KNOW YOUR RIGHTS

Calls to the Association’s legal helpline – operated by lawyers from Hambro Legal Protection Ltd, continue to grow. Here, employment barrister Jonathan Waters considers some common problems concerning greenkeepers’ employment.

My employer has made a deduction from my salary for poor workmanship. Can he do this?

Unfortunately, this practice tends to be commonplace. Contrary to popular belief, an employer has no absolute legal right to deduct money from a greenkeeper’s salary or fine a greenkeeper for poor workmanship or performance.

The law which is applicable here is set out in the Wages Act 1986. This provides that an employer cannot deduct money from a greenkeeper’s salary or impose a fine unless:

a) the written contract of employment contains a term giving him the right to do so; and/or

b) the greenkeeper has given written consent to the deduction/fine prior to it being made (as it can be imagined, this is extremely rare!)

If money is deducted from a greenkeeper’s salary or if a fine is imposed contrary to the Wages Act, then a complaint may be made to an Industrial Tribunal.

In addition, any greenkeeper, irrespective of his length of service, who claims that his employer has breached the provisions of the Wages Act and is dismissed as a result of making such a complaint can bring a claim for compensation for unfair dismissal at an Industrial Tribunal. In practice this protection places a greenkeeper in a very strong position and quite often the threat of legal action is sufficient to deter an employer from making a deduction/imposing a fine. A claim for unfair dismissal must be issued on form IT1 within three months of the date of the deduction/fine.

If a greenkeeper’s period of continuous employment counts towards the greenkeeper’s entitlement to compensation for unfair dismissal, and any collective agreement which applies to the greenkeeper; m) if the greenkeeper’s job is not permanent the likely duration of the contract.

In addition, except where there are less than 20 employees at the club, reference should be made to any relevant disciplinary or grievance procedure.

If an employer fails to provide a statement then the dismissal will be automatically unfair if founded, will state the particulars of employment – including public holidays and how holiday pay is calculated in event of the greenkeeper leaving employment;

b) whether the greenkeeper is entitled to sick pay;

c) the date on which the greenkeeper’s employment began;

d) the greenkeeper’s job title;

e) the scale or rate of pay and the intervals at which it is paid (ie weekly or monthly);

The information contained in this article is for general guidance only. In the event of a member having any legal problem then it is extremely important that Hambro Legal Protection Ltd be contacted without delay. Hambro Legal Protection Ltd’s telephone number is 01206 867775 and the service is available 24 hours a day, 365 days a year.

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