

BAJ NEWS

1,000 MEMBERS!

SOUND the trumpets! BAJ has at last reached the landmark of 1,000 members.

BAJ is slowly climbing up the union membership ladder. We are now bigger than 88 of the 192 unions in Britain.

"This landmark took a long time coming," said General Secretary Steve Turner, "but is no less sweet for that."

"Our recruits come overwhelmingly from personal recommendation. The National Executive Committee cannot thank members enough for spreading the word since BAJ began in 1992.

"Let's hope many more journalists will now get the message that BAJ looks after its members well and will come to swell our ranks.

"With luck, the next 1,000 members will be achieved much quicker!

"It's not surprising that BAJ struggles to expand. Workers in all walks of life are amazingly short-sighted over the benefits of union membership.

What a landmark

"Union density in the public sector last year was 58.8% per cent and only 16.6% per cent in the private sector. BAJ has done well to swim against the tide," said Turner.

The announcement of BAJ's membership landmark was greeted with delighted applause at BAJ's biennial Conference in September 19 in London.

£1 million won

So was news that BAJ lawyers had helped members obtain more than £1 million in compensation since the last conference in 2005.

Turner said BAJ handled 174 cases involving employment (87 cases), fees (62 cases) copyright (16 cases) and other issues (9 cases) over the past two years. Legal proceedings were issued in 24 cases. Satisfaction was obtained for members in nearly all cases.

Members also made 276 calls to the 24-hour Legal Helpline in the past two years for advice on a wide variety of work and personal problems.

Turner said BAJ routinely spends more than £50,000 a year on legal support. This amounts to £50 per member per year. In contrast, the NUJ spent £353,000 on legal fees last year – amounting to £9 per member per year.

This explains, said Turner, why National Chairman Crawford McAfee obtained £54,850 compensation through BAJ when he was unfairly dismissed by the Mail on Sunday while an NUJ colleague of similar age and service who was sacked with him obtained only £27,000 compensation.

Turner said BAJ spent its money where it counted – helping members in trouble.

● See *Conference decisions overleaf.*

Terry is honoured



TERRY O'Hanlon, 64, above, who sadly died a year ago, was elected a Member of Honour posthumously at BAJ's Conference in recognition of his outstanding service to union colleagues regardless of his own long-term ill-health.

The Citation said: "Conference salutes the memory of Terry O'Hanlon, an ace news reporter on the Sunday Mirror, and stalwart member of BAJ since its founding. Terry served as Deputy FOC of the Sunday Mirror Chapel from 2001, when BAJ won recognition at MGN, until his death.

"He played a very active role in protecting the interests of all his colleagues, particularly when the Chapel was left without an FOC/MOC. Conference is proud to honour him."

ELECTION RESULTS

JEAN Carr has joined the NEC for the first time. Jean is an ex-Sunday Mirror writer and the paper's MOC in Manchester and Chapel Clerk in London, ex-Sunday Express and now IPC Media.

She was elected unopposed to the NEC along with sitting members Bob Bayliss, Andrew Golden, James Hole, and Crawford McAfee.

At a subsequent NEC meeting, Crawford was re-elected National Chairman. Under union rules, the National Chairman is elected from among members of the NEC and can serve only one term, but Crawford was the only candidate.

Time for MGN to play fair

A WORK-TO-RULE by MGN members in August, involving a ban on overtime and taking screen breaks and meal breaks, proved to be ineffective.

This limited range of options allowed by law for a work-to-rule meant, unfortunately, that it did not cause any discernible disruption to production of the Daily Mirror, Sunday Mirror or The People.

At the same time, the Company ignored the message behind the work-to-rule that members wanted the Company to come to fair arbitration or have meaningful discussions with BAJ negotiators to settle the outstanding issues in the 2007 House Claim.

A joint meeting of the BAJ MGN Chapelets then decided to hold another ballot of members with only one question on the official ballot paper: Are you prepared to take part in industrial action consisting of a strike?

In the first ballot, members had two questions on the ballot paper: They voted 80-27 in favour of the work-to-rule and

61-46 in favour of strike action. The strike vote fell short of the necessary majority to comply with BAJ rules. (See *Conference decision below.*)

In the second ballot, members voted 54-40 against having a strike. So the Company's offer of a 3 per cent rise plus some improvement in graduate trainees' pay and sick pay was accepted.

Steve Turner said: "The 3 per cent offer was pretty derisory considering that RPI inflation was 4.4% at the relevant time, that the Company's Nationals Division made operating profits of £80.2 million last year and that Chief Executive Sly Bailey got a 41.8% increase all to herself.

"But negotiations had dragged on for 11 months and members probably felt it was time to call it a day, get the money

on offer and see what the 2008 House Claim brings.

"The dispute reflected badly on the Company. It dragged out negotiations, contrary to the procedural agreement. It then refused to settle differences by normal conventional arbitration, insisting instead on rare pendulum arbitration which would have favoured the Company. The Chapelets obviously couldn't accept that and were forced into industrial-action mode.

"Hopefully, the Company will be more generous in 2008 to the journalists whose talents make such an enormous contribution to MGN's wealth."

■ Conference voted unanimously to change Rule 15: Employment Disputes, Clause(d) to say: "The General Secretary shall have power to authorise industrial action by any Chapel Branch provided the ballot shows that a simple majority of the votes cast are in favour of the action." Steve Turner said "A simple majority is used by most if not all unions, including the NUJ"

2007 SURVEY

BAJ is now conducting its 2007 survey on the earnings and conditions of freelance and staff members. A questionnaire is enclosed. Please complete it as soon as possible.

Please use the enclosed form to sign up a member

BAJ CONFERENCE

NINETEEN members attended the biennial conference on September 19 in London. National Chairman Crawford McAfee conducted proceedings superbly. In 2hrs 15 mins, he steered through the General Secretary's Report, the Financial Report, an important rule change and 12 complex resolutions. The decisions are set out here. The resolutions have been sent to the appropriate media chiefs and Government ministers.

SHARE PROFITS FAIRLY

This Conference believes that the decline in the circulation of print publications would slow considerably if Companies would only invest more in editorial, pay better salaries and fees, stop sacking and overworking staff journalists and stop exploiting freelances.

Conference condemns the greed of senior executives and institutional shareholders whose only concern for their titles seems to be to take as much money out of the business for themselves as they possibly can.

Conference applauds legendary editor Harold Evans, magazine tycoon Felix Dennis and media commentator Ray Snoddy who have publicly deplored the obsession of newspaper bosses with making profits to the exclusion of public service.

Conference calls on media chiefs to stop raiding the coffers so that editorial investment can be increased substantially and the cake can be shared more fairly with staff and freelances.

DOUBLE FEES FOR FREELANCES

This Conference is concerned that freelance fees, which have been in decline for some time, have worsened dramatically in the past year. As a result, many freelance members are having to work long hours and miss holidays to scrape a living.

Media companies seem determined to underpay freelances regardless of how much time and effort they put into preparing material for publication or broadcasting.

Media companies are also unreasonable in only paying a kill fee when a satisfactory commissioned article is not used. The journalist has done the work and should be paid fully for it.

Freelance journalism seems to be the only sector of self-employment where the customer sets the price and claims the moral right to cut the price at will.

Freelances are the lifeblood of the media and deserve much better treatment for their enterprise, flexibility, commitment and hard work.

Conference therefore urges media employers to double their rates to allow freelances to have a reasonable standard of living.

Conference also advises freelance members to confirm a commission price to avoid possible disagreements later on. It also advises established freelances to

aim to work for not less than £250 a day on commissioned assignments.

COPYRIGHT ROBBERY

This Conference regards the continued attempt by publishers to get freelances to sign away their right to a fair share of earnings from electronic outlets and syndication as blatant robbery.

Conference advises all freelance members to refuse to sign away their syndication and electronic distribution rights unless they are given an agreement to share the proceeds.

Meanwhile, BAJ again asks media employers to play fair and meet journalists' representatives to work out a mutually advantageous electronics agreement.

PROVINCIAL PAY SCANDAL

This Conference again deplores the fact that weekly provincial journalists continue to receive poverty wages despite most employers enjoying good profits over the years. Weekly provincial journalists are probably the lowest paid of all professional people.

Conference believes that the decline in provincial circulations would slow significantly if well-paid senior journalists were employed and offices were properly staffed.

Conference asserts that weekly journalists are educated people, usually with a degree, who deserve to be much better paid for their contribution to society and company profits.

Conference, therefore, urges weekly provincial employers to implement the following minimum scale in everyone's interest. A starting rate of £16,000 for 21-year-old trainees, rising by £1,600 a year to a minimum senior rate of £30,400 at the age of 30.

GOOD LAWS, BUT NOT ENOUGH

This Conference welcomes the many new employment laws introduced by the Government which benefit freelances, working families, full and part-time employees and fixed-term contract staff as well as allowing all employees to achieve union recognition rights. The new laws create a fairer work environment which can only help management, shareholders and nation as well.

However, the new laws still do not go far enough to protect staff and workers



BAJ leaders (l-r): Bob Bayliss, James Hole, Steve Turner, And

properly against the overwhelming might of the employer. Conference, therefore, calls on the Government to include the following improvements in future legislation

UNLIMITED COMPENSATION

This Conference believes it is wrong that the compensatory award in unfair dismissal cases is capped - currently at a figure of £60,600.

Under the present limit, many journalists, particularly anyone in a final-salary pension scheme, are denied part of the compensation due to them at a time when further full-time employment is almost impossible to find.

Removing the limit would not only allow a wronged journalist to be compensated fully, it would also encourage bad employers to think twice before irrationally dismissing an employee without just cause.

Conference, therefore, calls on the Government to remove the cap on the compensatory award altogether.

Conference is also concerned that only £30,000 of a redundancy payment or a tribunal award is tax free and this limit has been in force for more than 20 years. The figure would now be more than £60,000 if it had kept up with inflation.

Conference believes that compensation for loss of office for whatever reason should be tax free without limit. Compensation is rarely a substitute for a job and anyone who has been unfairly dismissed needs the maximum financial support to help him/her pick up the pieces and find another job or career.

Conference, therefore, calls on the

Government to remove the limit on the tax-free element of compensation for loss of office or at the very least raise the present £30,000 figure to at least £60,000 in line with inflation.

NO COMPULSORY REDUNDANCIES

This Conference believes that redundancies have gone too far in the media. Most journalists are overworked and scrambling to do their job these days. It is impossible to maintain professional standards with the inadequate staffing levels prevailing in most offices.

Conference, aware that most Companies are making good profits, declares its opposition to compulsory redundancy and pledges support for members who fight to stop the brutality and hardship of enforced departures.

Conference is concerned that redundancies are usually rushed, leaving would-be volunteers with insufficient time to assess their options.

Conference believes more volunteers would come forward if a volunteers' list was kept open for at least a year. People would then have time to investigate whether a redundancy package would be enough to finance a career change or a new life somewhere.

Conference, therefore, calls on the Government to make it law that employers should keep open a volunteers' list for at least a year and impose a ban on compulsory redundancies unless a Company can demonstrate that it is in financial difficulties and/or that the work involved in a particular job is genuinely no longer required.

VOICE SUCCESS



Golden and Crawford McAfee

DISCIPLINARY HEARINGS AND GRIEVANCES

This Conference is concerned that staff journalists rarely get treated fairly at disciplinary hearings. Managers taking the initial or appeal hearings invariably back up the Managers making the complaints. BAJ officials have witnessed this at Mirror Group Newspapers, News International and elsewhere.

It is unfair to receive a warning without justification at first or second disciplinary hearings and even more unjust to be dismissed without good cause.

Conference believes that an employer would think twice about warning or backing an employee unreasonably if any appeal was heard by an independent chairperson who might overturn the decision and might be critical of the employer's behaviour.

Conference calls on the Government to make it law that any appeal against a disciplinary warning or dismissal for gross misconduct must be conducted by an outside independent chairperson appointed by ACAS.

BAJ officials have also found that, as with disciplinary hearings, managers taking a grievance hearing or appeal hearing usually back up any Manager against whom a complaint has been made. Conference therefore calls on the Government to make it law that appeal hearings of grievance complaints should also be conducted by an outside independent chairperson appointed by ACAS.

Conference is also concerned that employers often refused to allow grievance and disciplinary hearings to be tape-recorded, leading to disputes and

difficulties over inadequate Management notes of the hearings.

Conference calls on the Government to make it law that anyone involved in disciplinary or grievance hearings must have the right to record the proceedings.

PROTECT UNION OFFICIALS

This Conference believes that BAJ and other unions are extremely fortunate to have members willing to volunteer to serve their colleagues as workplace officials. The work can be stressful and time-consuming. Officials also run the risk of being dismissed on trumped-up charges by bad employers for doing their union work conscientiously.

Conference believes that the victimisation of any union official for selflessly serving his or her colleagues is a terrible crime which must not be tolerated by society and punitive damages should be imposed.

Conference, therefore, calls on the Government to make it law that any workplace union official dismissed unfairly on the grounds of trade union discrimination should have the choice of reinstatement or receiving three years' salary without any ceiling or taxation.

PENSIONS CRISIS

This Conference is alarmed by the continued decline in the number of Company final-salary pension schemes and at the same time does not believe that the Government's Compensation Fund - designed to protect employees and pensioners when a Company goes bust - is generous enough.

Conference calls on the Government to make final-salary schemes compulsory and to make it law that pension monies are kept separate from company finances so that pension funds remain safe in the event of a winding up.

One of the reasons for a shortfall in many pension schemes is that Companies took surpluses and pension holidays from their schemes.

The Chancellor should recognise that a pension surplus belongs to the employee contributors, not the Company or the Executive. Companies should not be allowed to seize any surplus.

Conference also calls on the Government to restore the dividend tax credit for pension schemes, the loss of which is a major contribution to the continued withdrawal and collapse of final-salary schemes.

KEEP SOURCES SECRET

This Conference welcomes the announcement from the Attorney General's Office that a review is to be conducted of the law on contempt of court.

Conference believes that the public good is best served by the identity of Press informants remaining secret. Otherwise, people will not reveal wrong-doing in high and low places.

Conference therefore calls on the Government to amend Section 10 of the Contempt of Court Act to permit journalists to protect their sources no matter what the circumstances.

SLAVE LABOUR

This Conference is dismayed that employees can be sold like slaves - as per recent Trinity Mirror sales. Even though terms and conditions are protected, sold employees face the consequent risk of compulsory redundancy and loss of pension entitlement.

Meanwhile, the old employer pockets any proceeds from the sale even though the sold employees helped build up the business.

Conference urges the Government to make it law that employees should share at least 25% of any sale proceeds and employees must not be subject to compulsory redundancy for five years in the new company unless a Company can demonstrate that it is in financial difficulties and/or that the work involved in a particular job is genuinely no longer required.

Conference also urges the Government to make it law that any new owners must maintain existing pension entitlement, including any final salary scheme, and any entitlement to early retirement benefits.

COMPULSORY FAIR ARBITRATION

This Conference reiterates its view that industrial action causes unwarranted damage to the nation's businesses and employees and their families and the public. Conference therefore believes disagreements between newspaper employers and journalists should be settled by binding, independent arbitration.

Conference is dismayed that Mirror Group Newspapers has frustrated its arbitration agreement with BAJ by refusing to go to arbitration over the 2007 House Claim unless the BAJ Chapels accept that it is conducted in accordance with a rare form of winner-takes-all arbitration known as pendulum arbitration.

This almost unknown form of arbitration requires the arbitration panel to accept the case of one side or the other and denies the independent panel the opportunity to make an award which it believes is more reasonable than the case of either side.

Pendulum arbitration is confrontational whereas the normal form of arbitration is conventional arbitration which allows the panel to listen to both sides and then decide what the award should be. ACAS says conventional arbitration is used in 99.9% of cases.

Conference calls on Mirror Group Newspapers to honour the BAJ/MGN 2002 procedural agreement which clearly relates to conventional arbitration, given that rare pendulum arbitration was never mentioned at the time the agreement was negotiated and signed.

Conference also calls on the Government to make it law that disagreements between employers and employees must be settled by binding, independent arbitration to prevent strikes causing disruption and hardship to the public, employers and employees. The parties to be free to choose the form of arbitration, but, in the absence of agreement on it, conventional arbitration must apply.

However, in the absence of binding conventional arbitration being required by law or house agreement, Conference instructs the National Executive Committee to give full support to BAJ members who are forced to take lawful strike action in defence or betterment of terms and conditions and jobs and the protection of Chapel officials.

JOB CHEATS

This Conference is extremely concerned that hundreds of subs, artists, reporters, writers and photographers are being denied proper employment rights on national newspapers and magazines.

These journalists are treated as casuals and freelancers when they work regularly for the same publication every week and are clearly employees in law.

Most of the affected journalists are afraid to ask for their rights in case they are told not to come to work again and end up losing their engagement, inadequate though it may be.

Thus, media companies keep the journalists in limbo and so deny them equal treatment with those on staff contracts as regards pay, holidays, expenses, sick pay, life insurance, pensions and redundancy terms. The Companies also evade substantial payments of national insurance.

Conference calls on the Government to give draconian powers to employment tribunals to crack down on the rogue bosses:

- Make any employer, who fails to issue any employee with a written statement of employment particulars within two months of beginning employment, as currently required by law, pay compensation of six months' salary to the employee. If the employee is subsequently victimised, the employer to pay compensation of another year's salary to the employee.

- Make any employer, who fails to deduct income tax from an employee, pay the full tax to HM Revenue and Customs, and not the employee.

Picture: Jill Scott

Freelance forum



By Jane Furnival

A MEMBER sold a name and contact number to a features writer/editor at the Daily Mail for £1,000. Their written agreement was £500 to be paid upfront, and £500 when the story came out.

She didn't receive any payment by the time the story appeared, so checked with Accounts (a good strategy as clerks tend not to lie). No money had been processed.

Our member went back to the commissioning editor who agreed to 'put through' £500, but not the rest. After an argument, she suggested paying the remaining £500 to the case study whose name and number had been supplied.

Apparently the case study had complained about how the story was presented - the editor in question wrote it up in a way that broke every assurance given.

Guns

Our member stuck to her guns. She had agreed to pay her case study £500 and intended to do so, when she was paid herself. She was paid.

It's just as bad in Sussex: "Sussex Life magazine gave me a written commission on a celebrity feature, at a measly £200 words and photos package," writes a member. "After the job was done, the editor denied it was a commission - even after being reminded of his promise in writing - claiming he'd only asked to consider the material when supplied." Our member intends to complain to the publisher, which usually works.

FEETWATCH

I nearly wrote 'Crimewatch' here because some of these rates verge on theft of members' time and talent.

My Weekly magazine offers £250 for a 1000-word celebrity feature. Yours is hardly better at £300 for the same. A weekly women's magazine paid £300 for 800 words, but a similar magazine paid £800 for a page of 'real life' plus picture research.

It is better to offer your celebrity features to *Best* magazine, at £650 for 1000 words, and, better still, go to *Closer* (£850) or *Hello!* (£1,000). Just remember the BAJ NEWS report from a member whose work *Hello!* sat on, then offered £200.

Woman's Own paid £250 for a health page. *That's Life* magazine £1 a word on health and lifestyle features.

Sunday Express £400-£550 for a feature of 1200-1500 words. *Sunday Times* £500 for a 1200-word interview. *Daily Telegraph* £495 for 1500 words of a question and answer interview and £350 for a 700-word feature. *The Daily Mail* £1,200 for a 1500-word interview.

London Evening Standard £300 for a 700-word feature and £500 for 900 words. So angle for a longer word count when you sell the *Standard* an idea.

BAJ will miss Christine



Garbutt: Concerned

by Steve Turner

CHRISTINE Garbutt, a leading figure in the BAJ, has sadly died, aged 68. She was a tough Fleet Street journalist with a very soft centre.

She was born into a Fleet Street family. Her father Jack Garbutt was News Editor of the Sunday Express. The buzz of journalism filled her childhood and she loved it.

She longed to join her father's exciting world and, on leaving school, became a junior reporter on a local paper in Hayes, Middx.

Invited

Then Hugh Cudlipp, MGN's eminent newspaper chief, invited her to join the Group's new weekly paper for youngsters. That was 1956 and she was only 18.

So began a relationship with the Mirror Group which lasted for most of her working life until she was made redundant in 1997 during the wicked Montgomery era.

Christine could drink, smoke and play poker with the best in the money-rich, good old days in Fleet Street. She was admired for her fearlessness and her determination. She did features, undercover investigations, reviews and diary work with flair and perception.

Along the way, she married twice and had three children. She lived with the late Chris Lander, the great Mirror cricket writer, for more than 20 years and enjoyed the glamorous world of the English Test circuit with him.

Her children always came first. Equal second came her career and her social conscience. She served on numerous committees, including being the Chairwoman of Governors at her local school, a member of the Daily Mirror Chapel Committee, a member of the BAJ National Executive Committee from 1997-2003, and a member of the Council of the Journalists' Charity from 1993 until her death. She was also a Vice-President of the charity.

The strength of her gregarious personality and her concern for others shone through at her funeral in St Joseph's church, Highgate, London.

The church was filled with several hundred mourners. Journalists were outnumbered by personal friends and admirers.

All came to show appreciation of Christine's enriching effect on their lives. Alastair Campbell gave the oration.

I knew Christine for more than 30 years. She was a superb journalist and a good person. She always stood up to be counted. She definitely left the world a better place. I am proud to have been her friend and I and BAJ will miss her.

Your finances

BAJ finances are under considerable strain from legal bills, as the accounts below show. Fortunately, we have reserves to keep things ticking over satisfactorily. October's £9,788.50 monthly subs provide an annualised income of £117,462.

Our management accounts from 1 January until 31 October are:

INCOME			
Advance/arrears subs	5,400.00	February	9,583.50
Donations	10,044.76	March	9,533.50
Bank interest	383.67	April	9,458.50
Legal fees for compromise agreements	850.00	May	9,621.00
Dividends	0.76	June	9,653.50
Sale of mobile phones	81.93	July	9,626.00
Subs received		August	9,771.00
January	9,591.50	September	9,736.00
		October	9,788.50
		TOTAL	113,124.12

EXPENDITURE			
Legal expenses/Defence premium	15,606.24	Mobile telephones (2)	657.96
Legal advisers' retainers	20,476.64	Computer support	284.00
Other legal bills/court charges	16,425.27	Website	149.96
Legal adviser's, NEC's and FOC's insurance	1,222.60	Equipment Fund	1,072.99
Books, mainly legal	18.99	Photocopying	456.02
Tax Helpline	998.78	Postage	788.64
BAJ Press Cards	141.85	Stationery/printing	1,839.39
UK Press Cards	498.09	Secretarial	5,166.10
Student Press Cards	30.00	Bookkeeping	895.00
Company search fees	101.65	Audit fees	2,085.62
BAJ NEWS	2,583.36	Bank and BACS charges	339.00
Bonny payments	600.00	Office rent	3,254.04
Conference	197.50	Office rates	1,268.40
MPA/IRD affiliation fees	421.75	Office water rates	276.38
Pay/NIC (S. Turner)	16,458.00	Office Insurance	589.23
Pay/NIC (D. Thomas)	15,738.08	Sundry expenses	1,657.89
Keyman insurance	606.50	TOTAL	115,830.52
Telephones (4)	2,394.60	TOTAL INCOME	113,124.12
Facsimiles (2)	530.00	TOTAL EX	115,830.52
		IN HAND	-£2,706.40
		Previous surplus	£15,918.48

Stories please

PAT Welland of the Daily Mirror and I are writing a social history of Fleet Street from the golden age of the Sixties to the great diaspora of the Eighties. We would be pleased to hear what it was like to be there, in news, features, sport or pictures, on the art desks or on the stone.

We want the secretaries' stories as well as the journalists' stories. We invite everyone to recall the heavy baggage and the anecdotes gaining in the constant retelling. Kindly send them to: fergjim@aol.com or patwelland@hotmail.com

Fergus Linnane

Key Facts

- RPI INFLATION: January 1987 - 100, Oct 2007 - 208.9. Rise in past year 4.2 per cent.
- AVERAGE EARNINGS: 2000 - 100, Sept 2007 - 132.4. Private sector rise in the past year, including bonuses, 4.4 per cent.
- UNEMPLOYMENT: At 30 Sept was 1,670,000. Down 47,000 on the year.
- HOUSES: Halifax national house price index: 1983 - 100, Oct 2007 - 638.4. Annual change 8.9 per cent.
- MOTORING: AA's system for mileage rates for cars averaging 10,000 miles a year: Car cost new up to £10,000 - 36.44p a mile. Car cost new £10,000 - £13,000 - 44.01p a mile. Car cost new £13,000 - £20,000 - 56.84p a mile.