

BAJ NEWS

No 67

November 2012

YOUR UNION NEEDS

APPLICATIONS are invited for the post of Acting General Secretary of the BAJ with a view to becoming the union's permanent leader.

The job is hard work, but it is very worthwhile and rewarding to be helping members – staff and freelances – with their problems.

The salary is £30,000 a year, subject to annual review. The hours are at least 8 hours a day for five days a week. There are no overtime payments. The holidays are four weeks, plus bank holidays.

Applicants will be interviewed by a panel of the National Executive Committee.

Apply to: Crawford McAfee, National

Chairman, BAJ, 89 Fleet Street, London EC4Y 1DH. Please send cv and a letter, up to 150 words, saying why you want the job. Closing date: Noon on Monday, 7 January.

Steve Turner will continue to work two days a week to help the Acting General Secretary and cover his or her holidays.

The union has been going through a difficult time financially and work-wise – in common with members, other unions and the national economy.

As you know, General Secretary-elect Denis Richardson, had to stand down last year because BAJ could not afford to continue paying her a salary

YOU!

LEADER WANTED



Steve Turner: Happy to continue helping out

of £35,000 and Denis could not afford to work for £30,000.

This was regrettable because Denis was doing a good job.

Our financial reserves are much healthier at the moment because Steve

Turner has not taken any salary for the past two years (see enclosed audited accounts for 2011 and the latest Management Accounts on the back page).

However, our income can only sustain a salary of £30,000 for the General Secretary at the moment.

That's why the biggest challenge facing the union is to increase membership. It is marking time at the moment when we need a lot more recruits to be able to improve services to members and improve staff salaries.

Fortunately, we are better off than the NUJ which has lost 19% of its members

in the past five years and has just had to make six staff redundant.

BAJ can be proud of its achievements on behalf of freelance members, and staff members at Mirror Group Newspapers and other offices during its 20 years' history.

We've defended hundreds of members, ranging from helping Matt Driscoll win £792,000 for disability discrimination to helping freelance photographer Seb Beeson recover £1,830 in unpaid fees.

BAJ needs a dynamic new leader to take the Union to greater glory. Are you willing and able to take the torch from Steve Turner?

Rommel is at it again!

ROMMEL (aka David Montgomery), having been run out of Europe, is now invading our British local newspapers.

He was ousted at News International, Mirror Group Newspapers and Mecon Group in Europe (which he founded) because he is a nasty person.

Montgomery was called Rommel by MGN journalists because he was the enemy. Although twice a Fleet Street Editor, he only brought savage cost-cutting to the MGN and Mecon agendas.

Now Montgomery has formed a new company, Local World Ltd, with the aim of asset-stripping what little is left of local newspapers in Britain. He has

David Montgomery: Bad news



joined up with Hiffe Media and News which has 31 titles and with Northcliffe Media which has 77 local titles. Trinity Mirror has also taken a 20% stake in Montgomery's company.

Locals do need radical reform to obtain better funding. They are now so starved of staff and resources that they are no longer capable of carrying out their democratic duty of public watchdog.

What locals do not need is Montgomery coming along to squeeze the last drop of blood out of them.

Real cause of hacking

LORD Leveson's recommendations on a new regulatory regime to improve ethics and standards in the Press and on new rules for relations between journalists, police and politicians may be out before this newsletter reaches you.

Let's hope he's understood that Fleet Street's illegal activities stem fundamentally from bosses slashing budgets and staff unreasonably, causing Editors and senior executives to bully remaining journalists into cutting corners on stories.

It's a pity Lord Leveson rejected BAJ's call for an anonymous survey of Fleet Street newsrooms to enable journalists

Leveson: Missed chance



to speak freely about unlawful or unethical practices on their newspapers and the causes. He missed the chance to find out the whole truth.

Lord Leveson needs to tell Parliament to implement BAJ's call for media companies to be made into trusts so that profits are spent on reviving staffing levels, quality journalism and circulations rather than on lining the pockets of greedy bosses.

Anything less will be fiddling while the Fourth Estate burns.

Please use the enclosed form to sign up a member

turn to centre pages

BAJ FIGHTS ATTACKS

Cable's unjust plan

MANY journalists who are sacked unfairly will be denied adequate compensation if new Government proposals go ahead.

Business Secretary Vince Cable is consulting on proposals to reduce the present £72,300 cap on compensatory awards – in response to calls from small businesses.

BAJ has long lobbied Government departments to remove the cap because it prevents reasonably-paid journalists being fully compensated for their loss of present and future income and pension and insurance benefits.

To lower the cap would simply make the present unjust situation even more biased against professional workers.

BAJ has frequently helped members earning £40,000 or more to obtain the maximum compensatory award in employment tribunal cases. Even so, any

award has usually been less than a member's loss of income and benefits.

It is hard to understand why small businesses are complaining about high awards.

Employees of small businesses rarely earn enough to be eligible for substantial compensation.

The way tribunal claims are talked about these days, you'd imagine it was a simple matter of turning up at the tribunal to be awarded a fortune. That is far from the truth.

Mr Cable's own consultation document



EMPLOYMENT protection is under attack from the Government. It has already introduced a number of harmful new laws and is currently consulting on further plans to weaken legal rights. The BAJ NEC has urged Business Secretary Vince Cable (left) to drop the proposals. The dangers are set out here.

points out that the median average award is around £5,000 and has been at that level for the last six years. Only 2% of awards

were above £50,000.

Another dismal fact is that the majority of claims for unfair dismissal are withdrawn or lost. Some gray train.

The consultation document is seeking views on two proposals:

- A cap of up to a year's pay (limited to the current national average salary of £25,882 a year).
- A reduced cap of, say, £30,000 or £40,000 or £50,000.

Tribunal awards currently have two elements. The compensatory award of up to £72,300. A basic award of up to

Staff face jobs swindle

A CHARTER for bullying and trumped up disciplinary charges which will rob employees of their jobs and legal rights is, in effect, being proposed by Business Secretary Vince Cable.

Mr Cable's latest attack on employment rights is a proposal to allow employers to offer a pay-off to staff facing disciplinary proceedings over such issues as poor performance, conduct or time-keeping.

Should an employee decline a pay-off, any discussions about it would not be admissible as evidence in any subsequent unfair dismissal proceedings. They would be "protected conversations." So any coercion would remain hidden.

If terms are agreed, the employee will have to sign a settlement agreement (with advice from a lawyer who has to sign the agreement as well) waiving the right to take legal action against his or her company.

The consultation document says, astonishingly, that settlement agreements

will help employers and employees to part company "in a fair and consensual way."

Settlement agreement is to be the new official name for compromise agreements which many journalists have been required to sign for years when they have been given enhanced redundancy terms by their companies to stop them suing for more money if they believed they were unfairly selected.

Shameful

Compromise agreements are shameful enough, but at least media company redundancy packages are usually half decent. The new "fair and consensual" pay-offs are unlikely to be worth very much.

If Vince Cable's proposal becomes law an employer who wants to be rid of a journalist or whoever because his or her face does not fit or whatever will simply concoct some unwarranted or trumped up disciplinary charge.

He will then tell the employee in a

protected conversation: "I'm willing to give you a generous payment of £1,000 to go now. If you don't, you will be found guilty at the hearing and will probably be dismissed with nothing."

Even if the employee feels that the disciplinary charge is unjustified or phoney, he or she may well feel pressured into accepting a puny pay-off rather than risk being fired without a penny at a kangaroo court later on.

There is to be a Statutory Code of Practice to give the parties certainty on the pay-off process. The Code is will say: "No undue pressure should be put on a party to accept the offer of settlement." The reality is sure to be different.

The consultation document says the Government wants a labour market that "is fair with employers competing on a level playing field and workers provided with a strong foundation of employment protections."

They are empty words in the light of this and other proposals.

A MEMBER, offered only £12,500 compensation when she was made redundant on a national newspaper has won a total of £96,000 in two employment tribunal cases.

Our member, a regular casual, was successful with one claim for unfair dismissal and sex discrimination and another claim for equal pay.

She was doing two regular double shifts and was handling important assignments when she and two other women journalists were made redundant with indecent haste.

The announcement of compulsory redundancies, collective consultation individual consultation and selection was completed in 48 hours.

Scandal of misused pension funds

JOURNALISTS who've suffered the loss of final-salary pensions are being sold short in their new defined-contributions pension schemes.

As a result, already inadequate defined-contributions pensions will be 50% lower than they should be when journalists come to retire.

The scandal has been exposed by pensions expert David Pitt-Watson in a report for the Royal Society of Arts.

Final-salary pension schemes are called defined-benefits (DB) schemes because the benefits are defined as a proportion of final salary. The employer pays pensions for life and has to meet any shortfall in funding.

Defined-contributions (DC) schemes are individual. The employer only undertakes to make DC payments until

an employee retires. The actual pension is bought from the value of an individual's pension pot at that time. The employer has no further commitment.

DC schemes are fundamentally inadequate because employers usually contribute far less towards them than they used to contribute towards DB schemes.

The extra problems which Mr Pitt-Watson exposed in DC schemes are these:

- Journalists and others are usually given the option of investing their contributions and their company's contributions, into one or more funds of a pension company such as Fidelity, Aviva or Standard Life.

The charges on investments usually range from 1.5% to 3%. These charges don't sound excessive, but over a long period of, say, 30 years, they take a huge slice out of an individual's pension pot.

- The funds available to journalists in their company's DC pension scheme are usually labelled risky, less risky and safe.

Most journalists obviously know little about investing and opt for the less risky and safe funds for fear of losing all their money.

Unfortunately, risks have to be taken to accumulate a decent pension pot.

The combination of excessive charges for investing contributions and poor returns on investments has a devastating effect on the final pension pot.

These revelations show that journalists and others face a drastic drop in living standards when they retire unless something is done about the problem.

There is a simple solution which is practised successfully in Holland and Denmark. It is for companies to invest all the employees' and their contributions into

a collective fund run by experts.

In this way, the experts can take calculated risks because of their expertise and the charges of fund managers will be substantially minimised because of economies of scale.

The change could be effected quite easily in our industry. All the big newspaper groups still have investment teams in place managing the vast sums of money in their closed final-salary pension schemes.

These investment teams could easily handle the money pouring each month into the DC schemes.

BAJ is writing to the pension officers of the major newspaper groups to ask why their DC payments are being put into individual funds when much better returns and lower funding costs could be obtained from collective investment.

We will let you know the response.

ON JOB RIGHTS

to cut awards

£12,900, depending on wage, age and service. This basic award is to remain.

Compensatory awards will remain uncapped for sex, disability, race and age discrimination. This is a mere gesture because the success rate for such cases is only 3% or less.

The Coalition has already introduced many adverse changes to employment rights and tribunal procedures, including:

- Compensatory awards can be capped unfairly in the first two years of employment without any legal redress. The period under Labour was one year.

- From next June, tribunals will start to charge claimants £160 to lodge a claim and another £230 to hear a claim. The charges are obviously designed to deter claims.

The alleged reason for reducing the cap on compensatory awards is to improve the certainty of how much money businesses will have to pay if they lose a case at the tribunal. But most employers belong to some trade

organisation which will tell them how punitively awards are.

In fact, the Government is going to print the level of median average awards and the average length of time it takes to reach a hearing on claim forms and in guidance notes. Workers and employers will, therefore, know the score from the beginning.

The consultation document says the vast majority of claimants would be "unaffected" by reducing the cap. Only a very small number of claimants would "receive lower awards in the future."

Why victimise a small number of deserving journalists and other professional staff who've been badly treated by their employers?

A reduced cap will only benefit big employers who are more likely to employ some staff on high wages. It would not benefit small businesses.

So BAJ has told Mr Cable: Leave the present maximum alone – or, even better, take the cap off altogether.

FOOL'S GOLD

CHANCELLOR George Osborne has come up with another dotty idea to deprive workers of employment rights.

He has proposed that companies could offer employees shares worth between £2,000 and £50,000 – exempt from capital gains tax – in exchange for sacrificing rights over unfair dismissal, redundancy and flexible working.

The scheme would be optional for existing employees, but companies can choose to offer only employee-owner contracts to new personnel.

The scheme might have some merit if it applied to share offers of £50,000, but you can be certain that most firms would seek to deprive employees of employment rights with shares worth only £2,000.

People who are desperate to keep their job or to obtain a job are bound to feel compelled to give up employment rights in exchange for £2,000-worth of shares if that is the only deal on offer.

Fortunately, surveys have shown that the majority of companies see the proposal as undermining trust in businesses. Lawyers also say the shares-for-rights plan will breach EU employment laws.

TRIUMPH! Part-timer wins £25k

OUR member was busy subbing a page lead on a national newspaper when he was abruptly and most unexpectedly called into a side office by his boss.

The boss told him that his services were no longer required from that moment on. No complaints, nothing amiss, simply hard times and budget cuts, he was assured, despite a new casual starting work that same day.

No need to finish subbing the page lead, he was told, the Chief Sub would deal with that. Just leave the building immediately.

So ended nine years of working every Friday without a misheum of regard for employment laws.

A subsequent letter from the Managing Editor said: "Thank you for your loyal service and I wish you luck for the future." Hypocrisy was heaped upon illegality.

Crime

Our member's crime was being a regular casual. He was one of the army of regulars on national newspapers who are denied staff benefits and treated as disposable regardless of the law.

Mostly employers get away with it because people don't want to burn bridges or they are given bad legal advice or they can't face litigation or they can't afford legal action if they are on their own.

Our member was kicked out with shut-up money of £6,600, but he was not going to shut up because he should not have been unfairly dismissed. He would also have been given more than £15,000 if he had been made redundant properly as a recognised staffman.

The employer obviously expected our member to be grateful for small mercies, but he wasn't. Instead, he contacted the BAJ office and the union issued a tribunal claim for unfair dismissal.

The newspaper company tried the usual employer's ploy in these cases. The company denied that there had been an employment relationship.

Never mind that our member had turned up for work, reliably and punctually, week after week, year after year.

Discussions on a settlement moved from a desirous opening offer from the company of £500 to an agreed sum six months later of £19,000. With his initial payment of £6,600 our member had achieved a total of £25,600.

BAJ was pleased to have helped our member give his rotten employer a bloody nose.

£96,000 victory for regular casual

Three redundancies were required in a department consisting mainly of men. Three women were selected.

The selection of two women in a male-dominated department would be suspicious, three smacked of discrimination.

Our member had to sign a confidentiality agreement as a condition of her settlement. So, unfortunately, her identity, her position and the name of the newspaper cannot be disclosed in this report.

The newspaper thus avoids the public shame it deserves.

Men paid more

Our member was never given a contract of employment even though she worked at least four shifts every week for the newspaper for most of her seven years' service. She was also paid less than male colleagues.

Our member was first offered redundancy terms of £12,500, which she rejected. She asked for staff terms which would have given her about £25,000. The offer was only increased to £16,000. So she decided to sue.

She asked for her notice money and statutory redundancy pay and was given £7,500. She was entitled to this without having to sign away her right to sue. Then BAJ issued proceedings on her behalf for unfair dismissal, sex discrimination and breaches of equal-pay laws.

The Company was deceitfully unpleasant

in its defence to the claims. It said alleged casuals, such as our member, were "reasonably competent, but they are neither quick enough nor good enough to be highly valued, mere foot soldiers."

This hurt as our member had always understood throughout her seven years' service that she was doing a good job and was a valued member of a successful team.

A BAJ barrister prepared our member's Schedule of Loss, showing that her future loss of earnings and the cost of her exclusion from the company's pension scheme ran into hundreds of thousands of pounds.

The hearing was fixed to last for seven days. Three days before the hearing, the Company offered £42,500 to settle everything, including the separate equal-pay claim.

On the steps of the tribunal, the Company offered £30,000 without the equal pay claim. Our member kept her nerve and over the next two hours the offers gradually increased to £58,500 which she accepted. This, added to the £7,500 she received at first, made a total of £66,000 – five times the original offer of £12,500.

She then offered to take another £40,000 to settle the equal pay claim. The Company would only put £22,500 on the table. Our member passed. A hearing over the equal pay claim was subsequently fixed.

Shortly before the equal-pay hearing was due to take place, settlement discussions were held. The Company, obviously hiding behind the complexity of equal pay law, didn't want to offer much more than its previous £22,500 offer.

In the end, our member settled for £30,000 to put all the unpleasantness behind her and get on with her life.

Her fight had been worthwhile. Her compensation totalled £96,000. Our member has not been able to find much work in journalism, but she now has a reasonable bank balance to help her build a new career.



Mike Maloney

Snap! Mike's a professor

MEMBER Dr Mike Maloney has added a university professorship to his illustrious list of achievements since becoming a local photographer more than 40 years ago.

Mike has become a Visiting Professor at Lincoln University and will give lectures to aspiring photographers.

Mike began his career on the Lincolnshire Chronicle in the 1960s and rose to become Chief Photographer of Mirror Group Newspapers.

He has won 107 major photographic awards, including being UK Press Photographer of the Year three times. He has an OBE and an Honorary Doctorate from Lincoln University. He is also a Freeman of the City of London.

Mike, now freelancing, said: "It's a great honour to become a Professor at my home town university."

"I'm looking forward to teaching the students a few tricks of the trade as well as offering them career guidance."

Freelance forum

By Joani Walsh

I WOULD like to bring tidings of comfort and joy to the column at this time of year, but I think it's more likely to be the nightmare before Christmas.

Freelance budgets are being cut again - we hear of one supplement where staff have been told words and pictures must cost no more than £600. In total. As in, for the entire mag. Another's has been reduced to £2,000. So not much for us lot, then.

And rates on some of the papers themselves are shocking: the £150 standard payment for a news story, style spread or celeb interview at Metro seems to be matched at the Evening Standard where a news story earned £150.

The Evening Standard payment even took a year to arrive, after a lot of chasing, and - to add insult to injury - the story was bylined to the commissioning reporter. (They do pay a bit more for bigger features, though nowhere near Mail levels). A celeb interview for the Sunday Express didn't fare much better, with £200 paid for knocking on 1,000 words.

Unpaid amateurs

Where rates are still competitive, the problem is, well, the competition, which is greater than ever - not just from former full-timers who have lost their jobs, but also from non-journalists in the form of bloggers and, er, readers themselves.

The Halifax Courier is now employing an unpaid schoolgirl to write film reviews and the Breatwood Gazette has converted a rotating band of its readers into columnists.

Ray of light

The one beaming ray of light shone into the Freelance Forum's increasingly enmeshed corner of late has been an experience with *Take a Break*, which paid £1,000 for the transcript of a case study that had already appeared elsewhere. They were a joy to deal with, sensitive towards the case study (who was also paid) and actually chased the invoice in order to process payment - which came with an invite to the Christmas party!

In comparison we have the Scrooge of a magazine proprietor recently interviewed by a freelance for a specialist title with a tiny circulation. After enquiring how much (or, more appropriately, how little) she was getting paid for interviewing him, he returned to his office and commanded his own commissioning editors to slash her rate when she wrote for his titles to the same tiny amount as they were obviously over-paying her.

Happy Christmas!

THE GOING RATE

Hello!, celeb profile, 4pgs, £500; *Best*, feature, 2pgs, £400; *Bella*, feature, 2pgs, £500; *Woman's Own*, feature, 2pgs, £400; *Woman*, feature, 1pg, £300, 2pgs, £500, 3pgs, £750; *Reveal*, transcript of celeb interview, 1pg, £400; *Clover*, diet, 2pgs, £850; *Healthy*, feature, 2pgs, £360; *Woman & Home*, 2pgs, £600.

Daily Mail, feature, 1pg, £600, 2pgs, £850 (although one fl is paid £1000). *Mail on Sunday*, 1pg, £650; *Daily Express*, health, 1pg, £400; *Daily Mirror*, feature, 1pg, £400, 2pgs, £650; *Financial Times Life & Arts*, 1pg, £350; *The Times*, feature, 1pg, £350; *The Sunday Times*, 1pg, £500.

JANE, A FIGHTER TO THE END



Jane Furnival: Always caring

WE all know the stats. One in three of us will get cancer. But few will face it with as much formidable firepower as Jane Furnival, top freelance and former Editor of the BAJ Freelance Forum, writes Joani Walsh.

She died on 14 May, just one week after she had organised a glorious garden party to celebrate her 55th birthday.

It was three years since Jane was diagnosed, grabbing her breast cancer by the throat and throttling it into surrendering more life than it had originally intended to spare.

When sheer force of will wasn't enough, Jane jetted off to Guatemala to try pioneering treatment not yet available to her in this country and then to Germany to blitz the cancer cells with avian flu.

Jane was informed in June last year that she wouldn't make it to September - but she was too busy organising a three-day festival of sport for her youngest son's 11th birthday to find time to depart on schedule. Even so, Jane wrapped her Christmas presents just in case.

When, last spring, the cancer spread to the lining of her brain and another three-month deadline was issued, Jane continued to make plans for the end of the year while requesting supplies of purple eyeshadow to be delivered to paint over the fact that her eyesight itself was deteriorating.

In the meantime, Jane continued to write chirpily for the *Daily Mail* in a series of articles that nevertheless exposed the misery of the medical profession's attitudes towards those

for whom there is 'scant hope', declaring she would refuse to go quietly and had, instead, 'since I've been dying, been having the time of my life'.

Jane and I exchanged almost daily emails for intense periods before her death that revealed the most kind, compassionate woman far more concerned about the minor miseries in the life of a friend than the premature end of her own.

She faced her future with acceptance and an astonishing lack of bitterness.

Dalliance

Jane recounted to me her early twenties at Oxford (and a dalliance with an actor now starring in a certain popular Sunday night television series) before becoming one of advertising's first female creative directors.

She met Tribb (husband Andy Tribble) 33 years ago, starting a family together and moving into journalism to write for most of the nationals.

She also became a consumer specialist and Queen of Thrift, regularly featuring

on Radio 4's *You and Yours* and ITV's *GMTV*. She presented a primetime BBC series in 2005 called *Smart Spenders* and wrote books on the subject. Before her death, she managed to finish off another two books.

Jane also ran a location and party venue at the family home, an old rectory in Surrey, filled with ghosts, chickens, her beloved dog, Boo, and three strong, handsome young men - sons William, now 25, Charlie, 20 and Henry, 13.

It was here that she died, peacefully, one evening last summer. Hopefully still wearing her purple eyeshadow.

With Jane's help, William put together a film of her life. You can view it at <http://www.youtube.com/watch?v=sHmQ3cHh28&feature=youtu.be>

Your finances

BAJ's 2011 financial audit has been completed (see enclosed accounts). Our auditors, Civvals, of London, W1, found our affairs to be in order. You'll see BAJ had a surplus of £20,453 on the income and expenditure account. The accounts include the Statement to members required under Section 32A of the Trade Union and Labour Relations (Consolidation) Act 1992.

Our Management Accounts from 1 January until 30 September 2012 are:

INCOME

Advance/arrears subs	3,150.75	March	11,403.00
Donations	1,455.50	April	11,440.00
Legal fees for compromise agreements	2,850.00	May	11,426.75
Dividends	2.86	June	11,426.75
Monthly subs received		July	11,382.75
January	11,476.25	August	11,370.00
February	11,423.75	September	11,322.25
		TOTAL	110,130.61

EXPENDITURE

Legal expenses/Helpline premium	5,879.13	Postage	877.66
Legal advisers' retainers	20,963.97	Stationery/printing	575.50
Legal adviser's, NEC's and FOCs/MOCs' insurance	412.97	Bookkeeping	1,030.00
Other legal bills/court charges	75.00	Audit fees	3,420.00
Tax Helpline	1,080.00	Bank and BACS charges	1,545.59
BAJ Press Cards	2,176.23	Office rent	4,050.00
UK Press Cards	964.14	Service charges	728.97
Student Press Cards	142.38	Office water rates	475.49
Company searches	67.92	Office insurance	623.01
PAY/NIC Sian Stevens	16,441.87	Sundry expenses	4,573.38
Pay/NIC (D. Thomas)	9,916.03	TOTAL	80,454.74
Keyman insurance	782.53	TOTAL INCOME	110,130.61
Telephones (6) and facsimiles (2)	2,844.41	TOTAL EXP	80,454.74
Mobile telephone	146.87	IN HAND	£29,675.87
Computer support	193.95	Reserves:	£33,083.00
Website	29.99	Savings:	NIL
Photocopying	437.75		