is a game changer** and it means no one is really protected under the current proposals. Even someone eligible for the full transitional protection can be sacked on capability if they are not fit enough to work. In reality you don't even have to be in the pension scheme – every retained and wholetime firefighter could be **sacked** if they fail to meet the fitness standards the government will have to impose. Currently these standards (and the associated threats of dismissal) are being imposed without negotiation.

Q. What about other campaigns on cuts and privatisation?

A. All our campaigns continue. We are getting solid public support against cuts and against privatisation (including against mutualising the service). We are the **best defenders** of the fire and rescue service. Their attacks on our pensions are just like their cuts and privatisation – they stem from their austerity plans, and from their plans to make us pay for the crisis caused by them and their friends. We should make the links and convince the public we are doing this not just for ourselves but for our communities.

NO JOB, NO PENSION – IS NOT ACCEPTABLE

For more information see our website:

www.fbu.org.uk