

LETTER TO STATES MEMBERS

Dear States Member

AIRPORT FIREFIGHTERS

As you are well aware following the events of the last week, States Members are keen to understand exactly what led up to the closure of the airport and the subsequent return to work by firefighters.

The Policy Council fully appreciates that without adequate information Members will be unable to form a balanced view.

However, at the same time, I and others have called for some form of appropriate independent inquiry in order that the approach that was taken and the mechanisms at the States disposal can be evaluated objectively and lessons learned for the future.

It is against this background that the Policy Council sets out below some key facts together with critical advice received from HM Comptroller. In so doing the Council recognises that States Members are bound to have more detailed questions – but it believes that these should properly be addressed by an independent inquiry.

L. Trott
Chief Minister

Question

What precipitated events on Bank Holiday Monday 25th May 2009?

Answer

Attempts in recent months to resolve longstanding industrial relations issues within the Airport Fire Service had resulted in intervention by the Deputy Industrial Disputes Officer. When firefighters indicated on Monday that they were unable to fully man the second shift of the day, the Deputy IDO convened a meeting of interested parties which took place at the Airport.

Question

Who was present?

Answer

The Deputy IDO and a member of her staff
The Chairman of the PSRC and two of his senior officers
The Minister of the Public Services Department, his Chief Officer and senior Airport staff
Representatives of the Airport firefighters (but not the Regional Industrial Organiser, Unite)

Question

What was the outcome of that meeting?

Answer

Prolonged talks broke down late in the afternoon with firefighters declaring an immediate reduction of cover to category zero apart from emergency medical flights and were unwilling to return to normal working for an indefinite period nor prepared to attend a Tribunal.

The Deputy IDO then immediately arranged for the dispute to be placed before an Industrial Tribunal at the earliest opportunity.

Question

Did the parties know at that point when the Industrial Tribunal would be held?

Answer

No. There was clearly a sense of urgency but at the point the meeting concluded the parties did not know whether the Tribunal would be set up in a matter of days or a matter of weeks. Prolonged closure of the Airport was a distinct possibility. (Advice that the Tribunal would take place on Thursday and Friday that week was received late Tuesday afternoon).

Question

What action was taken the following day, Tuesday 26th May 2009?

Answer

Members of the Emergency Powers Advisory Group (a staff group) met with senior PSD and Airport staff to:

- Address practical issues including dealing with people stranded at the Airport.
- Resource the response to increasing enquiries from the public, commerce and the media to assess the potential impact of prolonged closure on the economy and Guernsey's reputation.

It was concluded that it would be wise to convene a meeting of the extended EPA and the Chief Minister subsequently agreed to convene that meeting for 4.30 pm.

Question

Was the PSRC briefed as to the action that was being taken?

Answer

Yes. The Deputy Chief Executive who sits on EPAG met on a number of occasions with the Chairman of the PSRC and all of his senior staff during the morning, indeed he accompanied the Chairman to a visit to Radio Guernsey, Channel TV and Island FM at midday.

Question

Under what circumstances did the Chief Minister meet the Airport firefighters?

Answer

Following what the firefighters regarded as a negative stance taken by the Editor of the Guernsey Press, Mr Digard was invited to meet with them and hear their side of the story. This resulted in the Regional Industrial Organiser telephoning the Chief Minister during the course of the morning to invite him to join the meeting as an observer in order to hear at first hand the firefighter's views.

Given the strategic importance of the impact of the closure of the Airport on the Island, the Chief Minister agreed to attend on the clear understanding that his role was to listen and not to negotiate – he emphasised that that was a matter for the PSRC and he said he would be accompanied. He took with him the Head of Human Resources and Organisation Development.

Question

Was the Chairman of the PSRC aware of this meeting?

Answer

Yes. Indeed the Head of HR had originally agreed to accompany him to the media and then this was reorganised with the Deputy Chief Executive because the former had to attend with the Chief Minister at the Airport meeting which took place at approximately 12.30.

Question

What part did the Chief Minister play during the afternoon meeting?

Answer

The Chief Minister and Head of HR listened carefully to what was said, stressed that they were not there to negotiate nor had any power to do so but agreed to take back any messages that the firefighters wished to the PSD, the PSRC and others.

Question

Why did the firefighters return to work mid afternoon?

Answer

On leaving the Airport meeting the Chief Minister encouraged firefighters to take responsible action and return to normal working at the earliest opportunity. The Airport firefighters then chose to return to work mid afternoon indicating however that it was for the remainder of the day only and could not guarantee normal working beyond that date.

Question

What transpired at the extended EPA meeting?

Answer

As agreed by the Chief Minister the extended EPA meeting met in the Policy Council room at 4.30 pm. The detailed discussion and the reasoning behind the resolutions reached will no doubt form the subject of any inquiry, however, the meeting resolved as follows: Members agreed, by a majority of 6 to 1, (Deputy Adams dissenting), to support the Public Services Department offering the airport firemen a sum of money as a ring-fenced, temporary arrangement, separate from their 2009 pay claim, to guarantee full cover for one year, pending a full review of their jobs under a different negotiating team.

Question

Was the approach favoured by the meeting supported by legal advice?

Answer

Yes it was. HM Comptroller had advised that it was a perfectly legitimate approach to the problem – his letter of 2 June appended elaborates.

Question

Was the Chairman of the PSRC involved in the meeting?

Answer

Yes. The Chairman and the Senior Negotiator attended for part of the meeting and the Chief Officer, PSRC (ie. the Head of HR and OD who fulfils a dual role) attended throughout. At the end of the meeting the Chief Minister met separately with the Chairman to ascertain whether he felt able to recommend to his Committee that they should support the outcome of the meeting. The Chairman said that he was not prepared to make such a recommendation, preferring instead to wait for the outcome of the Tribunal.

Question

What role did the PSD play?

Answer

The Minister of PSD who had agreed to recommend that his Board make a special one-off payment to firefighters subsequently telephoned his Members during the course of the evening and explained what had transpired. He also convened a formal meeting of the Department first thing the following morning as a result of which, by a majority, with one Member dissenting, the approach was approved.

Question

What happened next?

Answer

Following the formal approval by PSD, the Head of HR and OD, the Chief Officer of PSD, senior Airport staff and a member of St James Chambers prepared a formal agreement which was subsequently discussed later that morning with representatives of the Airport firefighters and Mr Le Cras and signed. The Airport had opened for business as normal that morning (although disrupted by fog) and continued to remain open.

Question

What is the role of the EPA?

Answer

The EPA, the Emergency Powers Authority comprises, the Chief Minister, the Home Department Minister and one other Minister drawn from a panel of five Ministers. The EPA can declare a state of emergency and then take certain action in accordance with the provisions of the Emergency Powers Law.

The EPA is supported by the EPAG, the Emergency Powers Advisory Group, a group of senior staff, including chief and senior officers and the Law Officers who meet regularly to initiate various actions, undertake contingency planning, horizon scanning and so on.

Question

Did the EPA declare an emergency and invoke emergency powers?

Answer

No emergency was declared and no powers were invoked. Rather, the meeting supported the PSD approach as a pragmatic means of averting what could have become a serious emergency impacting on Guernsey's economy and reputation.

Question

Why were seven Members of the Policy Council present?

Answer

The core of the EPA as above is three people, the Chief Minister, the Home Department Minister and one other drawn from the panel of five. However, over the last two years it has been the practice to convene as many of the panel as are available to consider what action needed to be taken in those circumstances where strategic threats to the Island become known. It had met in this form on a number of occasions during 2008 in relation to fuel oil supplies.

However reference should be made to the appended letter dated 2 June from HM Comptroller which addresses the role of the extended EPA and related matters.

Question

Did the Policy Council subsequently review the event?

Answer

Yes. It spent two hours assisted by HM Comptroller on Monday 1st June as a result of which the four members of the Policy Council who were not present at the Tuesday 26th May meeting decided that they endorsed the decision by an increased majority.