

A SIGNIFICANT VICTORY IN TRADE UNION DISCRIMINATION CASE BASED ON WORKING TIME DIRECTIVE

The GMB has won an important out of court settlement in a case taken against a subcontracting company for victimisation relating to members asserting their right not to suffer wage deductions.

The case arose, following a dispute over breaches of the Working Time Directive, which rules that workers cannot do more than 48 hours a week. There were 12 workers employed by the subcontractor. The work involved being on the move most of the time, going between appointments to visit customers. The initial dispute arose over non-payment for travelling time between jobs.

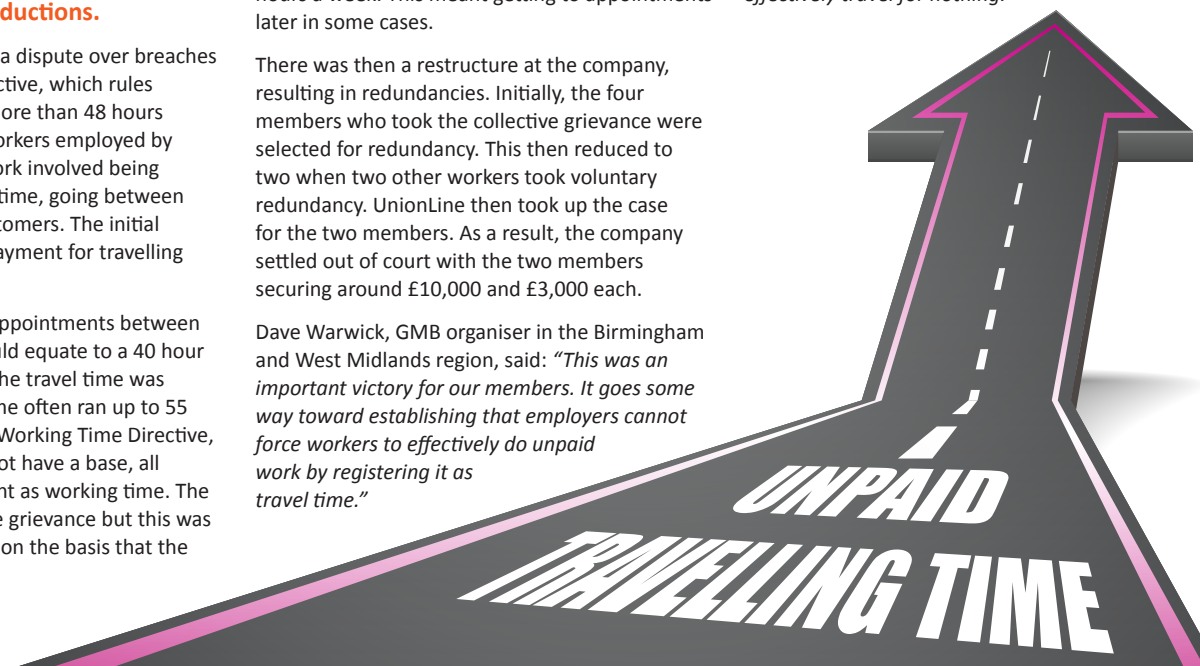
The workers were given appointments between eight and four, which would equate to a 40 hour working week but when the travel time was added on, the working time often ran up to 55 hours a week. Under the Working Time Directive, if a mobile worker does not have a base, all travelling time has to count as working time. The workers put in a collective grievance but this was rejected by the employer on the basis that the workers did have a base.

After the grievance was rejected, there was an uneasy truce for six months, with the workers effectively working to abide by the Working Time Directive stipulation of not doing more than 48 hours a week. This meant getting to appointments later in some cases.

There was then a restructure at the company, resulting in redundancies. Initially, the four members who took the collective grievance were selected for redundancy. This then reduced to two when two other workers took voluntary redundancy. UnionLine then took up the case for the two members. As a result, the company settled out of court with the two members securing around £10,000 and £3,000 each.

Dave Warwick, GMB organiser in the Birmingham and West Midlands region, said: *"This was an important victory for our members. It goes some way toward establishing that employers cannot force workers to effectively do unpaid work by registering it as travel time."*

"It is a good result for the individual members concerned but the settlement will also help in other sectors where employers may be tempted to try to make workers effectively travel for nothing."



WORKERS PUT IN £31BN IN UNPAID OVERTIME LAST YEAR



UK workers gave their employers £31.2 billion in free labour last year by doing unpaid overtime, according to new analysis of official statistics published by the TUC. The figures were released on 23rd February, the TUC's 14th annual Work Your Proper Hours Day. It marks the day when the average person who does unpaid overtime finishes the unpaid days they do every year and starts earning for themselves.

The analysis showed that nearly 5 million people put in an average of 7.4 hours a week in unpaid overtime during 2017. This is equivalent to missing out on pay averaging £6,265 each. The TUC analysis found that while public sector employees make up a quarter (25 per cent) of all employees, they account for more than a third (39 per cent) of all unpaid overtime.

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NEARLY 180 EMPLOYERS NAMED AND SHAMED FOR UNDERPAYING THOUSANDS OF MINIMUM WAGE WORKERS

The government has today named and shamed nearly 180 employers for underpaying more than 9,000 minimum wage workers by £1.1 million.

- **£1.1 million identified for 9,200 workers underpaid minimum wage rates**
- **179 employers named and fined £1.3 million after underpayment**
- **naming round comes before minimum wage rates rising on 1 April**

As well as recovering backpay for 9,200 workers, the government also fined the employers a total of £1.3 million in penalties for breaking national minimum wage laws. The most prolific offending sectors in this round were retailers, hospitality businesses and hairdressers.

It comes ahead of the next rate rise on 1 April, when the National Living Wage will go up from £7.50 to £7.83 per hour. Apprentices under the age of 19 and those in the first year of their apprenticeship will benefit from a record 5.7% rise.



This month the Department for Business, Energy and Industrial Strategy (BEIS) launched a campaign to raise awareness of the new rates and encourage workers to speak to their employer if they think they are being underpaid.

This 14th naming round comes after the government published its Good Working plan last month, which announced the right to a payslip for all workers. The new law which was reported in the February edition of UnionLine News, will benefit

around 300,000 UK workers who do not currently receive a payslip.

For those paid by the hour, payslips will also have to include how many hours the worker is paid for, making pay easier to understand and challenge if it is wrong. Since 2013 more than £9 million in back pay for around 67,000 workers has been recovered, with more than 1,700 employers fined a total of £6.3 million. The government has also committed £25.3 million for minimum wage enforcement in 2017 to 2018.

Employers who pay workers less than the minimum wage not only have to pay back arrears of wages to the worker at current minimum wage rates but also face financial penalties of up to 200% of arrears, capped at £20,000 per worker.

For more information about your pay or if you think you might be being underpaid, go to www.gov.uk/checkyourpay. Or call our free legal advice line at UnionLine on: 0300 333 0303



Ministry of Justice officials have confirmed that key reforms affecting the legal sector will be implemented next year. Ministers have agreed for reforms to be implemented from April 2019. The initial focus will be on implementing the changes in relation to RTA claims, with further personal injury reforms coming later.

Justice Secretary David Gauke published the Civil Liability Bill. Officials believe they can progress the Bill through parliament in the next 14 months, and with it a tariff system for soft tissue injury damages. The bill introduces a compensation tariff for claims of up to £5,000 and a ban on insurers settling claims without a medical report. The rise in the small claims limit to £5,000 for road traffic accident claims and £2,000 for all other injury claims is not in the bill as it will be achieved by a simple change to the Civil Procedure Rules.

MOJ OFFICIALS CONFIRM KEY REFORMS

Brett Dixon, Association of Personal Injury Lawyers (APIL), said “Ministers have at least taken on board arguments about the importance of introducing changes in stages and not immediately including employers’ liability and public liability claims.”

He added: “That the reforms will go ahead at all is, of course, unwelcome news to injured people, but APIL will use its seat at the table to help to safeguard access to justice for injured people as far as possible. There is still a lot of work to do in the next 14 months.”

The revised small claims limit would effectively rule out solicitors from recovering their costs for any cases worth less than £5,000, which is believed to account for around 96% of RTA claims.

Matt Cordall Head of Legal Practice, UnionLine said “We have been watching with interest the arguments for and against these changes for many years while also contributing our own response to the MoJ’s consultations. Unfortunately it seems that the government are intent on pushing through the ill-thought

changes that have been based on unfounded evidence presented by insurance world. While we will continue to fight and support MASS and APIL we do have to accept that the insurers will get what they want in the majority of proposed reforms. We have therefore been planning for the changes to ensure that the impact to our members is mitigated as much as possible.” He said: “While the final details are yet to be published UnionLine will continue now and in the future to provide dedicated legal services to all GMB and CWU members irrespective of these unwanted reforms. My main concern is that the public, at large, do not understand or are not aware of the serious nature of these reforms and while you may save £20 on your car insurance, if you suffer an injury in a car accident as a result of someone else’s negligence you will not be fairly compensated or represented by someone acting on your behalf.”

If you or a family member has been involved in an accident within the last 3 years, give UnionLine a call on 0300 333 0303 as you may be still able to make a claim.

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