

legal update

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Recession highlights importance of unions and legal advisers



THE recession, and its shrinking of the jobs market, has once again highlighted the importance of unions and legal advisers working together to protect workers' rights.

A high profile union case in which MWR Solicitors has had significant involvement is the BFAWU's Employment Tribunal Hearings against food maker Peter Hunt Ltd. The company's workers were thrown out of work after it decided to go into administration with the firm effectively dumping its debt and its workers without any consultation.

The BFAWU continued to serve the former members of the company and was successful in its claim against Peter Hunt Ltd for failing to consult with them and/or their union representatives. The judge awarded the maximum award of 90 days pay, meaning that BFAWU members will now receive

compensation for the company's failure to consult. However, as Peter Hunts Ltd is in administration, the government will be responsible for paying the award, so members will receive up to 58 days capped pay.

Sadiq Vohra, of MWR solicitors, said: "There are hundreds of cases like this going on at the moment as some employers think that the recession gives them an excuse to remove workers without following the correct redundancy procedures. The recession also presents challenges for employees who perceive their job to be under threat and can be reluctant to risk raising grievances against their employer, or raising concerns with their union. What we hope these cases highlight is that union members must work closely with their representatives and, in turn their legal advisers, to ensure we continue to protect the rights of members."

MWR joined unions across the country in campaigning for greater protection of workers across the world on Workers Memorial Day. Representatives from MWR attended the Workers Memorial Day reception on April 28th at the House Commons, linking up with MPs and union leaders to remember those killed, injured, made ill or disabled by their work. The government has now indicated they are considering formally recognising the day as a day of national remembrance.

MWR has also supported Preston Workers Memorial Day, with Sadiq Vohra making a public speech on Preston's historic flag market and MWR sponsoring a plaque at the city's Corn Exchange that contains the names of Preston workers who have been killed as a result of their work.

Jane Booker, partner at MWR, said: "We have represented trade union members on industrial injury and disease matters for nearly a hundred years, so we know firsthand the devastating affect that workplace deaths have on families and the misery caused by work-related injuries and illnesses. We have helped thousands of workers successfully take their case to court and we must keep fighting for better laws and stronger enforcement to prevent the deaths at work of people who simply want to earn an honest living."

STAFF NEWS:

Hard study pays-off for new solicitor Sharon

The firm's legal executive Sharon Rigby has qualified as a solicitor following eight years of study.

Sharon, who specialises in industrial diseases and personal injury, has been admitted as a solicitor after first qualifying as a Legal Executive and then carrying out a further four years of study and examination alongside full time employment.

Altat Patel, a partner at MWR, said: "Sharon has worked extremely hard over the last few years and has impressed us all with her drive and determination to qualify as a solicitor. Our congratulations go to Sharon who will continue to be a great asset to our law firm."



SHARON RIGBY

NEW EMPLOYMENT LAWS:

Highlights of 2009 legislation

THE start of April saw a number of new employment rules come into force. Under the Working Time (Amendment) Regulations 2007, the statutory minimum paid annual leave entitlement increased from 4.8 weeks to 5.6 weeks. This is equivalent to 28 days' holiday for employees who work a five-day week. The standard weekly rate of statutory maternity pay (SMP) and the weekly rates of statutory paternity pay (SPP) and statutory

adoption pay (SAP) have also increased, from £117.18 to £123.06.

New Employment Tribunal Rules of Procedure now apply to applications for extensions of time, issuing and reviewing default judgments and dismissing claims on the withdrawal of proceedings and claims in relation to payment of annual leave. These will be able to be heard by an employment judge sitting alone.

Finally, the Employment Act 2008 will improve the remedies available to workers claiming unlawful deductions from wages or a redundancy payment. Tribunals will be able to order payment of an amount that they consider appropriate in all the circumstances to compensate the worker for any consequential financial loss (such as bank charges) that is attributable to the deduction from wages or the non-payment of the

PERSONAL INJURY NEWS:

"13 year-old boys will be 13 year-old boys" Lord Justice tells dinner lady

The Court of Appeal has ruled that a 13 year-old boy who ran into a dinner lady and seriously injured her during a game of tag in a school courtyard was not liable for negligence.

"13 year-old boys will be 13 year-old boys who will play tag," Lord Justice Waller said. "They will run backwards and they will taunt each other. If that is what they are doing and they are not breaking any rules they should not be held liable in negligence.

"Parents and schools are there to control children and it would be a retrograde step to visit liability on a 13 year-old for simply playing a game in the area where he was allowed to do so."

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