

Behind The Firewall

Newsletter 1

March 2019



Welcome to our new newsletter to provide information and advice to workers of the ICT and digital industries in the U.K.

This newsletter is produced by Unite workplace reps and Officers. The ICT and digital industries' workers are not well organised and a minority are union members. Yet the industries endure all the usual aspects of insecure employment, irregular pay reviews and working conditions that generate stress, bullying and harassment.

The ICT and digital industry is the fastest growing within the UK economy. Unite has its own section of the union aimed at promoting the rights, interests and well-being of such workers. But we cannot achieve much without your support and involvement. On our own we are at best a lobbying group but together we are a force to be reckoned with – capable of establishing good minimum standards and producing answers to today's workplace questions.

Like going on Holiday? But find when you do you receive less in your pay packet?

In your job if you earn extra pay such as paid overtime or call out payments or standby payments the law requires you should be paid average earnings when you take leave – at least for your statutory leave. But because this is not primary legislation your employer can avoid paying it unless made to do so by either a court claim or a union.

So what do you need to do if you think your employer is paying you less?

Check your pay slips and if when on holiday there are differences you need to raise this with your manager. If that does not correct it you will need to consider a grievance.

When it comes to back pay this could run into thousands of pounds for individual employees. Employers got so nervous about how much this could cost them that they lobbied the Government to pass a regulation limiting the back pay to two years. Even two years can be costly for big employers where back pay can run into millions.

Employers are now realising that to avoid this financial bombshell they need to accept not paying average earnings at the expense of their workers is over and pay out going forward. Once an employer has paid for more than three months they will have avoided the back pay although the government legislation limiting back pay to two years does not include any reference to needing the three month link.

So if your employer is not paying average earnings let us know – it could be worth thousands to you.

DIGITAL SKILLS – AN ABSOLUTE MUST

Did you know that Unite offers excellent training with accreditations to its members at genuine competitive prices? So, if it cannot be prevented turn redundancy into an opportunity

Check out <https://elearning.unitetheunion.org/it-networking-cyber-security/> to find courses with CISCO, I.T. Networking and Cyber Security plus Virtualisation and Cloud Computing.

There's a special section on Software Training too.

UNPAID OVERTIME

A recent survey in Germany showed that in 2017 German workers worked an extra 800 million hours over their contractual annual hours. Of this ONLY 350 millions was paid for by an employer and 450,000,000 was unpaid. That equates to a quarter of a million jobs at a time automation is beginning to erode job security.

In the UK one estimate is that UK workers really like to give it away for free and did TWO BILLION hours for free. Little wonder then that employers love mobile telephony on top of staying late at the office on top of productive commuter hours.

Your contract might even say that extra hours do not attract payment. Your manager will normally say why are you not answering my emails. Your workload will bury you if you don't. And please do not tell me if I do this I'll suffer from stress and anxiety because I'll suffer those if I don't do it too.

It took unions ages to win WEEKENDS off work and the five day week. Emails, PCs, laptops, smartphones just refuse to acknowledge they exist.

WORKING TIME

An employee was required to make a number of appointments during their day shift but expected to make reports and answer emails and calls in the evening. When the job got too much a legal claim was submitted for breaches of the Working Time Regulations.

The employer claimed they did not monitor the time of their employees and denied the claim but the employee had evidence and won substantial damages.

If you sign the UK opt out to allow work beyond 48 hours it can easily become an open invite to increase your hours without pay. If you have already done so you can reverse it with three months' notice.

Working Time Regs are there to protect your health.

MOBILE ENGINEERS

A court decision in 2015 that working time begins for a mobile worker when they leave their house was initially welcomed to prevent excessive hours.

But because the Working Time regulations are to do with H&S and not pay employers were soon seeking to ensure that hour at the start and end of a shift was unpaid.

Employees need to think carefully if confronted by this whether they should continue to agree to an opt-out from the 48 hour week. If your working hours are being extended without pay then this may be a way to restrict how much unpaid working time you can be required to do.

**Behind the Firewall is created by the ICT Advisory Committee of the GPM&IT Sector of UNITE.
You can contact us by email to maxine.king@unitetheunion.org**