

The 2002/4 dispute in the UK fire service

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ABSTRACT

In February 2004 I was asked by the General Secretary of the Fire Brigades Union (FBU) to write an account of their recent dispute. The result is a book to be published in February 2005.

Introduction

This paper is divided into four sections. First there is a brief introduction to the UK Fire Service, the FBU and the main industrial relations' issues and institutions. The second section looks at the claim that emerged from the FBU conference in May 2002. Thirdly, there is an account of the negotiations, strikes and subsequent settlement; and finally there is some analysis of the dispute in terms of the efforts made by the employers and the government to 'modernise' the service, the relationship between the union and the Labour government, between central and local government, and of course the nature of public sector employment.

Because of the somewhat odd nature of this research the main evidence comes from the FBU. I was given access to all documents, interviewed the leadership, and interviewed and met with dozens of activists, as well as attending four FBU conferences. Other sources included media accounts of the dispute, government documents and statements, debates in Parliament, interviews with some managers and employer representatives, interviews with others involved such as MPs and senior TUC figures, and discussions on a non-attributable basis with other important figures involved.

Background

The UK Fire Service, like most of what remains of our public services, is a national service locally delivered. The national bit is controlled by legislation, standards, training, national agreements, and finance; and the local bit covers the fact that the staff are employed by Fire Authorities, themselves part of Local Authorities, with locally elected employers and accountable to the local community through councillors. The management of the Service remains hierarchical and until recently the Service was a byword for bullying and prejudice, especially against women, gays and members of ethnic minorities. The management culture remains semi-militaristic.

Nearly all firefighters (both fulltime and part-time, known in the UK as retained) and a majority of control staff belong to the FBU. The union has a tradition of a leftwing leadership and activists, and of successful defence of conditions of service at brigade level. There is a national collective bargaining system that has broken down in recent years, but the mainstay of the system was a pay formula agreed after a bitter national strike in 1977/8. The formula has meant automatic increases in line with the average rise in the pay of manual male workers. Because of this there has been relatively little bargaining since 1978 and this has created two outcomes: relative stability in the service with no national disputes; and without the need to ask for more the FBU has not had to trade pay for changes in conditions. As a result the employers have been eager, sometimes supported by central government, for major changes in working practices under cover of a 'modernisation' agenda. In much of this local employers, despite the rhetoric of autonomy and decentralisation, have been bound by central government policy and this has created further tensions in the system as between local employers – themselves divided along political and urban/rural lines – and central government ministers and civil servants.

The claim

From the late 1990s the pay formula had failed to produce pay rises expected by FBU members. This had meant a classic decline in both their relative pay and in their perception of the fairness of that pay given changes in their jobs. In addition the FBU had elected a new younger leadership, firefighters were held in high esteem especially after 9/11, and both employers and the New Labour government were desperate to 'modernise' the service along the lines of changes in health, education and other parts of central and local government. So at the May 2002 FBU conference delegates supported a leadership call for a substantial pay rise of 40% thus taking a fully trained firefighter up to £30,000; and that women in control rooms and part-timers should now receive the full equivalent amount. The claim was to be presented to the employers and negotiations were to be opened with the possibility of industrial action to win the claim.

The Union leadership had calculated on the timing being good: there was widespread support amongst the membership; public opinion was on their side; the employers were divided and seen as weak; the service was both efficient and quite small so that the costs of meeting the claim were modest; the Labour government was in its second term with a large majority and a relatively strong economy with robust public finances; many Labour MPs and other trade unionists said they would support such a claim. As a result when the Union embarked on its hearts and minds campaign over the summer months of 2002 it met with huge success and overwhelming support.

Despite media rumours of a generous employer counter-offer and silence from ministers nothing happened until late summer. The Union members became frustrated by the lack of response from the employers; the union leadership threatened a ballot on strike action; and the media and government all seemed confused by the lack of any response from the employers. Indeed it took a visit from Andy Gilchrist, the FBU general secretary, to the deputy prime minister, John Prescott, to get him to lean on the employers to make a first formal offer to the union. This was 4% -- far below union expectations, far below press leaks of what the employers were prepared to pay, and calculated to inflame the situation. This 4% was to come with strings in the shape of new conditions of service, but it also came with a potential carrot – an independent inquiry into the Fire Service and the pay of the staff chaired by Professor Sir George Bain, backed by the TUC, and with the possibility that whatever Bain recommended the government would have to accept.

The dispute

The FBU rejected both the 4% offer and the Bain inquiry. The argument on the latter was that there had already been many inquiries into the Service, that the government tended to ignore them, that Bain was not independent since both the chair and the terms of reference had been decided by the deputy prime minister, and that it was a device to delay industrial action and to take the sting out of the campaign. Instead the FBU mounted a strong publicity campaign and won a massive yes vote for discontinuous strike action. By late November the employers were very nervous, the Union was upbeat about a negotiated settlement made under the threat of action, and the government was heading for a war in Iraq. On 20/21 November there were all night negotiations at the end of which the FBU leadership thought that at the very least they had an agreement on most issues. This view was supported by the TUC leadership, the head of ACAS, and the chair of the NJC. But at the last moment the employers side, apparently under pressure from senior members of the government, backed off. As a result there was an immediate eight-day strike. This set of failed negotiations was a key turning point and signalled the intention of government to fight the union and defeat its claim.

During the days of strike action in November and December there was a media frenzy with some papers supporting the union while most opposed the union but with mixed levels of support for the government and factions within the government. By now the Prime Minister was attacking the union leadership publicly and adding to the splits in his own party and the wider labour movement. The nuances of policy difference between Blair, Brown and Prescott were apparent but overall the firefighters faced the full fury of the state machine with army cover for the jobs, endless media briefings, and the use of Parliament to speak out against the FBU. The employers were sidelined while ministers fought with the union. It was nasty and bitter.

By early January 2003 the FBU was rattled by the failure of the strikes to produce a settlement, by the government's support for the Bain report which just repeated the government's own position, by the growing confidence of the employers, and by the problem of public opinion at a time of impending war. The union leadership was itself coming under pressure from within: while the vast majority of members and activists wanted a settlement sooner rather than later even if it meant tough changes in service conditions, a minority of activists (mainly in London) wanted more and longer strikes. It was into this uncertain and difficult situation that the government again moved. This time the deputy PM brought in new legislation to impose reform on the Service with the right of ministers to impose a pay settlement.

This allowed the FBU leadership to go back to its members and to the wider labour movement on the issue of free collective bargaining and the right to fight not only for more pay but also against job losses. It also allowed MPs the chance to speak out against the government's policy and employers' position and in favour of a decent settlement. By now the Iraq war was about to start and the FBU knew it had to cancel all action during that time. This combination of impending war, government threats of imposition, employers new found strength, and wavering amongst its own members in the FBU created the chance for a settlement, and Frank Burchill, the NJC chair, intervened to put on the table something all could live with. After much further posturing and attacks on the union a settlement was reached in June 2003. There would be a pay rise outside the formula but only once nationally agreed changes to working practices had been verified by the Audit Commission at local level. There was the rub.

By November 2003 when more payments were due the employers announced that payments would be staggered and that verification was not complete so no more money was coming. This resulted in unofficial industrial action and more talks. Finally after several months of employers changing the agreement and union opposition, the FBU again moved to ballot members on industrial action, but this time a final agreement was reached in August 2004.

The analysis

Such disputes throw up issues and reveal power relations normally hidden from view. It is my contention that the government is dominated by neo-liberal ideas and thus has an overarching policy imperative to privatise public services if possible, and if not then to create market pressures on local managers in order to secure greater control over costs and outcomes. In labour intensive services with strong unions and national collective bargaining regimes this means that reform of labour management and labour practices is the most important element in any 'modernisation' agenda. Thus when a group of workers decide to ask for more through the democratic processes of their own union and within the laws of the country, and when they are dealing with independent employers 'free' to negotiate and manage the service, we might expect a straightforward something for something deal -- a negotiated trade between higher pay and changed working practices. But this did not happen. The Prime Minister intervened directly to stop a negotiated settlement, to push the union into industrial action, and then to ignore the employers and seek to both break the union and impose pay and conditions on a group of public sector workers. This illustrates the importance of controlling public sector pay, of modernisation through taylorisation, of seeing off any union militancy, and of making sure all others watching learn the lessons: go along with central government policy of privatisation and managed marketisation, or else.

Apart from what it tells us about central-local government relations and about UK neo-liberalism, it also throws light on strikes, the bargaining process and unions themselves. The paper will address familiar problems associated with the internal union decision-making processes, the issues raised when public sector workers (especially an emergency service) strike, and how traditional models of bargaining may not fit situations where the government of the day has reasons, other than those do to with the management of a particular industry, for intervening against the strikers.

