

BAJ NEWS

Record number of cases go to court

A QUEUE TO SUE!

BAJ is fighting a record number of court cases for members against uncaring employers.

Proceedings have been issued in nine cases against Mirror Group Newspapers, Associated Newspapers and Northcliffe Newspapers.

The total is more than BAJ normally deals with in two years or more. The cases are being handled by the team of barristers retained by BAJ.

Eight of the cases concern redundancy and the ninth involves constructive unfair dismissal.

The constructive unfair dismissal case happened at Northcliffe Newspapers. Our member, a senior executive, was abruptly demoted after more than 20 years' service. The Editor gave our member's job to a newcomer while insisting that nothing had changed.

At MGN, three cases involve unfair selection for redundancy during the recent devastating redundancies, including the ending of Scottish Daily

Mirror production in Glasgow.

A fourth case at MGN concerns a claim for a Protective Award for MGN's failure to negotiate meaningfully over the redundancies.

If the claim for a Protective Award is successful, the tribunal can award extra compensation of 1-13 weeks' salary to

But most of them have considerable financial reserves and could well afford to handle change more compassionately.

Instead, they shove staff out of the door with unseemly haste as if the Company is in imminent danger of collapse.

In many other white collar jobs, redundancy lists are kept open for a year or more to give people time to look for other work and to weigh up whether the package on offer is worthwhile for them.

In that way, volunteers are found and a lot of the trauma and financial hardship of redundancy can be avoided.

Steve Turner said: "The BAJNEC is determined to do everything possible to help our members win their cases."

"It's a pity employers will not co-operate with journalists to effect change as painlessly as possible.

"There are too many macho and greedy bosses in our business these days and too many greedy shareholders (see profit figures on the centre pages).

"Manning levels and wages are being driven down to unacceptable levels to achieve excessive profits for the companies and excessive rewards for top executives.

"It has got to stop because it is depriving journalism of the resources to carry out its democratic function of being the public's watchdog.

"Come what may, though, BAJ will continue to fight for justice for members."

Staff shown the door with unseemly haste

some or all of the 39 journalists who lost their jobs.

At Associated Newspapers, four cases involve unfair selection for redundancy, failure to follow collective consultation laws and failure to pay contractual redundancy terms of four weeks' salary for every year of service. The Company paid only two weeks.

The excuse for recent redundancies is that circulations, advertising and profits are down. Trading conditions are obviously difficult for most newspaper groups, at the moment.

Send Terry a card

● **TERRY O'Hanlon, Deputy FOC of the Sunday Mirror, is back in hospital having more treatment for leukaemia. Unfortunately, he is only allowed family visitors because of the risk of infection. Do send him a card. He is in Room 11, Calthorpe Ward, Royal Free Hospital, Pond Street, Hampstead, London NW3 2QG.**

£50 Bounty for new recruits

ABOUT to enjoy a good holiday? Let BAJ give you some folding money to take with you!

Just recruit a friend, colleague or relative who is a journalist and £50 will be in the post pronto.

Members can have as many £50s as they can find new members. Persuade 10 colleagues to join us and you'll have £500 by return of post. And so on.

Extras

A membership form is enclosed with BAJ NEWS. If you need more than one form, simply download extras from the BAJ website www.bajunion.org.uk, copy the enclosed form or ring the BAJ office for more.

BAJ is a very saleable package. Tell people about our excellent benefits.

Members have a 24-hour Legal Helpline, £50,000 legal expenses, Employment Legal Advisers, a Copyright Legal Adviser, a Tax Helpline and first-class trade union support.

Free

BAJ provides free legal representation for freelancers in claims for unpaid fees in the small claims court. The NUJ does not do this for freelancers.

We issue photo UK Press Cards and our subs are lower than the NUJ's. Provincial journalists: BAJ £10 a month, NUJ £12.02. Freelances, PRs and magazine journalists: BAJ £10 a month, NUJ £15.16. National journalists: BAJ £17.50 a month, NUJ £20.86.

Please use the enclosed form to sign up a member

ABILITY FIRST - A

FROM 1 October 2006, the *Employment Equality (Age) Regulations* make it unlawful to discriminate against someone on the basis of their age in recruitment, pay and conditions, promotion, transfers, dismissals, redundancies and training. Ability to do the job is paramount, not age.

The regulations make direct and indirect age discrimination unlawful as well as prohibiting victimisation and harassment on grounds of age. Ageism is also outlawed in vocational training.

The effect of this sea-change in employment law will be widely felt. A recent survey found that 38% of those questioned said that they had been discriminated against on grounds of age.

The regulations cover workers without contracts as well as employees. Age discrimination will only be lawful if the general test of objective justification is satisfied or if any of a limited number

WONDERFUL news for journalists! Ageism is about to be outlawed. As we all know, jobs in journalism are hard to come by over 40 and hard to keep over 50. The new regulations will change all that.

of exceptions apply. Exceptions to the regulations allow the continuation of employment benefits based on length of service which recognise and reward loyalty and experience and motivate staff. These include pay, enhanced statutory redundancy terms, life insurance and occupational pensions. Some company redundancy schemes might need amending to be fair to all staff.

Another exception to the regulations is a genuine occupational requirement (GOR) that a person must be of a certain age. This exception can be relied upon in recruiting, promoting, transferring or training and when dismissing persons from a post where a GOR applies. It would apply, for example, where an employer is producing a play which has parts for older and younger characters. Examples of harassment would be telling ageist jokes in the hearing of older

staff or continually telling a young employee that he/she is wet behind the ears.

It will be unlawful for any employer to have a normal retirement age below 65 unless it can be objectively justified.

Employees will have the right to request to work beyond 65 or any other retirement age set by the company. The employer has a duty to tell employees of this right and to consider such requests.

The employer does not have to accept the request or give reasons for rejecting it. If the request is accepted, a new retirement date is fixed. This procedure

Your finances

THE audit of BAJ's 2005 accounts has been completed. The auditors, Civvals, of London, W1, found our affairs to be in order. Enclosed is a copy of the audited accounts. Section 32A of the Trade Union and Labour Relations (Consolidation) Act 1992 requires members to be told every year that:

"A member who is concerned that some irregularity may be occurring, or has occurred, in the conduct of the financial affairs of the union may take steps with a view to investigating further, obtaining clarification and, if necessary, securing regularisation of that conduct.

"The member may raise any such concern with such one or more of the following as it seems appropriate to raise it with: the officials of the union, the trustees of the property of the union, the auditor or auditors of the union, the Certification Officer (who is an independent officer appointed by the Secretary of State) and the police.

"Where a member believes that the financial affairs of the union have been or are being conducted in breach of the law or in breach of rules of the union and contemplates bringing civil proceedings against the union or responsible officials or trustees, he should consider obtaining independent legal advice."

The law also requires members to be told that the General Secretary was paid £16,976 salary with benefits of £439 last year. No salary or benefits were paid to the National Chairman or other members of the NEC.

Our management accounts from January 1 until May 31 are:

INCOME

Advance/arrears subs	3,002.50	Subs received	
Donations	277.50	January	9,065.25
Bank interest	66.27	February	8,967.75
Legal fees for		March	9,185.25
compromise agreements	2,800.00	April	9,089.00
Dividends	0.62	May	9,251.50
Glyn Jones'			
Practising Certificate refund	400.00	TOTAL	52,105.64

EXPENDITURE

Legal expenses/Hotline premium	7,452.12	Website	157.59
Legal advisers retainers	7,168.60	Photocopying	142.62
Legal advisers expenses	76.46	Postage	319.58
Legal advisers insurance	546.00	Stationery/printing	426.16
Outside legal bills/court charges	3,032.27	Secretarial	1,207.00
Books, mainly legal	277.92	Bookkeeping	420.00
Tax Hotline	489.60	Audit fees	29.27
BAJ Press Cards	1,865.67	Bank and BACS charges	115.00
UK Press Cards	281.17	Office rent	1,084.68
Student Press Cards	17.50	Rates	462.35
Company search fees	17.57	General Secretary's travel expenses	21.80
BAJ NEWS	2,190.63	Sundry expenses	723.17
Bounty payments	200.00		
MPA/LRD affiliation fees	300.00	TOTAL	45,065.33
Pay/NIC (S.Turner)	7,648.84	TOTAL INCOME	52,105.64
Pay/NIC (D.Thomas)	7,305.36		
Keyman insurance	183.05	TOTAL EX	45,065.33
Telephones (4)	671.41	IN HAND	£7,040.31
Facsimilies (2)	265.00		
Mobile telephones (2)	(33.16)	2005 surplus	£6,934.00

Preposterous legal

By BAJ member

USED as I am to instigating legal action (against non-payers etc), I was absolutely flabbergasted when a client took me to court over a failed publicity circular for an old pop star.

I believe the client only backed down because I had the might of BAJ behind me with former BAJ solicitor, Glyn Jones, battling my case all the way.

My client argued that I should refund £300 paid for the production and circulation of a news feature, because it was not used by a single media target.

The client ignored my advice that without a stronger angle, no news editor would entertain the story. A bland biographical article was what the client commissioned and even approved in writing. The claim seemed so ludicrous that to begin with I felt I could handle the matter alone. I believed the client

would soon see sense and drop his demands.

But letters from the client became nastier and my clouds got blacker. Correspondence went on for about eight months, then the client issued court proceedings. So rather reluctantly I called Steve and asked for help.

Glyn took over preparations for the court case. Like Steve, he clearly thought the case as absurd as I did - my confidence was restored and the clouds began to evaporate.

Considering what a petty case it was I was amazed that the BAJ insisted on Glyn's personal representation at the court hearing especially since he would have to travel down from his home in S

Termination offer to

By BAJ member

I HAVE been a designer typographer all my working life. Staff for a while ... and then freelance for a while ... not the sort of trade to suit anyone of a nervous disposition.

I was between these two states once more and desperately in need of some work. After the usual phoning around it didn't take long to be offered a month's booking.

My luck was in, a whole month is a good start. I had called an old contact, a designer I used to work with, and he asked me to assist him with a secret design project for a big organisation. It sounded like a great opportunity.

It was a busy time and the month soon passed. Then two months and three months. They found me useful and I was involved in one project after another. After ten months I was put on the payroll. Not bad for a freelance.

Not surprisingly, it came as a huge shock some two-and-a-half years after first walking through the door to be taken to one

side and told my services might no longer be required.

It wasn't that I had run out of work either - far from it. I had worked on a vast number of projects and was constantly busy.

Maybe it was the fact that I had never signed a contract or been "officially" employed that I was considered an easy target for the department to save a bit of cash.

I was initially informed there was nothing more sinister than that my "position was under threat" I was told that there would be a six or seven week period of consultation where I could apply for alternative vacancies within the company (telesales - that kind of thing).

I was also offered a termination payment of £7,800 should the threat become a reality. It was never satisfactorily explained how this figure was arrived at.

NOT AGE!

must be repeated each time an employee nears his/her extended time for retirement.

The regulations give older employees the same rights to claim unfair dismissal or receive redundancy payments as younger employees, unless there is a genuine retirement.

In the event of a successful claim to the Employment Tribunal, the tribunal can make an order or recommendation for the employer to end the discrimination or order compensation to be paid. No limit is set on the amount of compensation. Interest on the sum may also be ordered.

A complainant can serve a questionnaire on the respondent to obtain relevant information. A complaint to an Employment Tribunal must be made within 3 months of the alleged act.

More information can be obtained from the websites www.dti.gov.uk and www.acas.org.uk or the BAJ office. Employees can still retire early on a company pension if they want to.

● Journalists who have been engaged on fixed-term contracts for the past four years have the legal right from July 10 to join the permanent staff. Anyone in that position should write to his/her employer requesting written confirmation that the contract is to be regarded as permanent.

This right will also be available to anyone reaching four years on contract in the future. People on fixed-term contracts already have the right not to be treated less favourably than permanent staff on all benefits. Contact the BAJ office for further information.

al claim seen off

Helen's to Evesham in the Cotswolds. I had assumed that Glyn would simply coach me, enabling me to fight alone.

Despite Glyn repeatedly trying to reason with my client in correspondence, he wouldn't drop the case. The big day arrived and I met Glyn for the first time in person at the court waiting room.

The nerves had surfaced again – but on meeting Glyn, I was able to refocus. However, a shock awaited us in the court room.

The only occupant was the judge himself. Following hours of preparation, the expense of photocopying all relevant paper work, petrol and car parking costs, a day off work, plus extensive travel for both Glyn and myself – the client simply didn't turn up.

The court case was on the Monday. The previous Friday, the client contacted the

court to say his mother had died suddenly, so he couldn't attend on the grounds of bereavement.

Aware of the man's reputation for compulsive lying, I doubted his story, but the judge adjourned the case.

Glyn wrote to the man and asked to see a copy of the death certificate. He said that if the certificate was not provided voluntarily, he would ask the court for a disclosure order. The client did not reply.

Two weeks later, I was given a new date for the court hearing. A few days later came notification that my client had dropped the case. Surprise, surprise!

My very great thanks to Glyn for all his expertise and support. His departure from BAJ is a great loss to us all. I wish him the very best in his new position, but I've no doubt BAJ's new lawyers are keen and able to fight our future battles.

iples thanks to BAJ

Someone suggested I should contact Steve Turner. I wasn't a union member at the time (since rectified). Steve said the offer was a lot less than I was entitled to. I should have been offered three months' pay plus two weeks' pay per year served and then all holiday entitlement brought up to date.

Immediately after our first consultation session with management, I was offered about twice the first offer and mysteriously awarded a 3% pay rise for the last few weeks of my employment. Thereby giving me a completely new salary to base all calculations on.

Furthermore, for some reason, my holiday entitlement had been restricted to 20 days per annum when other people who were formally on staff enjoyed 35 days. It seemed like a good idea to see if we could get this matter resolved.

Naturally all this got Steve and I discussing what we might be able to claim, altogether and after a couple more meetings with management they finally agreed to

almost every point we raised. They wouldn't budge on backdating all their calculations right back to my first day, though. In fact, in the first ten months I worked I was considered to have been a "worker" and not an "employee." (I know, it's a fine distinction between the two!)

But for the remainder of my employment (and thankfully, I was on the payroll for this) I received a very fair settlement indeed.

So for the first period as a "worker" I was entitled to a pro-rata calculation of holiday pay based on a 20-day entitlement per annum, when I had taken no paid holiday at all.

And then for the following period I was evidently a full employee although I didn't know it at the time. So I qualified for TWO pay rises at 3% and all holiday that a full member of staff would have taken during that period of almost two years!

It all resulted in a final figure closer to three times the original offer. Thank you very much, Steve Turner.



Media moguls take millions

MEDIA moguls are forever pleading poverty, cutting fees and throwing journalists overboard to allegedly avoid hitting the financial rocks. But newspaper companies are mostly doing OK or have substantial reserves or have profitable parent companies. There's certainly no shortage of money for the moguls as the latest published accounts show:

Trinity Mirror: Year to 1.1.06: Operating profits up 1.7% to £250.2m. Chief Executive Sly Bailey £1,196,000. Finance Director Vijay Vaghela £680,000. Secretary and Legal Director Paul Vickers £623,000.

Trinity Mirror includes MGN Ltd: UK Nationals: Operating profits up 2.4% to £67.9m. **Sports Division:** Operating profits up 0.6% to £17.4m.

Johnston Press: Year to 31.12.05: Operating profits up 1% to £180.3m. Chief Executive Officer Tim Bowdler £622,000 + 143,617 shares. Chief Financial Officer Stuart Paterson £370,000 + 64,530 shares.

Daily Mail and General Trust (DMGT): Year to 2.10.05: Operating profits up 5% to £297.3m. In 2005, Chairman Lord Rothermere's package came to £746,000 + 47,559 shares. Chief Executive Charles Sinclair £958,000 + 18,326 shares. Daily Mail Editor Paul Dacre £997,000 + 32,974 shares. Dacre has two years' notice in his contract.

DMGT includes Northcliffe Newspapers: Operating profits up 1.5% to £102m and **Associated Newspapers:** Operating profits up 5% to £95.1m. The accounts say: "Associated Newspapers achieved its highest profit ever"

Express Newspapers: Year to 31.12.04: Operating loss of £9m. Chairman Richard Desmond £32,563,000 emoluments; £4,750,000 pension.

News Corporation: Year to 30.6.04: Operating profit of \$4.3 billions. Chairman Rupert Murdoch \$20.5 millions.

News Corporation includes Sun and News of the World: Year to 30.6.05: Operating profits £61.1m. Highest paid director £421,000. **The Times and Sunday Times: Year to 30.6.05:** Operating loss £44.2m. Highest paid director £565,000.

Telegraph Group: Year to 7.1.05: Operating profits £31.5m. Highest paid director £456,000.

Pearson Group: Year to 31.12.05: Operating profits up 22% to £509m. Group includes **Financial Times:** Operating profits £2m.

EMAP: Year to 31.3.06: Operating profits up 9% to £244m. Chief Executive Tom Moloney £602,000 + 37,912 shares. Chief Executive Consumer Media Paul Keenan £358,000 + 30,177 shares.

Newsquest: (300 newspapers, including 18 dailies and 9,300 employees) 2005 net income \$1.2 billion, profit not known. Owner American media company Gannett has 52,600 employees worldwide. 2005 operating revenue \$7.6 billion.

Guardian Media Group: Year to 3.4.05: Nationals operating loss £18.6m. Regionals operating profits £32.6m. Trader Media operating profits £116.6m. Chief Executive Sir Robert Phillips £805,000. Guardian Editor Alan Rusbridger £545,000. Nationals chief executive Carolyn McCall £536,000. Regionals Chief Executive Ian Ashcroft £450,000.

Independent News & Media Ltd: Year to 31.12.04: Operating profit. £144,000.

Reed Elsevier: Year to 31.12.05: Operating profits up 12% to £839m. Chief Executive Officer Sir Crispin Davis £1,991,000 + 292,469 shares. Chief Financial Officer Mark Armour £1,029,000 + 150,422 shares.

It's a tough old life at the top!

Freelance forum

By Jane Furnival

LET us remember in our prayers the commissioning editor who expressed her satisfaction by adding 'a little something' to a BAJ member's fee – almost half as much again.

'Very quick payments from the Telegraph,' reports another member. However Mirror Group and the Express now pay at the end of the month after publication – so 'you're stuffed if they hold on to your pieces' says one member who waited five months and would have offered ideas elsewhere if she had known she was in a queue.

The News of the World's Sunday magazine pays promptly in advance of publication and pays anyone featured in a case study too, making it easier to get people to talk. I have heard other good things of this magazine.

Kill

The Daily Mail has introduced kill fees – an idea which BAJ and the rest of Civilisation does not recognise – the paper's Good Health section sickeningly halved someone's agreed £900 fee for an unused feature. Then the writer noticed much of the piece used in the paper, in disguise, so requested the rest. The commissioning editor agreed. Nothing has arrived yet.

Quicksilver magazine, published by PSP Communications, has owed some money since December and I am told does not return messages. M.D. Peter Moore responded to my email by calling me immediately, apologised profusely and said they wanted to pay (there had been staffing problems in the accounts office).

Mr Moore asked those with unpaid invoices to contact him at 15 Craven Street, London WC2N 5AD, 020 7747 9390, peter.moore@pspc.com. He stressed that for fast payment, don't start work without a billing number from the commissioning editor.

I once sent my husband, a biker, to The Oldie's office to get payment on the spot as we had physically run out of cash while waiting months. Weeks later, I saw the then-accountant coming out of the reptile house at the Zoo and could not resist saying, 'Visiting your relations, are you?'

Watch out for PRs who speak with forked tongue. Beattie Communications sent a written invitation to a press trip to Liverpool ('all travel paid'). They ignored my modest home-station-home travel bill until I threatened to call their client, who deserved better.

FEEWATCH

Sunday Times, 900-word feature, £450.
Daily Telegraph, 900-word feature, £350. Daily newspaper, 1,800-word special report (factual), £750. Weekly magazine, 1,200-word real life interview, £750.

Women's magazine, weekly market, 750-word health real life interview, £350. 1,200-word health special report, £400. *Real People* magazine, 1000-word health feature £2-300. News piece in *Architects' Journal*, 350 words, £57.50. *Daily Mail* news, 250 words, not used, £75.

Any fees, comments or stories, email me anytime, janechapel2@yahoo.co.uk

Wouldn't you like this boss?

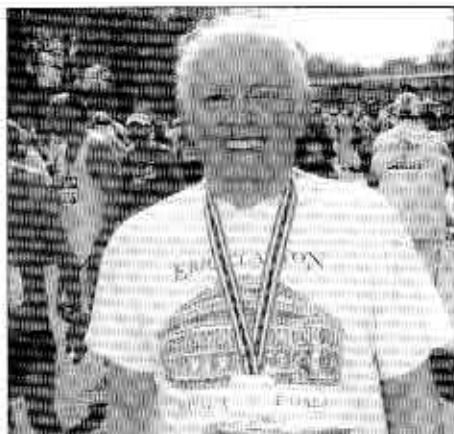


MD Bruce Draper: Britain's best boss

MEDIA executives should note why engineering MD Bruce Draper, 46, has been chosen as Britain's Best Boss 2006. Mr Draper's citation said: "He is friendly, approachable and kind and makes sure everyone is content in their job."

Mr Draper's 85 employees at Geotechnical Instruments Limited, 1 Camington Spa, Warwickshire, enjoy an extensive array of employment benefits.

Our marathon man triumphs again



Terry Newell shows off his 26th medal

YES, BAJ's marathon man, Terry Newell has chalked up another success! He completed his 26th London Marathon in April in a time of exactly six hours.

Terry and twenty-six others form a dwindling elite band who have completed every single London Marathon – down two from last year.

Terry penned these thoughts after his latest tussle with pain and strain:

● The rain soaked every inch of the course. The experts tell you it's good for the run. But it doesn't make

it any easier. The harder you work, the harder it gets.

But that lovely, boisterous, cheerful, generous crowd turned up again. They got soaked with us and didn't care a jot.

I got stuck in a heaving mass of runners like a currant in a cake. However hard I tried to overtake, there were always masses more ahead.

The course has changed over the years. The Isle of Dogs used to be as empty as a bomb-site. Now the roads are smooth-surfaced and the giant buildings fend off winds and provide the only shade on the course.

On the TV you see those fantastic skinny blokes with the stamina of lorries at the front. Then there are the celebs waving at the cameras – chefs, soap actors, TV presenters, retired rowers...

Then there are the also-runs like me and the gran who several years ago swept past me to finish comfortably ahead. This year – a great surprise – it was the turn of her granddaughter to sweep by with a little flourish. ●

Determined as ever, Terry is already preparing for next year's race.

MEMBERS' NEW BOOKS

■ **BAGHDAD** by Felicity Arbutnot and Nikki van der Gaag. World Almanac Library, rrp £20.99. It describes 'The Paris of the Ninth Century' at work and play. What's left of it.

ANY members who have new books on sale are free to give details in this book column. Just email 25 words of basic information to: office@bajunion.org.uk

● More than 40 different working patterns are operated to suit everyone's wishes. Some staff work term-time only.

● Staff are free to take time off at short notice for any family crisis. This saves them lying about sickness and feeling guilty about it.

● Training of any kind is paid for by the Company, whether job-related or not.

● Free medical insurance includes the full cost of dentistry, spectacles, chiropractic, acupuncture and counselling.

● Interest-free loans are available to buy personal computers. Repayments are made over two years.

● Eating at workstations is banned because it is regarded as unhealthy to work during meal breaks.

● Thank-you letters are regularly sent to staff in appreciation of good work.

Sarah Jackson, Chief Executive of Working Families which organises the Best Boss contest said: "Bruce Draper demonstrates how an inspiring, people-orientated boss can completely change the culture of a company.

"He has not only made Geotechnical Instruments a great place to work, but, in so doing, made it more effective, productive and profitable."

■ BAJ has been telling media companies for years that treating staff well will result in better circulations and profits. Let's hope they get the message soon.

Key Facts

● **RPI INFLATION:** January 1987 - 100. May 2006 - 197.7. Rise in past year 3 per cent.

● **AVERAGE EARNINGS:** 2000 - 100. April 2006 - 124.3. Private sector rise in the past year, including bonuses, 3.7 per cent.

● **UNEMPLOYMENT:** February - April 2006 averages 1,610,000. Up 77,000 on previous 3 months.

● **HOUSES:** Halifax national house price index: 1983 - 100. June 2006 - 571.3. Annual change 9.4 per cent.

● **MOTURING:** AA's new system for mileage rates for cars averaging 10,000 miles a year: Car cost new up to £10,000 - 34.62p a mile. Car cost new £10,000 - £13,000 - 43.50p a mile. Car cost new £13,000 - £20,000 - 55.47p a mile.