

A special e-book version of arena featuring the best of Know Your Rights

arena

KNOW YOUR RIGHTS SPECIAL

2013

A round-up of features on...

- FirstCall Usdaw
- Maternity
- Safety at work
- Bedroom tax
- Debt advice

Plus:

Q&A

HEALTH AND SAFETY IN THE WORKPLACE

AND MUCH MORE...

Also available:

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Summer



Autumn



Winter



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Extra hours but no extra holiday rights

Members missing out on holiday pay, passport problems at work, and complications when maternity leave and holiday entitlement clash

Holiday pay shortfall

Q I am contracted for 18 hours, but I always work more than 30 hours. I have been there for over two years and I've asked for a bigger contract nearly every month. I'm missing out on holiday pay. Is there any way I can change this?

If your contract says you are only contracted for 18 hours it is unlikely that you will be able to demonstrate an entitlement to 30 hours or more unless you can show that your employer had somehow agreed with you that you would be contracted for the extra hours. Although you have in practice been working over 30 hours a week this will not normally be enough to establish that your employer has agreed to provide extra hours, above the 18 in your contract.

Of course, if you are not contracted to work over 18 hours then you can refuse to work the extra hours when asked by your employer. However, you should also bear in mind that there would be no obligation on your employer to offer you extra hours in future.

With regard to your holiday pay, an employer is not obliged to take into account overtime hours you have worked when calculating your holiday pay, unless your contract of employment provides for this. They must take into account your normal working hours, which in your case will be your 18 contracted hours.



Identity at issue

Q Recently all staff have been asked to bring in their passports or work visas or national insurance documents or birth certificates. Please could you tell me if this is a reasonable request from the company? Most employees find this strange after working for the company for many years.

Employers are breaking the law if they employ a person who does not have the right to work in the UK. They can be fined up to £10,000 for each illegal worker or face criminal prosecution. Employers will however have a defence if they can show that they have carried out the appropriate document checks as specified in government guidelines. The request that you provide further copies of these documents is therefore reasonable.

Your employer could also find themselves facing claims of discrimination if they do not treat everyone in the workforce the same. Therefore employers usually request that all employees provide documents to establish their right to work, regardless of their race and background.

“Employers have to check your status”

Your rights at work are covered by your contract and the law. While arena cannot answer individual queries in detail it can give you a brief introduction.

know your Rights

Mum's maternity matters

Q I am currently on maternity leave but I'm not returning to work at the end of it. What happens to the holiday I have accrued during my maternity. Do I lose it as I'm not returning to work, or does my employer have to pay me for it?

The simple answer to this is that you continue to accrue entitlement to statutory minimum annual leave during Ordinary Maternity Leave. So even if you are not returning, you should be able to take the leave entitlement you have accrued. The whole point of the (minimum) statutory leave entitlement is so that workers can have a period of rest, and so this leave cannot normally be replaced by a payment in lieu. But the only circumstances where this can happen is when a worker's employment is terminating. Then you can be paid in lieu of any outstanding holiday entitlement you have accrued whilst on maternity leave.

All your contractual entitlements continue to accrue while you are on Ordinary Maternity Leave and so you should expect to be able to take (or be paid in lieu) for any untaken additional contractual leave you have built up while on maternity leave. This is only a very brief overview of the law and this can be a very complicated area, and the position may also be slightly different if you have taken Additional Maternity Leave. So the best advice is to make your request to your employer for payment for any untaken leave and seek advice as soon as possible from your rep



STAY INFORMED
There is a wealth of information on the union's website at www.usdaw.org.uk where you can download leaflets and keep up-to-date with your rights

This is only a brief guide to the law and you should remember individual cases can differ widely both in terms of statutory rights and contractual rights. Please consult your local rep or area organiser and you can find more information on the website.

Dealing with issues at work

Don't be misled on safety, but do take social media policies very seriously ...



Follow us @UsdawUnion

The festive season brings its own unique problems while the misuse of social media persists, arena takes a look ...

WORK ISSUES

Send your questions to: arena@usdaw.org.uk or call the national helpline on 0845 6060640

Festive safety concern

Q My boss said that we aren't allowed to put up Christmas decorations because of health and safety. Is he correct?

Certainly not! Like anything else in the workplace, health and safety must be considered when putting up decorations. So the people who are putting them up shouldn't climb on desks or stand on office chairs to do it. If necessary a stepladder should be used. Don't put decorations up that might catch fire – e.g. draping tinsel or streamers around hot light fittings. But there is **nothing** in health and safety law that says you can't have Christmas decorations. So tell Scrooge, whatever other **objections** he may have to Christmas decorations, he can't use 'health and safety' or even 'elf and safety!' as an excuse.



Don't let Scrooge bosses spoil your Christmas ...

Online investigation

Q I've heard some employers use social media to check out job applicants, is this true and is it legal?

This certainly does happen if a recent study is to be believed. It found that 64 per cent of bosses admitted to searching Facebook or Twitter to check the **suitability** of potential employees – 44 per cent of those who used social media to gauge potential employees said they had changed their mind based on what they had seen online.

While most HR professionals point to the importance of the actual job application form, the procedure and the interview it appears some companies are making judgment calls based on social media **'evidence'**.

Although it may be very hard to prove, potentially employers are making themselves liable to being taken to **employment tribunal** if they use this method of selection. This would depend on the 'reason' – the employer used to reject an applicant, if it was a discriminatory one you may have a claim. Usdaw would expect employers to use the interview as the basis of their decision, the employee's experience, qualifications and references. **However**, employees should be aware that their social media accounts could be checked before an employment decision is made – whether you agree with it or not.

Web sense

Q My friend and I were called into the office last week and given a right dressing-down for comments we made on Facebook about a colleague. I thought this was private and didn't have anything to do with work.

Let's be clear, using social media is **not private** and Usdaw has seen many examples of employees misusing it and being fired. Any derogatory comments about work or your workmates are more than likely to get you into trouble with your employer, who values its online reputation very highly.

What's more your employer will probably have an IT policy, which outlines the dos and don'ts of the web. Have a look at arena's top tips to avoid social media meltdown at work.

- Don't criticise employees/employer, even if you think it's a joke.
- One person's 'joke' can be interpreted as bullying or discrimination by someone else.
- If you have a problem at work, air it at work using the proper channels. **Don't** just sound off on the internet.
- Social media sites are not 'above the law' and you could be committing libel if you post **unsubstantiated** comments.
- Your friends' friends may not be necessarily your friends, and an unguarded comment can and does get into unintended hands very easily.
- Sharing **confidential** information on the internet could also put you at risk of dismissal for gross misconduct.

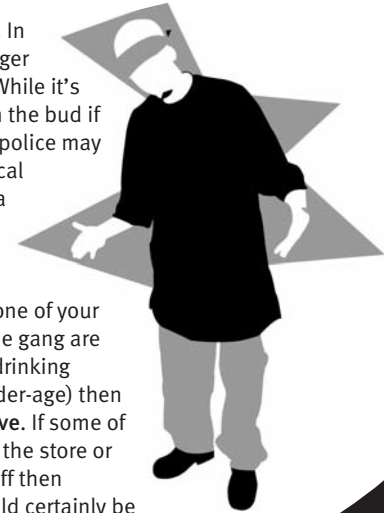


Image © Ahmad Faizal Yahya / Shutterstock

Anti-social gathering at store

Q Now that the dark nights are coming in, our small store seems to have become a magnet for gangs of youths to hang around outside. The customers and staff find it intimidating what can we do?

A familiar scenario but not straightforward. In the first instance you should let your manager know yours and the customers' concerns. While it's best to nip these sorts of nuisance issues in the bud if the youths are not doing anything **illegal** the police may not be able to do much. Try contacting your local **community safety** officers or youth workers via the council who may be able to engage with the youths and offer them somewhere better to hang out. If no officials from the council show any interest then speak to one of your local **councillors** who may be help. If the gang are being threatening or abusive or are drinking alcohol (especially if some are under-age) then the police may be more **proactive**. If some of them are trying to steal from the store or are being abusive to staff then management should certainly be insisting on **police support**.



know your Rights
arena special 07

Baby on board? Get ready now!

Mums-to-be need to be fully aware of their rights as they prepare for their new baby to arrive



MATERNITY ADVICE
For more information take a look at the maternity info available on the website at:

 www.usdaw.org.uk/baby

know your Rights

Diary date

Q I've just found out I'm pregnant. When do I have to tell my employer?

You must tell your employer of your pregnancy no later than the 15th week before the week in which your baby is due. This is the very latest date you should notify them. However if you can it is worth telling your employer as soon as possible as once they know they have to conduct a pregnancy risk assessment. This means they must look at whether or not any aspect of your job or working environment pose a 'risk' to your health and safety and that of your baby. You should put in writing:

- The fact that you are pregnant
- Your baby's due date
- The date you would like your maternity leave to start.

Certificate required
You should also give your employer a copy of your maternity certificate (MATB1) which your GP or midwife will give you when you are about 20 weeks pregnant.



Staying home with baby

Q I've decided not to return to my job after maternity leave. What do I need to do?

You are simply resigning from your job. You should give your employer notice as set out in your contract. You can serve your notice period while on maternity leave. Your employer should send you your P45 and pay you for any holidays that you haven't taken, including holidays you have accrued whilst on maternity leave.

Benefit enquiry

Q I don't qualify for Statutory Maternity Pay (SMP) as I don't earn enough. Is there anything else I can claim?

To qualify for SMP you do have to be earning above the Lower Earnings Limit (currently £107 rising to £109 from April 2013). However you may be able to claim an alternative benefit called Maternity Allowance from the Department of Work & Pensions instead. The earnings limit for Maternity Allowance is only £30. Maternity Allowance is paid at a flat rate of £135.45 (rising to £136.78) for 39 weeks or 90 per cent of your average earnings which ever is the lowest.

Cash back?

Q Do I have to repay any of my Statutory Maternity Pay (SMP) if I decide not to return to work?

No. You don't have to repay your SMP under any circumstances if you choose not to go back to work after maternity leave. If your employer has topped up your SMP with contractual maternity, this part of your pay would only have to be repaid if this had been agreed in advance and your contract makes it clear.



NOTE
This is a brief guide to your statutory rights. Don't forget to check your contract too.

Can I have my job back please

Q Since I've been on maternity leave there have been some changes at work. My employer says that I can't return to my old job.

If you are returning to work before the end of 26 weeks maternity leave, you have the right to return to the exactly the same job. If you are returning to work after 26 weeks maternity leave you have the right to return to the same job unless this isn't 'reasonably practicable'. You then have the right to return to a similar job on no less favourable terms and conditions.

Baby bump safety concern

Q I'm struggling with certain aspects of my job because of my pregnancy. What can I do?

If you have not already informed your employer of your pregnancy in writing then do this straight away as your employer is then under a legal duty to look carefully at your job duties and other aspects of your role to assess whether your job or your working environment pose any risks. If this assessment shows a risk to your health or that of your baby then your employer must remove that risk or reduce it to a safe level. If this can't be done then you have the right to be offered suitable alternative work. Talk to your manager, your Usdaw rep or your area organiser about any concerns you have straight away.

Time off for dad?

Q I know as I'm expecting I have the right to paid time off for antenatal appointments. Does my partner?

No. At the moment there is no legal right to time off for fathers/partners to attend antenatal classes. However Government has announced that they intend to introduce a right allowing fathers/partners time off to two antenatal appointments. The right to time off will be without pay.

Lost scheme

Q I have a pension with a previous employer from years ago but I've lost touch, how do I track this down?

If you have lost the details of a personal or company pension you once paid into then the department for work and pensions has a free pensions tracing service which may be able to put you back in touch. Phone the pension tracing service on 0845 6002 537 or search for 'pension tracing service' at www.gov.uk to fill in an online application form.



0845 6002 537



www.gov.uk

Transfer quote

Q I have a small pension pot from a previous employer can I transfer this into my new company pension arrangement?

Members of a Defined Benefit or Defined Contribution scheme can request one transfer value quote per year and the trustees must provide your transfer quote within three months of receiving your request. Transferring a pension can be a risky business so we would always advise you to seek independent financial advice. If you have any concerns about transferring your pension please do not hesitate to contact the Usdaw pensions team on 0161 224 2804.

Understand pensions

Have a look at some of the most frequently asked questions put to Usdaw's pensions section . . .

Pensions are deferred pay and Usdaw is a strong supporter of good quality occupational schemes. It's important every worker understands this vital issue.

know your Rights

Scam warning

Q I have received a text message telling me that I can unlock my pension before I reach the age of 55, is this correct?

No. Unless you are in serious ill health the earliest you can access your pension benefits is 55. If a Company approaches you to say that they can give you a cash back or unlock cash from your pension benefits, they are operating a scam. What they fail to tell you is that once you have transferred your pension they will take up to a third of your money in charges. Any cash that is paid to you will also be taxed by HMRC at 55 per cent and any funds remaining from your transfer will generally be invested in very volatile offshore investments which could result in you receiving very little or nothing when you reach your normal retirement age. If you have any suspicions about any company, which has approached you to transfer your benefits, contact the pensions team at central office on 0161 224 2804.



ADVICE – PENSIONS

For more information on the pensions issue take a look at: www.usdaw.org.uk/pensions or call 0161 224 2804

Early option choice

Q Can I apply for early retirement and still carry on working?

Yes. You can start drawing your company pension and carry on working. This is known as flexible retirement. It is up to your employer however whether they have a flexible retirement policy and what terms and conditions they attach to it.

Company meltdown

Q If the company I work for goes bust what will happen to my pension benefits?

If you are a member of a defined benefit scheme and there is a shortfall in the pension scheme an Independent Trustee will be appointed and will apply for the scheme to be accepted into Pension Protection Fund (PPF). The PPF will then pay compensation to members at around 90 per cent of the value of their benefits.

If you are a member of a company group personal pension or stakeholder scheme and in the unlikely event that the provider of that pension goes bust then the Financial Services Compensation Scheme will compensate you.

Extra payments

Q Can I contribute to my personal pension as well as my company pension?

Yes. You can now contribute to as many pensions as you like as long as you don't exceed the tax allowances (these are known as the Annual Allowance and Lifetime Allowance which only generally affect high earners).

Annuity decision

Q I am due to retire from my company's defined contribution (DC) scheme and have received a quotation from the pension provider. Do I have any other options?

Yes. You have the right to shop around to see if you can improve the quotation you have already been offered. The maximum tax free cash sum you can take is 25 per cent of your total pension pot and then the balance of your pension pot is converted into a regular income which is payable for the rest of your life – in other words you need to buy an annuity. Usdaw has recently set up a new pension quotation service with Lighthouse Financial Advice. This can be accessed via the Usdaw website and you can obtain an instant quotation. You could improve your pension by as much as 40 per cent!



Image © Alexander Rattus / Shutterstock

Festive working explained

Trying to balance consumer demand with time off for staff is always an issue at Xmas

Shopping overload



Q Will all shops be closed on Christmas Day?

The Christmas Day (Trading) Act prevents shops, except for small convenience stores, from trading on 25 December. Although the legislation allows small convenience stores to trade, Usdaw is urging retailers not to open any stores on Christmas Day.

know your Rights

Introduction

The festive period is the most important part of the trading calendar for most retail, distribution and transport workers. It is also the most demanding with staff under increasing pressure to work extra hours, longer shifts and additional days or weekends.

Udaw wants workers to be able to enjoy a decent break with their family and friends and is pressing employers to try to get the longest possible break for workers over the Christmas period.

General secretary John Hannett said: "Udaw is calling on employers to respect workers' contractual rights on bank holiday working, use volunteers to cover additional Christmas and New Year shifts and pay premium rates for working unsociable hours. The union is also pressing retailers to finish trading early on Christmas Eve and New Year's Eve so workers get as much time off as possible with their loved ones."

"Udaw believes that transport difficulties over the Christmas/New Year holiday period must be taken into account when retailers consider the hours employees are expected to start and finish work. The union is urging retailers to support staff who face problems getting to and from work."

Workers' statutory rights to time off at Christmas are more limited than many people think. Rights to time off during the festive period will usually depend on your contract of employment and trade union/company agreement.

Whose choice?

Q Is working on a public holiday voluntary?

For some workers, working on a designated public holiday is voluntary. For others, working on some or all public holidays is part of their contract. The position on whether working on a public holiday is voluntary is usually explained in your contract, the staff handbook or outlined in agreements between the employer and the trade union.

Payment premium

Q Does working on a public holiday attract premium payments?

There is no automatic right to enhanced pay if you work on a public/bank holiday. The pay rate for working these days depends on your contract of employment and any union/company agreements. The pay rates for working on a public/bank holiday are usually explained in the staff handbook or in other communications to staff.

Paid time off

Q Am I entitled to a paid day off on a public holiday?

There is no automatic legal right to paid time off on a public holiday. Your position in relation to working/time off on a public holiday will depend on your terms and conditions of employment.

What's in a name?

Q Bank holidays, public holidays, customary holidays – what's the difference?

Very little. Strictly speaking bank holidays refer only to bank workers who enjoy legal protection and statutory rights to have holidays on these days. However, for the rest of the UK's workforce there is no statutory right and instead they have to refer to their contracts. The terms are interchangeable but refer to the eight days (New Year's Day, Good Friday, Easter Monday, May Day, Spring Holiday, Summer Holiday, Christmas Day and Boxing Day) we know as either bank/public/customary holidays.

Pressure on staff

Q Every Christmas and New Year the business puts pressure on staff to work extra hours, often at short notice. Do I have to do it?

Unless your contract states otherwise, working additional hours is voluntary and should be agreed mutually between you and your manager.

Xmas Eve

Q Are Christmas Eve and New Year's Eve normal working days?

Yes. Both Christmas Eve and New Year's Eve are normal working days and staff may be required to work their normal working hours. However, the union is urging retailers to allow staff to finish early on Christmas Eve/New Year's Eve.

Festive break please!

Q Have retail staff the legal right to three days off at Christmas and New Year?

There is no automatic legal right to paid time off on public holidays. Your right to time off will depend on what is in your contract of employment, the staff handbook and whether the union has been able to negotiate improvements with your employer.

www.usdaw.org.uk

Don't be fooled – trust FirstCall

Beware: High street solicitors and companies advertised on TV want a huge cut of your personal injury compensation

Don't throw away more than 25 per cent of your personal injury compensation by using a high street solicitor or claims company – that's the stark warning from Usdaw's head of legal services Louise Curtis.

As the competition for cases heats up following changes in the law, members and their families are being urged not to be fooled by the stylish TV and press adverts, the offer of free gifts or even cash incentives to 'sell' your case.

"Every member needs to know that Usdaw's legal service offers them everything they need – expertise, a first-class service – and most importantly 100 per cent of their compensation. No deductions, no upfront fees, no insurance policies, and definitely no gimmicks," said Louise Curtis.

"We know some members are taken in by the glitzy publicity – we've all seen them on daytime TV – but they don't come anywhere near giving members the service we do.

"Our nationwide panel of solicitors know the sectors our

members work in, have years of experience of looking after injured workers and have a strong commitment to the work of trade unions. We also monitor our solicitors to ensure quality control, value for money and professionalism.

"The companies you see on the TV and on the high street are profit making and more than 25 per cent of that profit will come from the individual taking a claim. Usdaw doesn't take a penny from its members.

"Let me give you an example; let's say a worker is injured, through no fault of their own, and their claim is assessed at about £4,000. A high street solicitor will take at least £1,000. That could increase to pay for things like medical reports and other investigatory costs, leaving the worker with as little as £2,250. The same worker would receive the full £4,000 with Usdaw behind them.

"I can't stress enough the importance of using Usdaw's FirstCall service for accidents – wherever they occur. It's a professional efficient service that just can't be matched."



FirstCall *Usdaw*
0800 055 6333

DID YOU KNOW?

- Usdaw won **more than £21.8m** in compensation for members last year
- Every member received **100 per cent** of their award



LEGAL PLUS & FIRSTCALL USDAW

There's more to Legal Plus and FirstCall Usdaw than you think. Remember it covers:

- Accidents, injuries and diseases.
- Accidents any time and any place in the UK – not just at work or going to and from work.
- Road traffic accidents.
- Work related diseases (eg. asthma, dermatitis) or conditions like repetitive strain injury.
- Slipping and tripping anywhere.
- Injuries caused when involved in a crime of violence or armed robbery.
- Family members (someone who lives with you) are also fully covered if they are injured in a road traffic accident.

Help and assistance is only one freephone call away – 24/7.

Use FirstCall Usdaw to start your claim. Call 0800 055 6333 to make a claim.

- **Free wills:** Every Usdaw member, and their partner, is entitled to make a will free of charge through the Usdaw panel of solicitors with a potential saving of more than £200. (Although if your affairs are especially complex the solicitors may need to make a charge, but they will discuss this with you beforehand).
- Members can also apply for advice on probate and conveyancing at favourable rates from the union's panel of solicitors.
- In addition under the free interview scheme you can receive advice from an Usdaw solicitor about any legal problem not connected with work, eg matrimonial issues, consumer problems, property/rental disputes and other issues.

Winning result for Rebecca Lee

Rebecca Lee was thankful the union took on her case after she went to a high street 'no win no fee' solicitor who told her she would have to pay upfront.

"I didn't know Usdaw looked after members outside of work too, that's why I went to a high street firm. I couldn't afford to pay upfront," said the trading manager from Clacton-on-Sea in Essex. "I fell and injured myself outside the store in the car park. Usdaw took up my case with no upfront fees and I received all of my £3,500 compensation with no deductions. It was real peace of mind to have the union on my side. My advice to members is stick with Usdaw – forget high street solicitors."



Access to justice denied

The Tory-led Coalition has introduced fees for tribunals which will deny many workers justice

[MEMBERS PROTECTED]

Unscrupulous employers were delighted after the Coalition introduced charges for workers wanting to take their employment case to a tribunal, *arena* takes a closer look...

know your Rights

Tribunal fees

Usdaw has slammed the introduction of tribunal fees as a callous attack on workers' rights after the Coalition set charges of £250 to lodge a claim and £950 for the tribunal hearing.

The fees came into force on July 29 and mark the Government's latest attack on workers' rights, which saw it extend the qualifying period, from one to two years in April 2013, for employees to be able to take a claim for unfair dismissal to tribunal.

Usdaw has amended its procedures to take account of the new fees system and has updated its advice to reps and members in its publications.

General secretary John Hannett was keen to reassure members that **Usdaw** would do everything to support them if faced with the prospect of going to tribunal. "We will guide our members through the process. Some workers may be able to claim 'remission' which means they may only have to pay part, or in some cases none, of the fees.

"It's clear the Government want to make it easier for companies to fire people rather than make it easier to hire people, that's why workers now need **Usdaw** more than ever.

"Workers have always been stronger when they stand together rather than on their own. Individual employees get picked off but when the union is

there to protect workers they are invariably better off.

"The Coalition is playing into the hands of the worst employers and making staff feel even more vulnerable. Why should ordinary working people have to clock up two years' service before they are eligible to make a claim to a tribunal and then, to add insult to injury, why should they face the additional stress of having to find these fees? It's cruel and unnecessary.

"Workers are fed up of being used as scapegoats for the Coalition's failed policies. Wages have been eroded massively in the last three years, we have huge unemployment, the scandal of 'underemployment' where many workers want more hours but can't get them, youth unemployment is a national disgrace, yet despite all this the Coalition are determined to weaken the rights of employees. It's madness but where will it all end?"



MORE AT:

Keep up-to-date with the latest on tribunals and other employment law changes on the union's website and download leaflets and other publications at: www.usdaw.org.uk

“It's clear the Government want to make it easier to fire people rather than to hire people – **John Hannett**”

Negotiating skills

We know members and reps appreciate 'knowing their rights', but often improvements in the workplace can be won by reps using their negotiating skills with little or no recourse to the law or to their contractual rights usually outlined in the staff handbook.

It is here when reps can use their unique position as a staff representative to promote everything from health and safety to staff welfare by using a mixture of common sense and clever communication with management, and when successful, invariably sees an uplift in staff morale and an improved union/management relationship and more respect for the union and its reps.

Examples of how reps have used this negotiating option include:

- Arranging for staff to have free transport home when late night working goes beyond the local public transport facilities.
- Extra breaks and easier access to fluids during prolonged hot weather spells.
- The relaxation of staff dress codes during unseasonably cold/hot weather.
- Additional flexibility when staff are faced with an unexpected domestic crisis, for example when the local school is forced to close unexpectedly for a day or two and parents have to make alternative child-minding arrangements.
- Being allowed to swap shifts with a colleague so the member can meet some personal emergency situation and the company's staffing levels are not compromised.

These are all scenarios most members will recognise but few are usually covered by the law or contract and often fall outside the scope of the company handbook/additional terms and conditions of employment.

It's in these situations where reps can come into their own, negotiate for members and make important, sometimes quite often 'small', but nonetheless significant progress for their colleagues at work.



Image © Andrey Burmakin

Appeal follows compensation win

The Government has said it will appeal the decision to protect employees in small stores

Usdaw won a crucial tribunal victory for retail staff denied a protective award when their company went bust but now the Coalition want to challenge it

know your Rights

What next for sacked staff?

Q It was great to hear the news that Usdaw won its appeal for ex-Woolies and Ethel Austin staff who were not compensated after the administrators' failed to consult because they worked in stores with fewer than 20 staff. However, I've since heard the Coalition is trying to appeal the decision so where does that leave staff?

This is a complicated case and could be dragged through the courts even further following the Coalition's decision to appeal the case.

As readers of *Arena* will know when Woolworths and Ethel Austin went into administration the official administrators failed to properly consult with Usdaw – something they are legally obliged to do.

Usdaw took the case to a tribunal which decided to issue a **Protective Award** to staff. A Protective Award is an amount of compensation paid to staff who have been made redundant and the company did not consult the recognised union, or other appropriate body. The award amounted to **between 6-8 week's pay** for each redundant employee. However it was only awarded to staff made redundant at stores with 20 or more employees. Those made redundant at stores with fewer than 20 employees missed out. This was because the law stated that consultation was only required where the company proposed to dismiss 20 or more employees **'at one establishment'**. Each store was treated as a separate establishment.

Usdaw appealed this decision and in late May this year the **tribunal agreed that the protective award should be open to staff in the smaller stores**, as the law should not limit the requirement to consult 'at one establishment'. This has changed the law and now any employer who proposes to dismiss 20 or more people across its workforce must consult with the union (or other appropriate body).



Image © Sebastian Duda

“The legal fight may not be over

Information for ex-staff

Usdaw's recent tribunal win means that you should now receive the same compensation that was awarded to your colleagues in larger stores.

- The award includes 60 days' pay for the administrator's failure to adequately consult with the union over the redundancies.
- As the companies are insolvent there is no money to pay this award to you. The payment will therefore be made from State funds through the **Redundancy Payments Office (RPO)**.
- The payments are **capped at £330 per week** (which was the limit in force at the time of the original claim) and deductions will be made for any previous payments you received in respect of unpaid wages from the RPO. There may also be **deductions** in respect of certain State benefits received within the period of the 60 days following your dismissal by reason of redundancy.
- We cannot say at this stage when the RPO will be in a position to make the payment to you, but they will write to you in due course with further information in this regard.
- For the moment you do not have to take any action, simply wait for the RPO to write to you. We anticipate this may take several weeks.
- If you have **changed your address** since being made redundant you need to inform the union and the RPO. The union can be contacted on 0845 6060640 and the RPO Helpline is **0330 331 0020**.

As *arena* went to press there was still no decision from the court to say whether they will allow the appeal application from the Government, and while Usdaw expects the additional claims for the protective award to be processed regardless of the appeal, this cannot be guaranteed.

If you are one of the employees who missed out on the protective award when the two companies went into administration and have not heard from the RPO you should call the RPO Helpline on **0330 331 0020**.

Understanding the tax system

Knowing how your take home pay is calculated is an essential part of everyone's working life

Taxes

know your Rights

Introduction

Arena takes a look at the basic rules around paying taxes - a vital part of most workers' take home pay. It can be a complex issue but it's important all employees understand how it works. **Arena** can only give a **brief introduction** so if these pages don't answer all of your questions refer to one of the many helpful websites listed or call the helpline mentioned [below](#).

The Pay As You Earn (PAYE) system

The Pay As You Earn (PAYE) system is a method of paying income tax and national insurance contributions. Your employer deducts tax and national insurance contributions from your wages.

Wages includes sick pay, maternity or paternity pay and adoption pay. You pay tax over the whole year, each time you are paid, rather than paying tax in one lump sum. Your employer is responsible for sending the tax on to HM Revenue and Customs (HMRC). Each pay day you will get a pay slip setting out your pay, tax and national insurance contributions and any other deductions from your pay. The PAYE system can also be used to collect tax due on other sources of income such as untaxed interest or rent.

HMRC uses a tax code to tell your employer or pension provider how much tax to deduct from your wages.

Remember your taxable income is not the same as your total income. This is because all taxpayers are allowed a certain amount of tax-free income (called a personal allowance).

Tax code breaker

Most PAYE codes are made up of a number followed by a letter:

- the letter relates to the type of allowance(s) you are getting
- the number shows the amount of income you have as allowances which may be set against tax

The letter in the tax code

The letter in the tax code, which shows which tax allowances you are receiving, will be usually one of the following:

L: if you were born after 5 April 1948 and eligible for the basic personal allowance. You will also be given this code if you are being taxed on the emergency code.

P: if you were born between 6 April 1938 and 5 April 1948 and entitled to a full age-related personal allowance.

There are other letters used for more complex tax arrangements and these can be found at: www.hmrc.gov.uk

The number in the tax code

The number in the tax code represents the total of all available allowances, less any amount to be deducted to cover other income or benefits.

If you have a PAYE tax code, it will be shown on:

- a notice of coding sent by your tax office – see under heading Notice of coding
- your pay slip

You will find more information at the HMRC website:

www.hmrc.gov.uk

How much you can earn before tax

Personal allowances for the current tax year	
Personal allowance	2013/14 tax year
Basic personal allowance for people born on or after 6 April 1948	£9,440
Personal allowance for people born on or after 6 April 1938 up to and including 5 April 1948	£10,500
Personal allowance for people born before 6 April 1938	£10,660

Taxable bands & rates 2013/14	
0 – £32,010	20 per cent (basic rate)
£32,011 – £150,000	40 per cent (higher rate)

A fairly typical tax code for a worker aged under 65 with only one income source and no taxable 'benefits in kind' (eg: company car, health care) would be 944L. Most **Usdaw** members will be taxed at 20 per cent of their taxable income, so for example if you earn £13,000pa and your tax code is 944L, your taxable income is (13,000–9440) = £3,560 @ 20 per cent = £712pa (approx. £59 a calendar month).

CASH
If you have any doubts about your tax code – call HMRC

Emergency tax codes – don't panic

The tax office may not be able to give your employer a tax code to allow them to deduct the right amount of tax over the whole year.

In this case, the tax office gives your employer an emergency code with which to tax you. An emergency code assumes that you are only entitled to the basic personal allowance and your PAYE tax code will include the letter L, which shows that you are only receiving this personal allowance. It does not take into account any other allowances and reliefs you may be entitled to.

You will stop being taxed on an emergency code when the tax office sends your employer

or pension payer a correct PAYE tax code, and gives your employer details of previous earnings and tax paid in that tax year. This enables your employer or pension payer to deduct the correct tax in future and refund any overpaid tax caused by the emergency code. Moving to the correct code may mean you owe tax for the earlier part of the year but HMRC will tell your employer to only deduct **reasonable amounts**. You may therefore have to pay back some tax later on. If at the end of the tax year you think you have paid too much tax because you've been taxed on an emergency code, you should claim a refund by writing to your tax office.



➔➔ Change in circumstances

If your circumstances change during the tax year, for example, you have a new source of income, you must inform HMRC in writing as soon as possible.

More than one job

If you have more than one job, you will need a PAYE code for each job where your earnings are taxed under PAYE. You will usually be sent a separate notice of coding for each job

Underpayments and overpayments of tax - getting a P800 tax calculation form

At the end of every tax year, your employer or your pension payer must provide HM Revenue and Customs (HMRC) with details of all your income and the tax you have paid during the tax year. If you have underpaid or overpaid, HMRC will send you a **P800 Tax Calculation form** showing how they have calculated the overpayment or underpayment.

- You should check the information on the form carefully. If you don't agree with it, contact HMRC following the instructions provided with the form.
- If you have **overpaid tax**, a refund will be sent to you. You do not have to claim it.
- If you have underpaid and the amount that you owe is less than £3,000, the underpayment will be collected by an adjustment to your PAYE tax code in the next tax year. You do not have to do anything if you agree with the amount.
- If you have **underpaid tax** and owe more than £3,000, interest may be payable. But HMRC will not charge you interest if you contact them to

make an arrangement to pay the debt.

- In some very limited circumstances, it may be possible for HMRC to write off the debt, or, if your employer is at fault, to collect the tax from them instead.

Sick, or on maternity leave, paternity or adoption leave

- If you are sick or on maternity, paternity or adoption leave, you will have the tax on your pay collected under PAYE.
- If you do not receive any pay, you will be entitled to a **refund**. This is because you did not use your tax allowance during the period when you were unpaid.
- The refund can either be paid when you return to work or while you are off work. Generally this is done through the payroll.
- If you are not getting any pay, you might prefer to have the refund as soon as possible rather than wait until you are next paid. You should ask your employer to arrange this or confirm when the refund will be paid.

Dealing with a tax problem

If you have a problem about your income tax, you may be able to sort it out by talking to your employer. Your employer will have guidance from HMRC on how to operate the PAYE tax system and deal with problems. If the problem cannot be resolved by talking to your employer, you can contact your local tax office.



or call the HMRC's Taxes Helpline on

0845 3000 627

Self Assessment

Under the system of Self Assessment, you have to complete a tax return detailing all your other income in addition to your employment or pension income. This could include:

- income from renting out a room (or property)
- income from self-employment
- other untaxed income.

You must tell HMRC if you receive taxable income in addition to any income you pay tax on through PAYE. You may have to complete a tax return form.

If you owe £3,000 or less in tax on sources of income which are not taxed through PAYE, and you want to pay the tax through your code number, you must send in your tax return by the 31 October, or if you file online by 30 December following the end of the tax year. If you owe more than this amount, or if you prefer, you can pay the tax due on the other sources of income directly to HMRC.

£3,000

The amount you can pay back to HMRC via your tax code, if applicable

If you want to check that you are paying the right amount of tax, or if you think you may have overpaid or underpaid tax, you should contact your tax office and ask if you can complete a tax return form. If you file online, the tax calculation is done for you automatically. If you send in a paper return, HMRC will calculate the tax for you or you can choose to do the calculation yourself.

Information on these pages courtesy of Citizens Advice Bureau

know your Rights

Useful websites

There are a number of websites that can help with tax problems:

- The Low Incomes Tax Reform Group website has useful information for people on a low income. Go to: www.litrg.org.uk
- HM Revenue and Customs (HMRC) is the Government department responsible for tax. Its website contains a lot of useful information. Go to: www.hmrc.gov.uk
- The GOV.UK website also has tax information for individuals. Go to www.gov.uk
- TaxAid can help people with tax problems who are on a low income. Go to: www.taxaid.org.uk
- Tax Help for Older People (TOP) can help people on a low income who are aged over 60. Go to: www.taxvol.org.uk



Shake up in benefit system

Major doubts remain over the Coalition's plans to introduce a catch-all Universal Credit

Universal Credit is a new benefit that will be introduced gradually from October 2013 in designated areas for unemployed people in the first instance, and then for everyone over the coming years. It will begin for working people in some areas from April next year. It will replace the following benefits:

- Child Tax Credit and Working Tax Credit
- Income Support
- Income-based Job Seekers Allowance
- Income-related Employment and Support Allowance
- Housing Benefit

People currently receiving these benefits will transfer automatically onto Universal Credit when it is introduced for working people in their area. So it is **important** for Usdaw members who may be affected in the future to have a basic understanding of what Universal Credit may mean for them and their families.



Q When will Universal Credit be Introduced?



Phased introduction

Universal Credit is being introduced gradually across the country between October 2013 and 2017. For working people, it will start in 'pilot areas' from April 2014.

From April 2014 there will be no new claims for Tax Credits for people in pilot areas. These areas will gradually be expanded.

know your Rights

One size fits all

Q What will change with Universal Credit?

- 1. A single direct payment:** Universal Credit will be paid as a single monthly payment, directly into the nominated bank account of each eligible household. If Housing Benefit used to be paid to your landlord, it will now be paid to you, for you to pay your rent.
- 2. No minimum hours of work:** there will be no minimum hours of work to claim Universal Credit, as there are with Tax Credits.
- 3. Payments based on monthly income:** employers will report all earnings directly to the Inland Revenue, where your Universal Credit will be calculated, based on your **household's wages** in the previous month. If your income varies each month, your Universal Credit payment will increase if your earnings drop, or reduce if your wages increase.

Watching brief

Q What do I need to do now?

Universal Credit pilots for working people will begin in April 2014 and you may be transferred onto Universal Credit at any time after that, so it is important to be prepared.

1. Make sure you are claiming all benefits NOW: it is important to claim all benefits you are entitled to now, so that your rate of pay will be protected if it would be lower under Universal Credit. Check your entitlement at www.gov.uk/benefits-adviser



2. Make sure your current claim is up to date: ensure the tax credit or benefits office has all your up-to-date details so that you do not have to unnecessarily register a change of circumstances after you are transferred to Universal Credit, as this could reduce your claim to a lower rate.

3. Make sure you can manage an online claim: the Government say that all claims for Universal Credit from working people will have to be made via the internet. If you don't have internet access, find out if the local library/job centre has it.

4. Sort out your bank account for Universal Credit: Universal Credit will be paid in a single payment to each household. If you have a partner, you will need to decide which bank account works best for you.

Money worries

Q Will I be better off with Universal Credit?

Whether people will be better or worse off under Universal Credit will depend upon their **income**, housing costs and the **make-up** of their household.

The Government estimate that around half of existing claimants of benefits and tax credits will be **better off** under Universal Credit (however that is after all of the cuts to existing benefits and tax credits have been taken into account), and around half of claimants will be **worse off**.

You will need to check on an online Universal Credit calculator to answer if you would be better off or worse off. Unfortunately, no reliable online calculator has yet been produced, but when one is, Usdaw will send the link to all of our members who have signed up for emails. (You can sign up for emails at: www.usdaw.org.uk)

If claimants of existing benefits would be worse off under Universal Credit, the Government has pledged to **protect their rate** of payment at the time they transfer onto Universal Credit, so they will continue to receive the same rate until either:

- The rate of Universal Credit to which you are entitled starts to exceed your current payment OR:
- Your circumstances change – e.g. you move house, change jobs, have a baby, a child leaves school, you split from a partner – in all these circumstances your claim would be **re-assessed** at the rate of Universal Credit.



You can keep up-to-date with changes at Usdaw's website

www.usdaw.org.uk

Any Questions?

The lack of detail about Universal Credit, including the lack of an online calculator to work out how much you would get or a timetable to show when Universal Credit will be introduced around the country, mean that it is not possible to answer many basic questions about Universal Credit. Usdaw expects more details to follow in the coming months and will do everything it can to update members in arena magazine, on the Usdaw website and in our reps' magazine Network.

If you have a question that Usdaw may be able to help with, please email us at politics@usdaw.org.uk or ring on 0161 249 2452.

Housing upheaval after bedroom tax

The Coalition policy is costly and could see massive disruption to many vulnerable workers

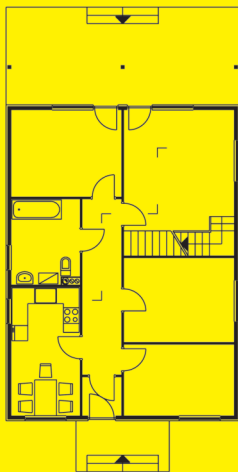
The rules about how much Housing Benefit some people receive changed from 1 April 2013. This feature explains the new rules and what you need to do if it affects you.

know your Rights

Housing crisis

If you rent your home from a 'social landlord' and you are deemed to have more bedrooms than you need, the part of your rent that is paid by Housing Benefit will reduce by:

- 14 per cent if your home has one bedroom which is considered to be under-occupied – an average reduction of £12 per week (£52 a month)
- 25 per cent if you have two or more bedrooms that are considered under-occupied – an average reduction of £22 per week (£95 a month). It's been dubbed the 'bedroom tax'.



Bedroom Occupancy Rules

You will be affected if all the following apply:

- You receive Housing Benefit.
- You rent your home from a local council, housing association or housing co-op.
- You are of working age (you and your partner are born after 5th October 1951).
- And you are deemed to have one or more spare bedrooms (see rules below).

Bedroom Occupancy Rules. You will receive Housing Benefit for:

- One bedroom per couple or single adult.
- One bedroom per two children of the same sex until they reach 16.
- One bedroom per two children of the opposite sex who are both under 10.

Children who have a main residence elsewhere (for example, because their parents live apart) cannot be counted as needing a bedroom at the secondary address. The bedrooms that they use at the secondary address will be counted as unoccupied.

The only exemptions are if:

- You rent your home from a private landlord, or
- You or your partner were born before 5th October 1951, or
- You have a shared ownership property, or
- You have recently been bereaved. You will be exempt for twelve months after your bereavement and your Housing Benefit will not be affected until then.
- You are a foster carer who has fostered a child or been approved in the last year.
- You are parent of a serving member in the armed forces who continues to live with you.

If you want to know how much Housing Benefit you will receive, use the Government's benefits calculator:

www.gov.uk/benefits-adviser

I'm not happy... WHAT CAN I DO?

1. Tell your **local council** if you feel that the number of bedrooms in your house, or the bedrooms that you need has not been calculated correctly. For example, if someone in the house has a disability, or a bedroom is too small for two children.
2. Apply to your local council for a **Discretionary Housing Payment (DHP)**. While DHPs are not expected to be long term, they are supposed to help families affected by the bedroom tax who are experiencing financial hardship.
3. Consider taking a lodger. The Government are encouraging social landlords to allow this. However, check the online **Benefits Adviser**, below left, or seek advice about how the extra income would affect your Housing Benefit and other benefits.
4. Consider moving to a smaller property. Ask your local council and housing associations if they have any smaller properties available and what **grants** you could claim to help with the costs of moving and re-decoration.
5. Contact your local **Citizens Advice Bureau** or welfare rights adviser and seek advice about how best to manage your finances. For advice on debt visit: www.stepchange.org/usdaw
6. Tell your **local MP**. Tell your MP the damage and upheaval this 'bedroom tax' is causing. To find your MP, visit: www.theyworkforyou.com



The 'bedroom tax' – causing chaos

Workers in 'social' or council houses now face impossible dilemmas

If you are deemed to have too many bedrooms you will either have to find extra money to fill the gap left by the bedroom tax or move to a smaller property.

There is an acute **shortage** of smaller properties available to rent in the social housing sector and this could force people into the private sector where rents are on average between £20-£40 a month higher. This could see the cost of Housing Benefit increase not decrease.

Families forced to move may also have to change schools for their children.



Image © Shutterstock/ChameleonsEye

Putting your house in order



If you are struggling with debt problems you are not alone – but don't ignore them – take advice

Introduction

The current economic climate means that many people's finances are already stretched. For large numbers of people, Christmas will have placed a huge strain on household budgets. Usdaw has teamed up with debt charity StepChange to help you deal with your financial problems.

Face the facts

Facing up to a debt problem can be extremely difficult to do. If you think you have a debt problem the first step is to do a full review of your household finances and then create a budget, this is the first step to regaining control of your finances. Full details on how to create a budget are available from the StepChange Debt Charity website www.stepchange.org.

Avoid pay day loans

For those who are financially vulnerable, payday loans can appear an all too convenient way of accessing short-term credit. Some people will have used payday loans to pay for Christmas, some will be considering using them to help with their bills in January. Anyone thinking about using a payday loan should consider very carefully whether they absolutely need to, and whether they can genuinely afford to pay the money back. Payday loans are an extremely high-cost form of credit, interest and charges can rack up extremely quickly and too many people fall into a vicious cycle of taking out one payday loan to pay off another. StepChange Debt Charity has seen a dramatic rise in the number of people seeking the charity's help with five or more loans.

Festive financial hangover

The weeks after Christmas can be some of the hardest financially. If you have been pushed further into debt as a result of over-spending or spending on credit during the Christmas period, things may be even harder.

The negative impact that Christmas has on people's ability to manage their money and debt is illustrated by the sharp rise in the number of calls received by StepChange Debt Charity in January and February.

If you know you are struggling financially it can be tempting to ignore it or try to struggle on in the hope that the situation will get better.

DEBT
Udaw has teamed up with StepChange to offer members vital advice on debt

Possible debt solutions

Debt management plans

A debt management plan helps manage your debts and pay them off at a more affordable rate by making reduced monthly payments.

Debt relief orders

A debt relief order may be an option if you owe less than £15,000, have a low income and very few assets. We can help you apply.

Equity release

If you're a homeowner and 55 or over, you may be able to release money tied up in your home to pay off your debts - without the need to move.

Bankruptcy advice

Bankruptcy helps rid you of debt that would otherwise take years to clear - but it's a serious step and should never be undertaken lightly.

Individual voluntary agreement

An individual voluntary arrangement is a legal agreement allowing you to repay a reduced amount from any surplus monthly income.

Debt advice

Our expert advice will help you decide which debt solution is right for you - and our advice is completely free.

About us - let StepChange step in to help you

If after fully reviewing your household finances and budget, you still feel unable to cope, do not worry, this is where StepChange Debt Charity is here to help. We offer free and impartial advice to anyone who is struggling with a debt problem. We will gather all your financial details, create a sustainable monthly budget and provide you with clear advice on what is the best solution for your situation.

StepChange Debt Charity has over 20 years' experience of helping people with problem debt. With this knowledge and experience, anyone contacting the charity can be sure that they are getting the best possible advice – which is completely free and impartial.

We can be contacted on our Freephone helpline 0800 138 111 (open 8am to 8pm, Monday to Friday and 9am to 3pm Saturday) or you can use our online Debt Remedy tool at

www.stepchange.org

arena Health

Send your health questions to the arena team at: arena@usdaw.org.uk

Alarm call

Q Our new manager has given mine and other female staff members phone numbers to the alarm monitoring company who occasionally ring in the early hours asking one of us to attend if one of the store's alarms goes off. Am I entitled to refuse to enter the store on my own as I wouldn't feel safe.

Firstly are you a designated contact for out of hours and is this part of your contract? If you

are a designated 'key holder' then the alarm company will need your phone number, but you should also have been trained on the procedure to follow if you are called out. As part of the training it should have been clear that you are not expected to enter the premises on your own or if you have reason to think it is unsafe.

Discuss this with your manager and try to get a procedure in place to deal with all the eventualities that you are likely to face in this situation. You should also consult your Usdaw rep or area organiser.

Camera shy

Q If my company decides to put CCTV in the office at work, due to theft on the premises, do they have to put up signs in the office to make people aware that it's there.

Yes, they have to inform people that CCTV is in operation and if the content is to be used for disciplinary purposes it should be included in written policies and procedures and appropriate training given.

Covert use of CCTV is only permissible where circumstances justify it – for

example when there is reason to believe that serious crime such as theft is going on. Even then, if it is being used by your employer and not by the police, warning signs should be displayed to say that covert monitoring may be taking place.

Has management discussed this with Usdaw reps and consulted the workforce?

Images and information gathered are subject to data protection legislation and further information is available at: www.ico.gov.uk/

Medical trust

Q I have recently been off work ill. However when I returned I found out all of the staff knew my personal medical condition, which upset me and made me angry. I thought the company/manager has an obligation to keep this confidential. What should or can I do?

It does sound as though there has been a breach of medical confidentiality and you should get your Usdaw rep involved. It may be difficult to find out who has divulged this information as someone you know and confided in may have inadvertently let it slip and then it's become the subject of gossip. If however you can identify the source was a

manager with responsibility for securing or processing this information then action should be taken.

Line of sight

Q A colleague of mine has recently had to give up his driving licence because of a deteriorating eye condition. He is also a designated forklift truck driver at work, will he have to give this up as well?

The answer is that it is very likely. HSE guidance points out that workers must be capable of operating the lift truck safely and this includes consideration of medical conditions that could affect their ability. The recommended medical standard for vision is basically the same one that is used by DVLA for car drivers, so, if he has lost his licence to drive, it is likely that he is unsuited for lift truck work. However before making a decision a medical assessment should be done. HSE guidance is available in 'Safety in Working with Lift Trucks' www.hse.gov.uk/pubns/priced/hsg6.pdf

Mental health

Q We hear a lot about the stresses of work and life in general but how can you tell if someone is suffering from the much more serious

Usdaw has its own health and safety section full of useful information, advice and a reps' forum at: www.usdaw.org.uk/forum

If you have any questions for arena's health experts write to: the editor, arena, Usdaw, 188 Wilmslow Road, Manchester, M14 6LJ or email: arena@usdaw.org.uk



“Mental health issues are common”

condition of depression or has mental health issues?

It can be very difficult. Sometimes physical symptoms such as back pain can be caused by depression.

It can also be difficult to talk to a colleague about mental health issues even when their behaviour suggests they may need help because people are often embarrassed about these things.

However mental illness and depression are common conditions – around 1 in 6 will have a mental health problem at some time in their lives. They

can also affect people's work because of behaviour, absences, etc. And yet they can be treated and workers can be helped.

Usdaw has recently produced a briefing and a guide for union reps to inform them about mental health in the workplace and to give some tips on 'do's and don'ts' when talking about mental health issues with colleagues: www.usdaw.org.uk/mentalhealth

Your health and your safety at work is a vital part of Usdaw's service. For more advice visit:

www.usdaw.org.uk/healthandsafety

For mental health charities visit:

www.mind.org.uk/
www.sane.org.uk/
www.youngminds.org.uk/

arena Health

Send your health questions to the

arena team at: arena@usdaw.org.uk

Hot in the city

Q In the summer it gets unbearably hot in the warehouse where I work. Last year one of the workers in the mezzanine area fainted. Is there a maximum temperature we should work in?

Rising temperatures in many workplaces leave many members feeling hot under the collar. Employers have a duty under current health and safety legislation to ensure a 'reasonable' temperature in the

workplace. Where a 'reasonable' temperature cannot be achieved they must take other measures to protect workers. Unfortunately the law contains a minimum reasonable temperature but does not specify a maximum.

However, research shows that temperatures above 27 to 30°C are uncomfortably warm, especially when the air is humid. Above 30°C there is a real danger that some workers might suffer from symptoms of heat stress – which can be damaging to health. Excessive temperatures can lead to sweating, irritability, nausea, headaches, dizziness, fainting, muscle cramps, extra strain on the heart and ultimately heat stroke.

Usdaw wants a maximum temperature of around 27°C to be made law to make it easier to get extra protection when it does get too hot. Things like improved ventilation, shielding from direct sunlight, provision of cold drinks and more frequent rest breaks can all make a difference but have to be negotiated. The union's guide on temperature at work has more advice: www.usdaw.org.uk/hazards

Fever pitch

Q I suffer from hay fever and sometimes can't work because of it, are there any medical rules to help me?

Hay fever (allergic rhinitis) affects almost one in four people in the UK but is specifically excluded from the disability requirements of the Equalities Act unless it triggers some other condition covered by the act such as severe asthma.

A reasonable employer should still make allowances for your condition when looking at any absences. And to meet their duty of care they should consider alternative duties if your condition is made worse by anything you are exposed to at work.

Hay fever cannot be cured completely, but there are a number of treatments available to relieve the symptoms.

These include antihistamine tablets, nasal sprays and eye drops. Some can only be prescribed by a GP, but many are available without prescription in pharmacies.

Some hay fever remedies may cause drowsiness, so watch for warnings on the label and make sure your employer knows if you work with dangerous machinery.

Water shortage

Q In the hot weather last summer our manager let us have bottles of water at the checkouts, but we now have a new manager who told us we could not have a bottle of water because of health and safety. Is the manager right?

No, there is no health and safety reason to refuse bottled water for checkout operators – quite the reverse. Keeping hydrated is good for your health and can be more important for all of us in hot weather to replace water lost through sweating. Employers do have a legal duty to make drinking water 'readily accessible'. If they don't allow workers to have water at their work station then they must provide water nearby and must allow you to take breaks away from the checkout to get a drink when you need it.

There appears to be some vague suggestion that there is an electrical safety risk if workers were to spill the water. But if it's in a bottle with a lid the chance of a spillage is small and, even if there was a spillage, the chance of electrocuting yourself is virtually zero.

If the manager continues to refuse to allow bottles on the checkout, talk to your union rep and raise a grievance.

Usdaw's website has its own health and safety section full of useful information, advice and a reps' forum at: www.usdaw.org.uk/forum

If you have any questions for arena's health experts write to: the editor, arena, Usdaw, 188 Wilmslow Road, Manchester, M14 6LJ or email: arena@usdaw.org.uk

“Contaminated water can cause a health risk”



Clean sweep

Q In a recent heavy downpour, our drains could not cope and the warehouse, toilets and part of the main shop were flooded. The manager has told us to come in and clean up the mess. Can he order us to do this?

It will depend on the scale of the problem and whether the instruction to clean up is 'reasonable'. If there is serious contamination or a major clean-up operation is required then specialist cleaners may be needed.

If you are expected to clean, your manager needs to make sure you have appropriate protective equipment – boots, overalls, gloves and possibly masks or face protection if there is a risk of splashing.

Workers should be advised to cover any cuts with waterproof plasters and should have access to water to wash their hands when they've finished. If any electricians have been in contact with the flood water, it should be checked by a competent electrician before workers move back into the area.

Your health and your safety at work is a vital part of Usdaw's service. For more advice visit:

www.usdaw.org.uk/healthandsafety

arena Health

Send your health questions to the arena team at: arena@usdaw.org.uk

Risk aware

Q I am disabled and confined to a wheelchair. I can use the lift at work but if there is a fire and I can't use it what would happen to me?

Under the Regulatory Reform (Fire Safety) Order 2005 owners or occupiers of premises have to carry out fire risk assessments.

They must include everyone affected especially disabled people. If you are wheelchair

bound then they should make sure that in the event of a fire you are either taken to a place of safety (a refuge) or evacuated by some other means such as an e-vac chair or designated fire lift.

If you are taken to a refuge you should not be left alone. If an e-vac chair is to be used the persons using it must be trained to do so.

Poor lighting

Q I have quite poor eyesight and the lights have been turned down to save money in our store. I am finding it difficult to see what I am doing in some parts of the building, what can I do?

The Workplace (Health, Safety & Welfare) Regulations 1992, Regulation 8 say that 'Every workplace shall have suitable and sufficient lighting' and 'Lighting should be sufficient to enable people to work, use facilities and move from place to place safely and without experiencing eye-strain'.

The Health and Safety Executive (HSE) guidance recommends minimum levels of light for particular tasks.

Speak with your Usdaw rep in your store and they will discuss the issue with management who can get lighting risk assessment done to see if it is too low.

Food hygiene

Q I work on the deli-counter and recently had a stomach bug (sickness and diarrhoea) I had it for two days only but my manager said that I had to stay off for a couple of extra days even though I felt OK, surely they can't do this?

Working with food when you are unwell as you describe is not allowed under the Food Safety (General Food Hygiene) Regulations 1995.

Guidance from the Food Standards Agency (FSA) state that people who have had a bacterial or viral illness causing food poisoning symptoms should not work with food for at least 48 hours after the last symptom has been displayed.

It is up to your employer whether that means working in another non-food department or staying off work altogether.

Guidance from the FSA can be viewed at:

www.food.gov.uk/multimedia/pdfs/publication/fitnessto-workguide09v3.pdf

Checkout pains

Q I work on a checkout and suffer from pains in my neck, back and arms. I think it's my checkout that's causing this what can I do?

Working at a busy checkout can be physically demanding. Aches and pains are common and can lead to more serious injury if they are ignored.

Most of the problems arise from either standing or sitting for too long and stretching, pulling, pushing and general manual handling at checkouts.

Where a chair is provided it must be well maintained, adjustable and moveable. You should alternate between sitting and standing.

Make sure your checkout area is clear of things that can reduce space around you. Stand when handling heavy items such as boxes of beer.

Your employer must make sure you have been trained to work on the checkout and any problems you encounter should be reported immediately.

Ask other operators if they are suffering from the same symptoms and if so speak to your rep who may conduct a 'checkout survey' to identify problems and possible solutions to raise with the company. Visit the HSE guide: *Managing Musculoskeletal Disorders in Checkout Work*: www.hse.gov.uk/pubns/indg269.pdf

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www.usdaw.org.uk/healthandsafety



“Aches and pains are common on the checkouts”

arena Health

Send your health questions to the

arena team at: arena@usdaw.org.uk

Safety shoes

Q I have diabetes which affects the circulation to my feet. I recently had a scare when a blister got infected. I think the safety shoes provided by work caused the problem because the toe cap rubs against my foot, but I've been told they are the only type available and I have to wear them. If I want different safety shoes I'll have to pay for them myself. My work mate says this is wrong, is it?

Your mate is right. If your employer has done a risk assessment and identified that safety shoes have to be worn, then they must provide you with a suitable pair free of charge.

According to the Personal Protective Equipment (PPE) Regulations, they must take account of ergonomic requirements and the state of health of the person wearing the PPE. The shoes must also be capable of fitting the wearer correctly. So if you need a special pair of shoes your employer should provide them free of charge.

Furthermore, if your diabetes meets the definition of a 'disability' under equalities legislation, providing better safety shoes would be seen as a reasonable adjustment.

Winter clothing

Q I work at the back door of a large store. At Christmas we use extra storage containers in the yard and the back door is always open. This last couple of winters have been really nasty. The uniform provided gives no protection against the cold, wet and snow. What clothing should we have in winter in our store/warehouse?

Working in varying temperatures can be problematic. If you are always rushing in and out of the yard having the correct clothing can make a big difference. Winter clothing is Personal Protective Equipment (PPE) which should be provided when the risk requires it and not at the whim of a manager.

Several layers are best so that you can adjust the clothing depending on the work you are doing and you can easily add or remove layers when you go from cold to warm areas. In extreme weather you may need thermal socks and underwear, warm boots, fleeces, gloves, scarfs and hats. The outer layer of clothing should be waterproof if going outside. Where safety shoes or boots are provided they should have slip-resistant soles.

Any work wear provided as PPE must be provided free of charge.

If you feel the clothing supplied by your employer is not suitable or sufficient then speak with your Usdaw rep in your workplace.

Driving danger

Q I drive a supermarket home delivery van often to rural locations. In the last few years we have had to deal with snow and flooding as a

result of winter weather but my manager still insists on sending the vans out. If we get more bad weather this winter what should we do?

It can be difficult driving on well-used urban roads let alone country roads in bad weather so you must take extra precautions.

Your employer should make allowances for the weather and the general road conditions when scheduling deliveries. They should recognise that rounds may take longer in bad winter weather. However, it is not possible for them to predict just how bad things might get. The final decision on whether it is safe to press on must be up to the driver. In rural areas there is also a risk that you could be stuck for several hours.

Drivers should be trained in winter driving and vans should be fully serviced and prepared for winter. Tyres should be in good condition and properly inflated (many organisations are finding it helps to change to winter tyres which give better grip in snow and ice). Windscreen wipers/washers, lights and heaters/demisters should all be checked. On rural rounds it is a good idea to carry a blanket, some food and a hot drink and a snow shovel to help dig the van out of drifts. Suitable boots and winter

clothing should be provided. A mobile phone to warn the base if you do get stuck is also a good idea.

Management should make a decision about refusing deliveries to remote locations, or suspending deliveries altogether

in really bad weather. The Royal Society for the Prevention of Accidents (RoSPA) gives some useful advice for anyone who drives in winter weather. See: www.rospace.com/roadsafety/info/winter-driving-tips-2011.pdf

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“ Drivers should be trained in winter driving techniques

For more information on diabetes take a look at Usdaw's factsheet *Supporting Disabled Members in the Workplace*. You can download it at: www.usdaw.org.uk/diabetes

Your health and your safety at work is a vital part of Usdaw's service. For more advice visit:

www.usdaw.org.uk/healthandsafety

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Your contacts

Always speak to your rep first if you need advice or support.

If you don't have a rep at your workplace contact your local Usdaw office as shown on the map. Alternatively, you can ring our national helpline **0845 6060640*** to be connected to your local office.

*Calls charged at local rate.

The union's head office is:

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