



Opening stage of employment tribunal FEE REFUND scheme launched



The first people eligible for employment tribunal fee refunds will now be able to apply, the government has announced.

The first stage of the phased implementation scheme comes after Ministers committed to refunding those who had paid employment tribunal fees following a Supreme Court judgment.

Up to around 1,000 people will now be contacted individually and given the chance to complete applications before the full scheme is opened up in the coming weeks. The MOJ are also working with trade unions who have supported claims potentially involving thousands of claimants.

As well as being refunded their original fee, successful applicants to the scheme will also be paid interest of 0.5%, calculated from the date of the original payment up until the refund date.

The opening phase of the refund scheme will last for around 4 weeks. Further details of the scheme, including details of how it can be accessed, will be made available when the scheme is rolled out fully.

The Supreme Court judgment noted that *'fees paid by litigants can, in principle, reasonably be considered to be a justifiable way of making resources available for the justice system and so securing access to justice'*. The court ruled, however, that Government hadn't set the fee at the right level to deliver that outcome.

For those who have paid Employment Tribunals fees, but have not been invited to take part in the initial stage, the MOJ are setting up a pre-registration scheme so people can register an interest in applying when the full scheme is rolled out.

Members who have had their ET fee paid or refunded should note that both the CWU & GMB, will be making group arrangements with the MOJ for central reimbursement of fees previously paid.

Tougher sentences for attacks on emergency staff

Attacks on emergency workers will result in tougher sentences under a new law that has been given government backing.

Labour MP Chris Bryant's private member's bill would double the maximum sentence for common assault against an emergency worker to a year. The Labour MP for Rhondda, called assaults on police and paramedics "a national disgrace". Policing Minister Nick Hurd told MPs the government was "very supportive" of the principles of the bill, telling the Commons that violence against emergency service workers was "intolerable". The legislation will cover attacks on police, prison officers, custody officers, fire service personnel, search and rescue services and certain healthcare workers including ambulance staff. A government spokesperson said: "This crucial change will send a clear message that we will not tolerate attacks on them, and we will work with Chris Bryant and others to ensure those who are violent face the full force of the law." Under the bill, judges will also consider the victim being an emergency worker as an aggravating factor in offences including common assault, actual bodily harm and grievous bodily harm.

The legislation will also give the power to take blood samples, with consent, from people who have spat at or bitten emergency workers and exposed them to the risk of infection, the government said it also creates a new offence of failing to provide this blood sample without good cause.

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EU Withdrawal Bill gets bogged down in political gridlock

The return of the EU Withdrawal Bill to the House of Commons has been delayed until late November at the earliest.

The Bill, formerly known as the Great Repeal Bill, was expected to return to the Commons when MPs came back from the summer recess but failed to do so due to lack of political agreement.

The draft legislation has already passed its second reading, and is now facing several attempts to amend it at the next part of its Parliamentary journey, the committee stage.

Leader of the House of Commons Andrea Leadsom has confirmed there had been *“300 amendments and 54 new clauses”* proposed and that it was *“taking a bit of time to have proper, thoughtful, well-considered responses”*.

The EU Withdrawal Bill will repeal the 1972 European Communities Act, which took the UK into the then European Community and meant EU legislation took precedence over law passed in the UK Parliament. It will also end the jurisdiction of the EU Court of Justice.

Large parts of the laws won't work post Brexit because they refer to EU jurisdiction – it is to address these irregularities that the government has taken the controversial Henry VIII powers.

These statutory instruments will enable the

government to enact *“corrections,”* without reference to Parliament. The government estimates that there will need to be between 800 and 1200 such statutory instruments to ensure the Bill functions properly.

The scale of EU laws to be transferred is huge. The government's White Paper says there is *“no single figure”* but that there are believed to be 12,000 EU regulations (one type of EU law) in force, while Parliament has passed 7,900 statutory instruments implementing EU legislation and 186 acts which incorporate a degree of EU influence.

The total body of European law, dating back to 1958, is known as the Acquis Communautaire.

It binds all member states and in 2010 was estimated to consist of about 80,000 items, covering everything from workers' rights to environment and trade.

Trade unions are concerned that hard won workers' rights could be watered down or lost in the process.

TUC general secretary Frances O'Grady is particularly concerned about holiday pay, agency workers and TUPE regulations.

“Before these rules came in, in 1998, more than a third of part-time workers had no right to paid holidays. Any undermining now of paid holiday for part-timers would hit more than 2 million workers,” said Frances. *“We are particularly worried about the rules ensuring that people who aren't in full-time, permanent jobs get properly paid holidays. Employers often seek to undermine these rights – and unions have frequently had to go to court to make sure workers get their holiday pay in full.”*

On agency workers. *“Bosses lobbied hard to water down their protections, and still too few of them get the same pay as the regular staff they work alongside. EU protections have at least granted agency workers equal access to facilities like staff canteens, and some have received pay rises and more paid holidays,”* said Frances.

“Bad bosses will also be keen to dilute the safeguards for workers when companies are restructuring, being taken over or making redundancies. EU rules ensure that management has to consult their workforces when big changes are being planned, and these TUPE rules protect workers from losing their jobs overnight when part of a company is sold off or a contract is transferred.”

Trade Union members tackle Thames Bridges Bike Ride for the Stroke Association

The CWU, GMB & UnionLine members took part in the Stroke Association's Thames Bridges 35 mile Bike Ride on Sunday 1st October. The team of five were inspired to take on the challenge after their colleague, Maxine Wyss, had a stroke in June.

Fevzi Hussein, Branch President from GMB Communication Workers Union staff branch, said: “Maxine's stroke was a huge shock to us. We really miss having her around the office, but very thankful she's in the great hands.

“We thought what better way to make Maxine smile, than for her to see us in lycra and on our bikes! We want to support other stroke survivors like Maxine, and raise vital funds for

the Stroke Association.”

John Colbert, Marketing & Communications Manager at UnionLine said; “It was a pleasure to join my four friends in doing something I enjoy and for such a fantastic cause. We far outreached our expectations and raised £1,260.00 for The Stroke Association and we'd like to thank all those that contributed.”

Emma Evans, Events Manager at the Stroke Association, said: “With around 1.2 million people across the UK living with the devastating impact of stroke, it is vital that we have people like the team from the CWU & GMB Trade Unions at our Thames Bridges Bike Ride to raise funds and help us conquer stroke.

Stroke
association



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