

LETTERS

Many thanks 1

May I take this opportunity of thanking everyone concerned with the running and general organisation of the Miracle Professional Premier Greenkeeper Award, in particular Pat Murphy and Richard Minton who I know devoted a great deal of time and effort throughout the year. I am sure I speak for the other finalists in saying how much we enjoyed our time at Aldwark where the hospitality we received was second to none.

It was also my first opportunity to visit the BIGGA premises adjacent to the hotel. I, for one, expected the offices to be sited within the hotel itself which is not the case. I can now fully appreciate and understand the need to acquire alternative, more spacious, and more suitable office accommodation.

Finally may I wish everyone at BIGGA a very happy and prosperous new year.

Mike Goodhind

Miracle Professional Greenkeeper of the Year Tytherington Golf Club

Many thanks 2

I would like to send my thanks to BIGGA and the Hambro Legal Helpline. My appreciation goes to both for the help and support they offered throughout my Industrial Tribunal.

I was delighted that I was successful in the tribunal and that the outcome was that I was unfairly and constructively dismissed from my previous job at a golf club in Bristol.

I am now seeking another job on a golf course in the Bristol area and, having won my case, as sure I will not be prejudiced against.

Mark Powell, Bristol

Many thanks 3

Just to let you know that I got a job through placing an advert in the November issue through The Job Club and to thank Greenkeeper International for its help.

It was a good Christmas present to have and I start the job in March at Willow Valley Golf and Country Club.

Andrew Smith

Brighouse, West Yorks

Service now puts legal eagles to work for you

Up until now members have been able to receive legal advice for any problem with regard to employment situations but they couldn't receive any legal representation until after they had been dismissed.

Now, in a major new advance for Membership Services, they will be eligible for representation at all levels of employment dispute including representation at disciplinary hearings.

"My information from Hambro's is that this is very much an innovative service and I'm sure that members will come to regard it as a very substantial benefit of membership of the Association," explained Executive

Director Neil Thomas.

"I'm delighted that BIGGA is able to offer this new service for our members and it should further safeguard their employment rights."

"Talking of membership benefits I would remind all members with renewal dates of December 31, 1995 and January 31, 1996, who have not already sent renewal forms and payments that they should do so immediately if they wish to receive the benefits of this new service and their March Greenkeeper International and subsequent issues," added Neil.

The new service is available from April 1 for an initial six months trial period when it will then be reviewed.

As from April 1 1996, BIGGA is pleased to announce that an arrangement has been made with Kirbys Solicitors which complements the current 24 hour Legal Helpline and Legal Expenses Insurance offered by Hambro Legal Protection by offering all United Kingdom members the opportunity, where practicable, to be represented at any disciplinary hearing brought by their employers.

David Burton, of Kirbys, Solicitors of Harrogate, has, for many years, advised BIGGA in respect of employment matters. He has 18 years experience of working in the employment field and regularly sits in Industrial Tribunals as a part-time Chairman to adjudicate on employment disputes.

He is assisted by Tim Tyndall who has previously worked with an employment unit of a major city legal firm and has extensive experience of presenting Industrial Tribunal cases throughout the country.

Members have derived considerable assistance from the legal advice received from the Helpline and have, where necessary, achieved a high level of success when represented before Industrial Tribunals supported by Hambro. Our new arrangement will provide expert support when appearing at an internal disciplinary hearing.

We know that some employers will still dismiss their employees without affording that employee the opportunity to deal with the complaint that has been made against him. Good industrial practice however dictates that before anybody loses their job either by reason of alleged misconduct, redundancy or illness that

employee should be given the right to know why it is that his job is being threatened, he should have the right to have his say and to demand that his explanations are at least given proper consideration by his employer.

It is now hoped that members will be assisted by skilled representation at such interviews.

If members contact the Helpline and report that they have been summoned to attend a disciplinary interview, Hambro will provide advice and a contact telephone number to arrange representation. Kirbys will then, if at all possible, arrange for either David Burton or Tim Tyndall to meet with the member, prior to the meeting, and thereafter to represent him at that meeting.

It has to be recognised that there can be no certainty that representation can, in fact, be made available. If Kirbys are not given enough notice (three days would normally suffice) there may be practical difficulties in arranging for a solicitor to attend. In that event, however, strenuous efforts would be made on our behalf to negotiate a postponement of such a meeting to a mutually convenient date. An employer who refused such a request may well be considered by an Industrial Tribunal to be behaving unfairly.

It also has to be understood that there is no absolute right to legal representation before such hearings. Employers will sometimes argue that disciplinary hearings are not appropriate for lawyers to attend. The ACAS Code of Practice, however, makes it clear that employers should allow employees to be accompanied by a

Trade Union representative or by a fellow employee of their choice. Many of our members will not have Trade Union representation available and may consider it inappropriate to be accompanied by such other members of staff as may exist, particularly if those members of staff are in a subordinate position. In those circumstances, legal representation may be a reasonable option available and if such representation were to be denied by your employer and if you were subsequently dismissed the prospects of persuading an industrial tribunal that there had been a material procedure unfairness would again be fairly high.

If you are refused representation by your employer you may still receive advice and support from the Legal Helpline on the conduct of your disciplinary hearing.

The clear intention of course of such representation is to try to ensure that members do not lose their job or have any other penalty unfairly imposed upon them. It is hoped that in many situations the presence of a legal representative will serve to make employers realise the seriousness of pursuing disciplinary proceedings and to ensure that such proceedings are properly and fairly conducted.

In the event that the outcome of such a meeting is unfavourable to the member, advice will then immediately be available as to whether or not an internal appeal should be pursued (if available) or whether, in the unhappy event that a dismissal has occurred, an application to an industrial tribunal should then be pursued. At this point, a Hambro claim form for legal expenses insurance cover will be made available to enable you to pursue your claim.

This service is free of charge to all members. As far as we know this is a facility which is unique to BIGGA members and it is not known how much demand there will be for the service. Accordingly, the arrangement is being launched on a six month trial basis. If it is clear that this service is of value to members, arrangements will then be put in hand to extend the service, hopefully, to become a permanent feature of the many benefits of BIGGA membership.

Next month, David Burton will explain when a dismissal may be unfair and how Industrial Tribunal proceedings are conducted.