

COMMUNICATION WORKERS  
UNION  
WESTERN COUNTIES BRANCH

A GUIDE TO CWU LEGAL AND  
EMPLOYMENT LAW SERVICES &  
THE 2006 COMPENSATION ACT

Please ensure a copy is placed on  
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are available on request.



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## INTRODUCTION:

Dear Colleagues

The CWU are rightly proud of the wide range of legal services available and the high standards we have set to

ensure members receive the best possible support and assistance.

This brief guide is to ensure that both members and representatives are aware of what is on offer and to provide some detail on the Compensation Act 2006 which affects us as providers of legal and employment law services.

It is extremely important that members can have confidence that when they approach the Union locally they will be receiving the best possible advice.

This guide is not meant as a comprehensive statement of CWU legal services, but instead is intended to ensure that members and representatives understand:

- What legal & employment services are available
- How to access these services
- What mandatory obligations come with the Compensation Act 2006 Code of Practise

For a full explanation of all CWU legal services please go to [www.cwu.org](http://www.cwu.org)

## WHAT LEGAL SERVICES DOES THE CWU PROVIDE?

- Claims for damages – Personal Injury – On and off duty – available for members and their immediate dependents

- Clinical Negligence
- Industrial Injuries Disablement Benefit (IIDB) advice, assistance & representation at IIDB appeals.
- “CWU Road Assist” – Free non fault RTA assistance scheme – via 0800 8046674 or [www.cwu.one1one.co.uk](http://www.cwu.one1one.co.uk)
- Royal Mail Group Limited Personal Accident Benefit Scheme
- CWU Personal Accident Insurance Scheme
- Criminal Injuries Compensation Authority Scheme – from injuries caused by criminal acts against the person either on or off duty
- Bandit Attack Scheme
- Appeals both For and Against Medical Retirement
- Drivers Protection Scheme / Prosecutions under the Road Traffic Act /
- Free CWU Helpline – via 0800 804 6674
- Free Will Writing Service – via 02089717444
- Conveyancing at reduced rates – via 0800 8046674

## WHAT EMPLOYMENT LAW SERVICES DOES THE CWU PROVIDE ?

The CWU has a department that will assist, provide advice and in some cases representation at an Employment Tribunal.

All aspects of Employment Law are covered, which include:

- Claims of unfair or constructive dismissal
- Claims of discrimination and/or victimisation on the grounds of : Gender , Race, Disability , Age , Religion or Belief
- Claims in relation to Equal Pay or Unlawful deductions of pay
- Claims in relation to redundancy
- Claims in relation to discrimination and/or victimisation in relation to Trade Union Activity
- Claims in relation to the Regulations for Maternity and Parental Leave

## WHAT IS THE ROLE OF THE LOCAL OR AREA REPRESENTATIVE?

1. It is important that Representatives do not try and decide for a member whether they have a potential claim or not!

2. The Unions' Legal Services Department in conjunction with the Union's panel of solicitors will make these decisions.
3. The first port of call is to refer all potential legal or employment law matters to the Branch Secretary or Deputy Branch Secretaries.
4. If the matter is not in any way work related, then in addition members must be told of the CWU Helpline which is staffed by legally trained advisors.
5. Not all matters are covered: an example of legal representation that the CWU does not provide, for instance, relates to family law, e.g. divorce and custody matters. Advice is given only.
6. For Accidents on Duty, it is vital that members ensure that the accident is recorded on the ERICA system, even for relatively minor accidents.

#### For Employment Law Matters:

1. Within Royal Mail Group there are more and more grievances being submitted on a whole host of matters, which could be potential Employment Tribunal claims.
2. For these grievances it is absolutely vital that members understand that "the clock starts ticking" as soon as a grievance is lodged so far as time limits for Tribunals are concerned. For most types of claim the time limit is 3 months less one day.
3. For dismissals, you must always inform the Branch Secretary without exception.

4. As a local or area rep you must liaise with the Branch to ensure our members are not prejudiced in relation to a possible claim.
5. A well written grievance can be crucial in ensuring a member can successfully resolve a problem. Please do not just say to someone, "Submit a grievance." Please take the time to sit down with them and actively assist. Not everyone can write up what they want to say.

NB. Members can potentially sue the Union for bad advice.

## THE COMPENSATION ACT 2006 – CODE OF PRACTISE

The Government, via the Department for Constitutional Affairs (DCA) introduced the Compensation Act 2006 to regulate and govern the activities of organisations & companies providing legal services. This was in

response to concerns that some companies/organisations were not acting in the best interests of the public e.g. “sharp practise” or unethical practise etc.

All such providers, e.g. “No win No fee” type companies, must be regulated as must legal service providers such as insurance companies.

Trade Unions have been able to negotiate an exemption to the Act due to the fact that we do not seek in any way to make any profit from our members.

However, to ensure that we maintain high standards at all times, there is a Code of Practise which we must follow.

This Code of Practise sets out key principles which govern the way Trade Unions provide what is referred to as regulated claims management services to their members.

If we do not maintain the high standards expected of us under this Code of Practise, we could find ourselves subject to regulation like any other organisation.

In addition to this, the Government have set up a “watchdog” committee called the DCA Exemption Monitoring Board.

This Board will both monitor trade unions and take complaints from trade union members who believe that they have not been treated properly.

Whilst the Branch is sure that we provide services to our members to the best of our ability, it is clear that there is no room for complacency.

Both the Code of Practise and the Monitoring Board are in place and up and running.

If you require a copy of this Code of Practise please contact the Branch.

## ACCIDENTS ON DUTY

There is increasing concern that members are not entering accidents at work on the ERICA system.

We are even hearing comment that some managers are dissuading people by telling them that the process takes about 45 minutes!

Legally all ERICA forms must be sent to the appropriate Area Safety Rep. From there we send out a letter advising members of their rights. If a member has an accident at work please:

- Ensure it is entered on the ERICA system.
- Ensure the member registers the accident with the Department of Work and Pensions.
- Encourage a member to complete a CWU “LS3” form obtainable from the Branch.

If a member does not think there is anyone to blame for their accident:

- Advise them that if they do nothing else, they ought to allow us to register them with the Royal Mail Group Personal Accident Benefit Scheme. We have 6 months from the date of the accident to do this.
- That they could phone the Branch Secretary or their Area Safety Rep to have a chat to see if there might be a claim.

Please note: The Royal Mail Group Personal Accident Benefit Scheme is a NON BLAMEWORTHY scheme agreed with the CWU. It covers employees who have been injured at work and who subsequently suffer permanent injury as a result. The scheme is completely separate from any potential claim that might exist via the Unions’ solicitors. **Contact the Branch for details.**

**Finally, please do not pressure people at all into making a claim. It is their decision.**

## CWU ROAD ASSIST SCHEME

Free benefits to members and their immediate dependents. Accessed via 0800 8046674 & [www.cwu.one1one.co.uk](http://www.cwu.one1one.co.uk)

The scheme covers cars and motorcycles should you be unfortunate enough to be involved in a vehicle collision.

This free scheme means that you do NOT have to pay for any legal expenses as part of your car or motorcycle insurance.

The scheme is in conjunction with the CWUs legal panel of solicitors and accident management alliance partners.

With the benefit of this Scheme you will be eligible to take advantage of the following services in the event that the off duty road traffic accident was not your fault:

- Your vehicle recovered from anywhere in the UK
- Your accident automatically reported to your Insurer
- Your vehicle replaced on a category like-for-like basis
- Private medical treatment and rehabilitation
- Compensation for any losses
- Personal injury representation
- All legal fees covered by the CWU

## CONTACT TELEPHONE NUMBERS

Phil Chadwick  
Branch Secretary  
CWU Western Counties Branch  
4 Okehampton Road

Exeter  
EX4 1EH  
01392 250479  
07789 904958  
[westerncountiesamalcwu@yahoo.co.uk](mailto:westerncountiesamalcwu@yahoo.co.uk)

Dept for Work and Pensions  
0845 7585433

CWU Legal Helpline - 0700 to 2000 - 7 days a week  
- 365 days a year:

0800 8046674 & [www.cwuaccidenthelpline.com](http://www.cwuaccidenthelpline.com)

CWU Road Assist Scheme - 0800 804 6674 &  
[www.cwu.one1one.co.uk](http://www.cwu.one1one.co.uk)

CWU Area Safety Reps:

Keith Franklin (BA Area) 07958 727852

Steve Beale (TA Area) 07950 666508

John Froot (EX & TQ Area) 07799 720604

Andy Jane (Parcelforce) 07814 924424

Tony Lorton (Post Office Ltd) 07748 805665

Deputy Branch Secretaries:

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