

DECEMBER, 2011

## DUMPING YOUR EMPLOYMENT RIGHTS

Britain is becoming "the employment rights dumping ground of Europe" as workers are once again left to shoulder the burden of Britain's economic gloom following Business Secretary Vince Cable's announcement of new employment reforms on November 23<sup>rd</sup>.

The plans will overhaul employment tribunals by increasing the qualification period from one year's service to two with claims against dismissal being referred to arbitration service ACAS for "pre-claim conciliation" before reaching tribunal. In a bid to provide businesses with more flexibility with their business plans but in essence giving them more flexibility to cut jobs, the Business Department plans to reduce the consultation period on redundancies from 90 days to as little as 30 days.

CWU general secretary Billy Hayes commented: "This government has brought non-stop attacks on working people despite the UK already having the weakest employment laws in Europe. These new regulations further corrode rights by stripping away job security and paving the way for unreasonable, profit driven bosses to play with the livelihoods of hard working people."



"Once again we see the ConDem government shaking things up from their ivory tower at the expense of workers whilst the bankers and tax-dodging corporations sit alongside them dictating changes which put workers at risk."

Tony Rupa, Head of CWU Legal Services, warned: "We're becoming the employment rights dumping ground of Europe. These changes are a complete weakening of workers rights - it's not geared towards helping employees at all."

"This has nothing to do with boosting the economy. In fact, these changes could cause problems for ordinary people trying to get mortgages or bank loans as banks may be less inclined to lend to

employees until they have two years' experience in a role."

Explaining why some of the changes are unnecessary, Tony highlighted the current tribunal set up. "There's already a sifting process for frivolous claims and enough checks and balances in the system to stop businesses being taken to tribunal where there isn't a case to answer. I'm also concerned that compulsory mediation could be an expensive and unproductive step. While I have great respect for ACAS, I'm unconvinced by forcing all claims to ACAS. Mediation only works if both sides are prepared to compromise."

Commenting on the cost-saving aspect of the changes, Billy Hayes said: "The government is set to make £10 million in savings through these changes to employment law whilst employers will save £40m which clearly shows who the big winners are here. My concern is the cost that ordinary working people will have to pay."

## LEGAL SERVICES ARE 1<sup>ST</sup> CLASS.

CWU provides a range of legal services and benefits that are available to all members via the Legal Services Department in partnership with our Approved Panel Solicitors. We specialise in providing advice and representation in personal injury compensation claims and employment tribunal applications.

As a Member, you can use the services confident in the knowledge that we have the necessary expertise to ensure the best possible result when processing such claims. This is a totally free service. Members who require any of our services should contact their local branch representative in the first instance who will be able to assist them with their initial enquiry.

Always remember that you can claim for accidents ON AND OFF duty, and that your dependents are also covered.

Quickest way of registering a claim is via the CWU Legal Services Helpline on free phone 0800 804 6674 or by completing the form electronically on the web site:

<http://www.cwu.accidenthelpline.com>

**Please see your local representative for more information**



**website: [www.cwusouthyorkshiredistrict.org](http://www.cwusouthyorkshiredistrict.org) or telephone: 0114 272 8970**

*Legal services continued:*

Time Limits for Making a Claim: In most cases the Claimant has 3 years from the date of the accident to settle the claim or issue court proceedings.

- **Clinical Negligence:** If the claim is for a clinical negligence matter the primary limitation period is 3 years from the date on which the cause of the action started i.e. the injury, or the date of knowledge (if later) the person was injured.
- **Occupational Disease:** If there is no accident as such - for example the Claimant is suffering for an occupational illness (such as stress at work, dermatitis, deafness or asbestos) then the member has 3 years from the date that they first knew (or should have known):
- **Fatal Accidents Limitation:** If someone has died the dependents or personal representatives have 3 years from the date of the death to make a claim, if the 3 year period has not passed during the injured person's lifetime.
- **Limitation for a Minor:** If the victim is under the age of 18, the 3 year period will not start to run until their 18th Birthday.

Basis of a Claim: Compensation can be claimed if the injury was caused because of the fault of someone else. Someone is legally at fault (or liable) if they are negligent and/or if they break a law or regulations (known as a breach of statutory duty). The issue of causation is also considered when assessing damages for an injury. Negligence is usually defined as behaviour or conduct that is blameworthy because it falls short of what a reasonable person would do to protect another person from a foreseeable risk of harm.

Please be aware that repayment of Advances to Employer: If a member incurs paid absences as a result of an accident due to the negligence of a third party, they are contractually bound to refund the basic net part of their earnings during their period of absence. It is also worth noting that should any member receive compensation and repays the business for sick absence pay then their sick absence record should be amended and the period of sick absence removed from the record and not be counted against them.

For more information, contact Graham Clough on the numbers listed in the panel on the right.

## TIPPING – AN OVER REACTION

The Communication Workers Union (CWU) today dismissed claims that postwomen and postmen risked "being bribed" by accepting Christmas tips from householders.

A brief cautionary note was posted on the My Royal Mail website informing postwomen and postmen of the official legal position around the issue following the introduction of the Bribery Act. This was widely reported in the press over the weekend, with the Mail on Sunday featuring the issue on its front page under the alarming headline: "Postmen told Christmas tips could mean jail".

Bob Gibson, CWU national officer for delivery workers, said: "This is quite an over-reaction - no-one's going to jail.

"Yes, Royal Mail has made a brief statement on the issue for legal reasons, but there's clearly no 'danger of bribery' as far as we're concerned. It would be virtually impossible for delivery workers to give any kind of 'preferential treatment' even if they wanted to.

"If no-one's written you a letter, there won't be any post for you and our members can't create post if there isn't any. However, under new legislation it is important that all workers understand that gifts over a certain amount need to be disclosed.

"Just in case any residents are concerned about the law - make sure your tip's no more than £29.99," he suggested.

### Contact details

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**Please see your local representative for more information**

