

BAJ NEWS

THE DAWN OF AGE EQUALITY

AGEISM has long blighted journalism. But the countdown to the end of age discrimination has begun. The glorious date of age equality is October 1, 2006.

From that day, it will be unlawful to recruit, select or promote anyone on the basis of age. People must be chosen on merit alone.

At the same time, it will be unlawful to dismiss anyone or make them redundant on the basis of age.

Freelancers and casuals will be covered by the new law for work when they are hired personally to do a shift or longer engagements.

The new law will outlaw direct and indirect age discrimination, harassment and victimisation in employment and vocational training.

The retirement age will stay at 65, but employees will have the right to request a deferment of retirement. The employer will have a duty to consider the request seriously.

Anyone who stays at work beyond 65 will have the right to claim unfair dismissal if he/she is sacked without good cause or to receive compensation if they are made redundant.

However, the new law will allow pay and non-pay benefits and occupational pensions to be based on length of service.

Ageism can only be permitted on objective grounds. Employers will have to produce supporting evidence if challenged. Assertions will not be enough.

DTI Secretary Alan Johnson said: "We cannot afford to cast on the scrap heap some of our most experienced, skilled and valuable people on grounds of prejudice

- deliberate or unthinking. "Of course, an important point that is often lost in the ageism debate is that younger people experience age discrimination, too. The new legislation will apply equally to everyone whatever their age.

"Age discrimination prevents people of all ages from realising their full potential in the workplace. This in turn prevents employers from getting the best performance out of their business and delivering the best service to their customers.

"We have said throughout that tackling age discrimination is good for business, good for individuals and good for society."

The Government hopes to abolish the retirement age altogether in 2011. The idea is that employees will then have the right to stay at work indefinitely if they wish or to retire if they wish. Companies will only be allowed to impose retirement on objective grounds.

The DTI has advised companies to review employment practices now to ensure that any age discrimination is eliminated by the time the new law comes into force on October 1, 2006. Members should ask their HR Department if they have started carrying out a review.

BAJ General Secretary Steve Turner said: "Journalism has long suffered a disgraceful waste of talent and know-how through the irrational application of ageism in recruitment, promotion and redundancy. It has also imposed much financial hardship

"The coming of the new law is wonderful news. It will protect the careers of individual journalists as they get older and will improve the quality and success of print and broadcasting journalism."



Johnson: Fair to all

Join BAJ's Conference on Oct 12

COME and have your say at BAJ's sixth biennial Conference on Wednesday, October 12 in The George pub, The Strand, London.

It will last from 7pm until 10pm. The pub is opposite the law courts. All members are welcome as active participants. Trainee members are welcome as observers. Wives, husbands and partners are also welcome as observers.

Members who intend to come must tell the BAJ office by Monday, October 3. Anyone who would like to put down a resolution for discussion should send it to the BAJ office by Monday, October 3.

Steve Turner said: "The conference is only a few hours once every two years. We have struggled to get a quorum on previous occasions. Please come and do your bit for the common good."

RE-ELECTED UNOPPOSED

THE NEC's five lay members, Bob Bayliss, Andrew Golden, James Hole, Crawford McAfee and Dennis Rice, have been re-elected unopposed. They are in office for another two years. Steve Turner said: "BAJ is fortunate to have such able journalists and dedicated trade unionists on the NEC. We are all committed to serving members well."

MGN Pension elections

CALLING all former MGN journalists! Vote for BAJ members Andrew Golden and Alan Burns in the elections for MGN Pension Trustees. BAJ NEC member Andrew has already been a trustee for six years and Alan has been a trustee for 12 years. Both used to work on the Sunday Mirror and were heavily involved in helping to sort out the Maxwell frauds on behalf of journalists. Andrew and Alan are on-the-ball guys. They are seeking to represent deferred pensioners and pensioners.

Please use the enclosed form to recruit a member

Legal Briefing

A JOB offer is a unique moment to maximise pay and conditions.

BAJ's legal adviser Glyn Jones explains:

THE offer of a new job is the ideal opportunity to maximise your bargaining power and negotiate the best possible contract.

Few of us anticipate running into difficulties with our employers at some point in the future, but if the terms of the contract spell out the duties of both parties from the outset, problems and misunderstandings can often be avoided.

Take care to obtain copies of all documents which are referred to in the contract, such as the staff handbook, company sickness policy and disciplinary and grievance procedures, as these will often have the same legal force as the contract itself, yet their contents will apply to all employees and will not be subject to negotiation.

When negotiating your contract, there are a number of points to consider:

JOB TITLE: Many job descriptions are sufficiently widely drafted to allow an employer to move an employee to a different job without breaching the contract. An executive, reporter or sub-editor, for example, could be employed under the job description of "journalist", which will permit the newspaper to move them to a different position. It is therefore advisable to negotiate a job title which is as specific as possible.

FLEXIBILITY: Contracts can include express flexibility clauses, which if carefully drafted, would give the employer the right to change the employee's job even if it would cause loss of pay.

Where an employee is moved to other work or another department, under such a contract they will not be entitled to redundancy pay even though the transfer was due to a diminution in the work.

Consider any flexibility clauses very carefully before signing a contract. Negotiate changes if you are not happy.

MOBILITY: Be wary before agreeing to any mobility clauses in a contract. They could well allow the employer to alter an employee's place of work. A Court might well declare such a clause void where it is inserted only to defeat a claim for unfair dismissal or a redundancy award, but it is better to remove or amend any mobility clause which is not acceptable.

PAY & BENEFITS: Most employers

provide for an annual review. However, there is no implied term in the contract of employment which entitles an employee to receive an increase. So ask for the contract to spell out a commitment to a yearly rise. You could suggest a contractual entitlement to an annual cost of living rise plus 2 per cent or so.

Adequate sick pay, pensions, life insurance, accident cover, disablement income and redundancy terms should also be provided by a good employer. You are unlikely to obtain individual terms for these benefits but it's worth asking for details to see how they compare to the package in your present job.



GLYN JONES

HOURS AND OVERTIME: Make sure your contract is as specific as possible in relation to your hours of work. Where a contract requires you to work for at least 38 hours a week, for example, you could easily end up doing 50 hours with no recompense for overtime. You may prefer the contract to say: "The hours of work are 38 hours inclusive of meal breaks. Any overtime will be given as time off in lieu as soon as possible."

NOTICE: Ask for notice of three, six, nine or 12 months, depending on what you think is reasonable in your new position. The longer the notice, the more likely the employer will be to pay money in lieu of notice if your job is terminated – few employers want a disgruntled employee hanging around the office.

REDUNDANCY: Nobody likes to think they may face redundancy, but as statutory redundancy entitlement is poor to say the least, it is better to have your entitlement fixed by your contract from the outset. Many newspapers provide for payment of at least 6 months' notice money plus a generous redundancy award based upon length of service. Be careful not to agree to any formula which imposes a cap or maximum payment because you might stay with the company for many years and ultimately lose out because you cannot claim more than the maximum amount payable.

Only an individual can decide what is acceptable or unacceptable in a new contract of employment or how important it is to get improvements or amendments. Obviously, though, the more contractual rights you have, the more secure your position.

Cheques in

WHEN I got married and moved to a larger house in the year 2000, I realised more than ever the need for a steady income.

£1,400 plus

By BAJ member

So, even though I had every intention of remaining freelance, I sought to secure regular slots on as many publications as I could.

Two which I managed to secure quite easily in June 2002 were on a health and a hair magazine belonging to the same small publishing company and edited by the same person.

My brief was to supply Q&A-style responses, to set questions which I originally composed myself, from a different celebrity in each monthly issue. My fee was respectable, and helped provide just the sort of steady income I'd been seeking.

Furthermore, the editor and her small staff were a delight to deal with. A delight, that is, until the health title ran into difficulties in late Summer 2004.

The publishing company had a general policy of payment upon publication – something which tends to send shivers down any freelance's spine.

But even that seemed a reasonable sacrifice considering the regularity of work on offer. However, several of my unused contributions remained unpaid – in a couple of cases two years after I'd submitted them.

On August 26, 2004 all contributors to the health title received an e-mail from the

TOP LEGAL HELP FOR SUN MEMBERS

BAJ has laid on top legal advice to help members at The Sun resist redundancies and an attack on terms and conditions.

Management proposed stopping four-night working, Saturday sports payments and acting up payments along with 20 redundancies.

The advice from barrister Jill Brown of Outer Temple Chambers, London, showed that the Company was out of order on all counts.

It was not following proper selection procedures for redundancies and was in breach of contract over the four-night week and the sport and acting up payments.

The complication at News International is, of course, that the Company only recognises its staff association (NISA). So BAJ couldn't readily have face-to-face negotiations with Management.

Encourage

However, Turner circulated Jill's advice to BAJ's 12 members on The Sun. Affected members have been able to use it in personal discussions with Management and to encourage NISA reps to combat the proposals.

The Company reduced the number of redundancies to 16, but it would not budge off making them compulsory. One BAJ member lost his job, but he was willing to leave after his terms were improved.

The terms are probably the best in Fleet Street – three months' notice, plus 3 months' NISA top up and a month for every year of service up to a maximum of 12 months on the redundancy element. The improved terms are eight weeks' extra for staff with 13-20 years' service and 12 weeks' extra for staff with more than 20 years' service.

On the other issues, the Company offered increases in salary in place of the sports payments and these have been accepted. Salary rises have also been mooted in place of the acting-up payments and discussions are continuing. Talks are also ongoing over 4-night working.

Steve Turner said: "BAJ is ready to issue legal proceedings on behalf of Sun members for breach of contract over 4-night working and acting-up payments if discussions are not concluded to their satisfaction."

In-fore

NEWSPAPER their poor t in my expe fare no be

A national newspaper eventually got a

I had freelance for the paper for on a 12-month contract terminate, due was absolutely

There were 6 in the same position on either a six-month contract all told to leave. aware, none of compensation.

Human Resources my contract was to the features shifts every we

A month later spotted me arriving my chief sub go here?" Apparent having been on

Now a contract and Human Resources shifting there as Human Resources regardless of m

They just kept I would go quite BAJ member. I him my story. dismissal.

the post thanks to BAJ

VA/T for long-overdue fees

editor explaining that it was to be withdrawn from sale following the upcoming November issue." A blow, yes, but the email did also state:

"All features commissioned up to and including the January 2005 issue are still required, so please endeavour to deliver copy to deadline as usual in order to aid prompt payment."

Unfortunately while I kept my part of the bargain, the magazine did not keep its part.

The promised 'prompt payment' did not materialise and, more worryingly, neither did my fees for the work I'd done ages before. Suddenly the previously friendly staff stopped taking and returning my calls, and two even left leaving the editor to (re)man the sinking ship alone.

I took some comfort in the fact that she still edited the hair title, in which I still had a regular column. However, a few weeks on with my payments still not having materialised – about which I'd made increasingly vociferous protests – another email arrived (on 15.10.04), announcing that the hair magazine was dropping my slot.

Again though, there was some reassurance from the editor: "Accounts are currently working out which of your payments are overdue and I will make sure these get paid asap."

Sadly, neither magazine lived up to their editor's promise.

Even more sadly, the editor went completely incommunicado and I was only able to deal with accounts – and an

incredibly unhelpful accounts department at that. I got the distinct impression that the editor was in the doghouse with her publishers for the payment promises she'd made in her emails.

They knew those written guarantees meant they were legally obliged to cough up eventually. But eventually is a long time when you're a freelance journalist, and I certainly didn't have time for endless banging-your-head-against-a-wall attempts at getting them to finally sign the long-overdue cheques.

There was only one thing for it: it was time to call the BAJ.

SuperSteve, as I long ago began regarding the General Secretary, was his usual incredible self. He got straight on with the task in hand, hammering away at the tricky accounts department with his remarkable balance of firmness and tact.

And, lo and behold, within weeks my cheques for a total of £1,400 + VAT were in the post.

BAJ Brilliant And Just. Value for money if ever there was. Steve Turner, I salute you.

Human Resources ordered to pay £15,000

By BAJ member

Human Resources are notorious for their treatment of casuals, but a recent contract workers' strike has seen them...

...paper tried to dump me without notice, but, with BAJ on my side, I was able to sue for £15,000 tax-free.

As a sub-editor on the news desk for almost a year prior to being put on contract and when I was told it would be a sub-editor, I was told it would be a sub-editor.

Each was told that I was not allowed to do shifts, but they were far as I am concerned, I got any...

At first, Human Resources refused to speak to BAJ, but I sent a formal email saying Steve was my representative and they were to deal directly with him.

Steve argued that I was an employee and should be kept on the payroll otherwise I could sue for unfair dismissal. But Human Resources wouldn't acknowledge the law and told me to leave the building immediately halfway through my shift.

With Steve's help and that of BAJ's employment solicitor Glyn Jones, I started proceedings to take the newspaper to an employment tribunal for unfair dismissal.

The main thrust of my case was that I had worked at the paper for (almost) two years without a break and that regardless of what the newspaper said, I was an

employee and entitled to full employment rights. This was obviously why Human Resources did not want me in the building.

Steve kept on at Human Resources about the appalling way I'd been treated. Eventually they caved in. They did not want the publicity of a tribunal hearing which would have shown how ruthless and unfair they had been with me.

At first they offered me two months' pay (untaxed) plus holiday pay which came to about £6,000 by way of compensation. I asked for six months' pay of about £18,000. They upped their offer to £10,000 and after much toing and froing, I settled for £15,000.

I have since been taken on staff elsewhere, but I am still shocked at how badly I was treated.

It is a great comfort to know that BAJ will always make sure that anyone trying to pull a fast one on members, won't get away with it.

Told to leave without compensation

DATA SCAM WARNING

BEWARE fraudsters attempting to obtain money from you by posing as the Data Protection Enforcement Agency at a PO box number in Blackpool.

The BAJ office and freelance member Amanda Garner have received a "Final Notice" from the bogus agency demanding £135 within seven days or face a fine of up to £5,000 for failing to register with the Information Commissioner.

The notice says: "After clearance, your permanent registration number, certificate, and security number will be forwarded to you. Please note that delays due to large

volumes have previously occurred."

So the crooks want to be clean away with the money before anyone starts asking why they haven't received their certificate!

The Information Commissioner's Office has called in the police after receiving many complaints about the scam. Blackpool Police are investigating.

Assistant Information Commissioner Phil Jones said: "The golden rule is that if a business receives a letter out of the blue demanding more than £35 to register under the DPA, this will be a scam. Just bin the letter!"

Your finances

BAJ's finances remain healthy, as the accounts below show. August's £8,945.25 monthly subs provide an annualised income of £107,343.

Our management accounts from January 1 until August 31 are:

INCOME

Advance/arrears subs.	3,447.50	Subs received	
Donations	1,430.00	January	8,820.25
Bank interest	115.30	February	8,812.75
Legal fees	1,090.00	March	8,892.75
Dividends	0.60	April	8,862.75
BT refund	136.25	May	8,748.00
Mobile phone refund	105.00	June	8,837.75
Recovered court charges	175.00	July	8,895.25
		August	8,945.25
		TOTAL	77,314.40

EXPENDITURE

Legal expenses/Helpline fees	11,529.96	Photocopying	178.99
Legal advisers retainers	13,245.04	Postage	417.90
Legal advisers expenses	374.81	Stationery/printing	1,232.58
Legal advisers insurance	1,095.20	Secretarial	1,217.64
Legal costs/court fees	3,212.27	MPA/IRD affiliation fees	300.00
Books, mainly legal	970.96	Bookkeeping	635.00
Tax Helpline	783.36	Audit fees	1,850.62
BAJ Press Cards	116.97	Bank and BACS charges	224.00
UK Press Cards	344.60	Office rent	2,169.36
Trainee Press Cards	10.58	Rates	743.75
Company search fees	152.41	Service charges	265.12
BAJ NEWS	1,846.33	Water rates	582.01
Bounty payments	200.00	Office insurance	604.05
Pay/NIC (S.Turner)	12,424.45	Sundry expenses	516.94
Pay/NIC (D.Thomas)	11,900.74		
Keyman insurance	292.88	TOTAL	73,965.24
Telephones (4)	2,342.16	TOTAL INCOME	77,314.40
Facsimiles (2)	428.00	TOTAL EXP	73,965.24
Mobile telephone	297.59	IN HAND	3,349.16
Computer support	885.02		
Website	573.95	2004 surplus	10,816.00

Freelance forum

By Cedric Pulford

FREELANCES are said to be only as good as their last piece, but even that may not be enough. A BAJ freelance panellist reports that she was dumped by the *Independent* after "quite a few years" as a contributor without warning or compensation.

The reason was the familiar "We want to bring in fresher, newer blood."

Our panellist's comment was the well merited "Charming, eh?"

More successful publications than the *Independent* know that staying prosperous means treating their freelance contributors well.

A case given below shows the *Mail on Sunday* paying handsomely for sight of a document even though the material was not used.

Woman and Home asked a member to provide free sample copy. The magazine said it was trying to decide who to commission for Christmas material. Our member, who admits she was "foolish" to comply, did some work - and heard nothing more.

(BAJ believes there should be no such thing as a free tryout. While it is reasonable for a publication to ask for samples of past work, fresh work should be paid for whether used or not).

A photographer member reports implicit pressure from the *Sunday Mirror* to surrender copyright. He reports that the paper prefers to use photographers for commissioned assignments who do not copyright their work.

LATEST FEES REPORTED BY BAJ FREELANCE PANEL:

Daily Mirror, interview, 1,000 words, £1,000. *Daily Mirror*, interview (unused), 900 words, £500. *Sunday tabloid*, interview, 1,200 words, £800. *Daily tabloid*, real-life feature, 1,500 words, £1,000. *Woman's weekly*, real-life feature, 750 words, £450.

Evening Standard, property feature, 1,000 words, £500. Estate agent's magazine, property feature, 700 words, £250. *Quicksilver* magazine, column, 800 words, £250. *Woman's weekly*, travel feature, 1,200 words, £350. *Observer*, news item, 25.5p per word (£255 per 1,000 words).

Sunday Mirror, photography (celebrity stakeout), £180. *Sunday Mirror*, photography (property feature), £180. *Mail on Sunday*, legal document faxed (unused), £100. *Sunday Telegraph*, legal document faxed, £50.

● Cedric Pulford, who has edited the freelance column since the first issue of BAJ News in 1993, is taking a break from journalism to write a book. His stand-in is long-time BAJ member Jane Furnival.

● Give Jane's column a great start by joining the Freelance Panel. Details from the BAJ office.

NUTS TO THE NUJ CRANKS!

NUJ slurs against BAJ continue. A libellous and out-of-date item on the NUJ website has the audacity to say that the BAJ is not a real union.

At least BAJ is not a Marxist-dominated union like the NUJ. General Secretary Jeremy Dear and others NUJ leaders conceal their extreme politics from members otherwise they would never get elected.

BAJ is moderate and proud of it. BAJ is also proud of looking after its members better than the NUJ.

The NUJ obviously has many more members than the BAJ, but, mysteriously, its average income per member is much lower than BAJ's despite the NUJ's much higher subs.

The latest 2004 annual returns for both unions show BAJ had an income per member of £124 while the NUJ had an income per member of £113. So BAJ has more money to spend to help its

members. BAJ obviously has less total income than the NUJ. But the 2004 annual returns for both unions show that the NUJ had a cumulative deficit of £825,771 at the end of the year while BAJ had a cumulative surplus of £14,782.

No wonder the NUJ tells many members with genuine problems that they haven't got a case. It doesn't have the money to provide all its members with proper legal support.

The NUJ also leaves its freelance members to fight alone in the small claims court while BAJ provides BAJ freelancers with full legal representation.

The NUJ's 2004 annual return shows that Jeremy Dear took a 3.5% pay rise from his debt-ridden union last year taking his salary from £50,796 to £52,702 while his officials negotiated rises of less than 3% for most NUJ members on much lower salaries. In contrast, Steve Turner has not taken a pay rise for four years.

Big exes

The same annual return shows that the NUJ's 20 officials spent £151,102 on expenses last year. That equals £164 a week for every official for every working week in the year. In contrast, Steve Turner claimed expenses of £20.22 for the year.

All the NUJ officials and organisers are paid more than £41,000 a year. That is more than most of their members earn. In contrast, no BAJ official or retained consultant has received more than £22,000 a year.

NUJ officials have been mounting a campaign of disinformation against BAJ for more than a year. We have identified 25 libels committed against BAJ national and Chapel officials. It's disgraceful.

Appalling

The NUJ has been going for nearly 100 years, but the terms and conditions of the vast majority of journalists are still appalling.

Only Marxist journalists who share the extreme aspirations of the Marxist-dominated NUJ leadership should join the NUJ.

Moderate journalists would gain more from joining BAJ. We believe in reasonable and resolute representation, not pointless confrontation. We benefit journalists by working with employers for the common good instead of creating conflict and discontent by having endless strike ballots.

The other good reason for journalists to join BAJ is that our subs are lower than the NUJ's. Provincial journalists: BAJ £10 a month, NUJ £11.41. Freelances, PRs and magazine journalists: BAJ £10 a month, NUJ £14.75. National journalists: BAJ £17.50 a month, NUJ £20.45.

ABS-olutely ridiculous!

By Freelance member

WRITING the article is often the easiest part for the magazine freelance.

Fussy editors, editors who change their minds and editors who penny-pinch are all in a day's work. Sometimes we get them all at once!

A national women's magazine, from a leading publisher, asked me to find four young women who had fantastic "abs", all of whom could provide "before" pictures showing their previously flabby tummies. All the stories were to be different: one woman was to have had a baby; one to have had surgery; and so on.

I had just over a week to do this. I found four women who fitted the brief, but two were rejected by the editors for not looking right in the pictures. Many more suggestions were rejected along the way, but finally I had four girls the magazine was willing to photograph.

(Or so it seemed. Then the editors decided one had a story too similar to someone else's. To cap it all, another girl pulled out because her boyfriend had bought her a surprise holiday.

At this point the magazine said that

since I had only come up with two girls they could use, they would pay me half of the agreed fee of £600. It wasn't enough. I wanted £400. They pettily settled at £375, but didn't wait for me to agree before emailing me to say my new contract to this effect was in the post.

When the article was finally published, another freelance had provided the other two case studies - neither of which had the requisite "before" pix showing their bare tummies. One was even wearing a Barbour coat, and sitting on a horse in her "before" pic! Had I been given such freedom, I would have been spoiled for choice with case studies.

The final insult: my byline wasn't used. The other freelance got all the credit - even though my copy had gone through with barely any changes.

The moral of this tale? If it looks like a "commission impossible" it probably is, so don't go into it expecting glory at the end - but don't feel too demoralised if you fail, either. I hated admitting defeat and was cross about losing my full fee... and I will now think twice before taking on another commission like this one.

Key Facts

- RETAIL PRICE INDEX: April 1987 = 100, August 2005 = 192.6. Rise in past year 2.8 per cent.
- AVERAGE EARNINGS: 2000 = 100, July 2005 = 121.4. Private sector rise in the past year including bonuses 4.1 per cent.
- UNEMPLOYMENT: May - July 2005 averages 1,418,000. Up 12,000 on previous 3 months.
- HOUSES: Halifax national house price index: 1983 = 100, Aug 2005 = 537.4. Annual change 2.5 per cent.
- MOTORING: AA's new system for mileage rates for cars averaging 10,000 miles a year. Car cost new up to £10,000 - 35.24p a mile. Car cost new £10,000 - £13,000 - 44.55p a mile. Car cost new £13,000 - £20,000 - 56.53p a mile.