

LEGAL EYE

Let's Talk Prospect!

Union week 2017 ran from 16-20 October. This is a week where we step up recruitment activities and ask all reps and members to talk about Prospect to colleagues in their workplace.

Marion Scovell, head of Prospect Legal, came over to Belfast for events on 16th October. This was to include an all members evening meeting to look at the law at work, the role of the union in defending and enforcing rights, and the threat of Brexit. But unfortunately the events were cancelled due to the effects of Hurricane Ophelia.

Marion said: "It was disappointing to arrive in Belfast as the offices were being closed and employees advised to head home and batten down the hatches. As the weather prevented the event, we have produced this special



Members at Telephone House, Belfast with Marion Scovell, head of legal, (2nd left) and Claire Mullally, Prospect rep (2nd right)

edition of Legal Eye for members in NI."

The rest of union week was very successful in Northern Ireland, with a range of events being run and lots of

new members recruited. As Philip O'Rawe, Prospect NEC member said on twitter: "Mental note for next year's Union Week in BT Belfast - 100 buns is not enough!"

Prospect members in Northern Ireland

Prospect represents a wide range of workers in NI. This includes members in; telecoms, power generation & distribution, education administration & school development, broadcasting & entertainment, heritage, air traffic control, meteorology, defence and the Big Lottery Fund. Check out the Prospect website for more information on our branches and activity in NI bit.ly/ProspectNI

Recruit a colleague today!

Encourage your colleagues to join us! And remember, members who recruit a colleague can choose a £10

shopping voucher or make a donation to charity. To find out more visit:

bit.ly/2hUEHTA



Legal Services for Prospect Members

Your Prospect membership gives you access to a high-quality, responsive and effective range of legal services.

The union is uniquely placed to assist with problems at work. Our workplace knowledge, combined with legal expertise, provides you with an invaluable service.

Members are also eligible for advice from specialised lawyers on personal injury claims. Unlike many other firms, you can be certain that you will always retain 100% of your damages payments.

Our legal advice scheme covers:

- ✓ rights at work
- ✓ personal injury
- ✓ LegalLine telephone advice service
- ✓ regulatory, professional and criminal law
- ✓ other legal services on; defamation, clinical negligence, wills and criminal injuries compensation

For details of legal services including terms & conditions for advice visit:

www.prospect.org.uk/legal

Accessing advice

- ✓ For information, advice and queries relating to membership call the Prospect Member Contact Centre on 0300 600 1878
- ✓ For employment law & issues at work contact your Prospect rep or your full time negotiator
- ✓ For personal injury & accident claims call 020 7902 6624
- ✓ For non-work related legal matters call the LegalLine on 0808 2819328
- ✓ Bectu sector members (non C&D or BT) for non-employment issues call the solicitors helpline on 0800 587 1278

Rights at work factcard

Prospect has produced a factcard outlining your legal rights at work, especially for members in Northern Ireland. It is available at: bit.ly/1UywnYq



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Workers' rights in Northern Ireland

Workers in Northern Ireland have fortunately not been subjected to the drastic cuts in employment rights that have occurred in Great Britain. As employment law is a devolved matter in NI, the changes to the law in GB have not been imposed.

In the last five years workers' rights in GB have been significantly reduced making it easier and cheaper for employers to dismiss workers, but these changes do not apply in NI.

This means our members in NI still have a one year qualifying period for unfair dismissal, higher compensation, and no 'protected conversations'. When outrageous fees to bring tribunal cases were introduced in GB, this did not apply in NI.

And importantly the invidious Trade Union Act, which limits the right to take industrial action and places unnecessary administrative burdens

on unions, does not apply at all in NI.

In arguing against increased restrictions on strike action and trade unions, the Minister for Employment and Learning said: "I do not believe that there is a case for winding back the clock in terms of trade union reform or that such regression would also be supported by the Executive and the Assembly. Instead, the way forward in NI lies in building stronger and more constructive relationships between government, business and trade unions."

Prospect has responded to consultations from the Department for Employment and Learning in the last few years, including on changes to the tribunal system and a wider ranging review of employment rights. In both cases we have argued strongly in favour of NI maintaining its employment protection rights.



Training reps on an employment law course in Belfast Marion Scovell (far left) & Philip O'Rawe (far right)

BREXIT - Prospect supporting members

Brexit will mean big changes - for industry, for jobs, for the way we collaborate and trade with other countries, and for our communities. Uncertainty is already having an impact on science, research and many of the areas where we have members.

Particularly for members in Northern Ireland there are key concerns over the nature of the border and the social and economic implications should there be a hard border.

Our role at Prospect is to ensure our members can influence decisions about how Brexit is negotiated. And what it means for jobs, investment and working arrangements.

Visit Prospect's new website for all things Brexit, including the implications for STEM, aviation, Euratom, the entertainment industry, heritage sector and food and agriculture. We also look at the position for EU Nationals living and

working in the UK. The website is at <http://brexit.prospect.org.uk/>

Since so many of our employment laws are derived from European Directives, Brexit poses a very real threat to workers' rights. There have been mixed messages from key members of the government on the future of these rights post Brexit.

"So will we see our rights maintained and enhanced or will we face a bonfire of regulations?" asks Marion Scovell, head of Prospect Legal, in her briefing bit.ly/2ti60eR



Nicola Braganza, barrister (left) with Prospect members at a meeting on rights of EU nationals

From the Prospect Northern Ireland case files:

- ✓ **Disabled member dismissed:** A BT member was dismissed from his job for performance and attendance issues. We presented a claim to the industrial tribunal claiming unfair dismissal and disability discrimination. The case was settled shortly before the hearing.
- ✓ **Long running pensions case:** A Prospect member raised a complaint about her pension entitlement through the internal disputes procedure and to the pensions ombudsman. She was supported by her Prospect officer and the Ombudsman ruled in her favour. Disappointingly the employer appealed to the NI Court of Appeal. Prospect instructed solicitors and Counsel to defend her claim. Sadly the Court ruled in favour of the employer on a technicality.
- ✓ **Personal injury:** Recent successful personal injury cases for members in NI include; cases of exposure to asbestos, hearing loss at work and road traffic accidents.
- ✓ **Unfair dismissal success:** A Prospect member was sacked for gross misconduct. After a claim was lodged in the industrial tribunal, a settlement was reached through the Labour Relations Agency for financial compensation.
- ✓ **Challenging performance mark:** A profoundly deaf member believed he was marked down unfairly in his performance marking. Through bringing a tribunal claim of disability discrimination, the employer agreed to change the marking and review the process going forward.

Terms and conditions for legal assistance

You must:

- ✓ Be in membership at the time the problem arises
- ✓ Continue in membership for the duration of the case
- ✓ Not take independent legal advice before approaching Prospect
- ✓ Not commence litigation before approaching Prospect

See our legal advice guide for details bit.ly/ProspectLegalGuide