

GMB TAKES LEGAL ACTION TO DEFEND SOUTHERN CROSS MEMBERS' EMPLOYMENT RIGHTS

ACT NOW

Between now and the transfer, make sure you keep copies of your pay slips and other information you may have that confirms your current terms and conditions of employment such as a letter of appointment or statement of particulars. If you need advice or assistance, contact your local GMB Officer.

As Southern Cross is broken up, each home, including yours, will transfer to a new Operator. Under a law called TUPE (see below) Southern Cross must inform and consult with GMB properly before the transfer to new operators happens. GMB finds that this has not been happening and has started legal action to defend the rights of GMB members at Southern Cross. If this legal action is successful GMB members could receive cash compensation. Only GMB members can be part of this legal action and able to receive legal advice from GMB. If you are not a GMB member and want GMB to try and win you compensation then you need to join now by either filling in the form on the back of this newsletter, or join at www.gmb.org.uk/join.

WHEN DO THE NEW OPERATORS TAKE OVER THE RUNNING OF MY HOME?

Southern Cross told GMB on 16th August that care homes will transfer in waves. The first group transferring by 30th September and the second by 31st October. Southern Cross must give details of which homes will transfer to which new companies and when. GMB wants to meet each new Operator/company before you transfer as part of the process of defending all GMB members job and pay. GMB will let you know as soon as we know which homes are going to which operators but in the meantime ask your home manager what they know.

MIGRANT WORKERS

Migrant workers may be vulnerable during the transfer to new Operators/employers. So GMB is pushing Southern Cross to make sure they do not suffer because of the transfer. Southern Cross say they are talking to the UK Border Agency and working with the new Operators around the licensing process for migrant workers. GMB will keep up the pressure for GMB migrant members.

MORE ABOUT TUPE – YOUR RIGHTS

TUPE (Transfer of Undertakings Protection of Employment) means that: Your contract of employment, your pay, hours of work and holidays all transfer to the new employer/operator. You are protected by law against dismissal as a result of the transfer to a new operator/employer. Southern Cross must tell your new employer about your pay and terms and conditions of employment. Remember, TUPE is not watertight and in takeover situations employers sometimes try to cut pay or hours or make other changes. Southern Cross has told Homes Managers to check the pay rates, hours and terms and conditions of each person working in every Home. GMB has said that you and your Union should be involved in this to make sure that it is correct. It is very important this information is right. If it isn't, it could mean that you won't be paid correctly by the new Operator or could lose any extra holidays or other entitlements you get.

Join online today at www.gmb.org.uk/join

STATEMENT OF EMPLOYMENT PARTICULARS

YOUR NAME:

YOUR PRE-TRANSFER EMPLOYER'S NAME:

DATE YOU STARTED WORK WITH CURRENT EMPLOYER:

DATE THESE PARTICULARS APPLY:

WHAT IS YOUR HOURLY RATE OF PAY?

NORMAL:

WEEKEND:

PUBLIC HOLIDAYS:

ANY OTHER ENHANCED HOURLY RATES:

ARE YOU PAID...

WEEKLY:

MONTHLY:

OTHER:

WHAT ARE YOUR HOURS OF WORK?

DO YOU WORK OVERTIME?

WHAT IS YOUR OVERTIME PREMIUM?

WHAT IS YOUR JOB TITLE?

WHAT IS THE ADDRESS OF THE CARE HOME WHERE YOU WORK?

HOW MANY YEARS SERVICE DO YOU HAVE COUNTING YOUR EMPLOYMENT WITH ANY PREVIOUS CARE HOME PROVIDED BEFORE SOUTHERN CROSS TOOK OVER YOU CARE HOME?

WHAT WAS THE DATE OF THAT PREVIOUS TUPE TRANSFER?:

HOW MANY DAYS HOLIDAYS DO YOU GET A YEAR?

DO YOU GET ANY...

PAID MEAL BREAKS:

PAID SICK PAY:

CARING ARRANGEMENTS:

OTHER BENEFITS (PLEASE IDENTIFY ANY OTHER ENHANCEMENTS OR WORK ARRANGEMENTS THAT YOU CURRENTLY RECEIVE):

DATE:

WHAT GMB MEMBERS NEED TO DO DURING THE 'TUPE' TRANSFER

TUPE—Transfer of Undertakings—protection of employment. This is the law that covers employees transferring from one employer to another. It is likely that your job will transfer before Christmas this year. Home managers are currently being asked by Southern Cross senior management to confirm staff employment details, so it is essential that you act now on our advice below.

You and all other GMB members must take the following steps to ensure that no mistakes are made on your pay, working hours, holidays etc when your job is transferred to your new employer.

Before your transfers happens it is vital that you get confirmation of you current pay, working hours, holidays etc, so that there is no dispute with any new employer when your job transfers.

Remember if any details of your terms and conditions are wrong or missing, then without any written proof there is no guarantee that your new employer will pay you the correct rate, recognise your holidays etc—that is why you need to ensure that the form is completed accurately.

GMB only works for GMB members so any Southern Cross employees who are not GMB members have to join to be sure that they are protected.

Remember: Keep a copy of your completed statement for your own records

Note: Under sections 1-6 of the 1996 Employment Rights Act you have a legal right to ask for your Statement of Employment Particulars.

STEP 1

Complete the Statement of Employment particulars form attached to this newsletter with your current terms and conditions of employment. Start to collect all the employment information you have in one safe place, your contract of employment, letter of appointment etc.

STEP 2

Keep your completed form safe as you may need it later.

STEP 3

Ask your home manager to show you the information about you they are sending back to Southern Cross HR and make sure you correct any mistakes or inaccuracies in the information. The Data Protection Act entitles you to this information. If they refuse to correct any mistakes contact your local GMB Workplace Organiser or regional GMB Officer.

STEP 4

Encourage all your fellow members to complete their form and ask non-members to join GMB so they can do the same thing.

STEP 5

Organise a meeting in your care home by contacting your local GMB Officer.

SWITCH OVER TO DIRECT DEBIT NOW

Make sure the protection of the GMB goes with you to your new employer. Switch your method of paying your GMB subscription NOW so that your GMB protection stays with you whatever happens at your home.

Go to www.gmb.org.uk/login to update your contact details and change your membership over to Direct Debit. Alternatively fill-in the form on the back of this newsletter and return it freepost, or call your GMB Regional Office.

Act now to avoid losing GMB protection—at no extra cost.

GMB is already holding meetings in many Homes and will continue to do so throughout the process. It is important that all staff know their rights in these difficult times. To arrange a GMB visit to your home contact your GMB officer as listed overleaf. If you or your colleagues are not already in GMB, you should join today. Use the form on the back or go to www.gmb.org.uk/join.

GMB is the only union recognised by Southern Cross. With 15,000 GMB members and hundreds more joining each week, only GMB can fully represent staff in negotiations during these tough times. Make sure everyone working at your home is a GMB member and protected, now, during and after you transfer to a new employer.

GMB – THE INDEPENDENT UNION FOR SOUTHERN CROSS STAFF

610,000 GMB members can't be wrong, 15,000 of your colleagues working for Southern Cross are already GMB members. Whether you work full-time or part-time – whatever job you do – join GMB to make your workplace stronger. You can use the form below to change your GMB membership to direct debit, or if you have a colleague who is not yet a GMB member ask them to fill in the form and return it to: GMB, FREEPOST(WC2268), London SW19 4YY (you do not need a stamp).

CONTACT GMB

GMB Birmingham & West Midlands Region

Amanda Gearing, GMB Organiser on
01827 66001, 07957 265678

GMB London Region

Shaun Graham, GMB Senior Organiser on
01462 499650, 07885 706556

GMB Midland & East Coast Region

Paul Bissett, GMB Organiser on
0115 960 7171, 7966 327985

GMB Northern Region

Chris Jukes and Suzanne Reid,
GMB Organisers on
0191 233 3930

GMB North West & Irish Region

Karen Atkinson, GMB Organiser on
0161 627 3062, 07740 804051

GMB Scotland

Barry Fletcher, GMB Organiser on
0141 332 8641, 07921 885775

GMB Southern Region

Jim McDermott, GMB Organiser on
0208 303 3407, 07894 096586

GMB South Western Region

Kelly Andrews, GMB Organiser on
02920 491260, 07980 753131

GMB Yorkshire & North Derbyshire Region

Jon Smith, GMB Organiser on
01924 882255, 07918 905615

FOR UNION USE ONLY Section Branch No Membership No Date of joining

GMB membership application form PLEASE USE BLOCK CAPITALS

1 TELL US ABOUT YOU

Surname	<input type="text"/>	First name	<input type="text"/>	Title	<input type="text" value="Mrs/Miss/Ms/Mr"/>	Date of birth	<input type="text"/> <input type="text"/> <input type="text"/>
Home address	<input type="text"/>		Home Tel	<input type="text"/>	Email	<input type="text"/>	
	Postcode <input type="text"/>		Mobile	<input type="text"/>	I agree to abide by GMB rules Signature	<input type="text"/>	
Date	<input type="text"/> <input type="text"/> <input type="text"/>	We ask for your ethnic origins as part of our equal opportunities policy of improving services to all members				<input type="text"/>	
	Bangladeshi <input type="checkbox"/> / Black African <input type="checkbox"/> / Black Caribbean <input type="checkbox"/> / Black British <input type="checkbox"/> / Chinese <input type="checkbox"/> / Indian <input type="checkbox"/> / Irish <input type="checkbox"/> / Pakistani <input type="checkbox"/> / White <input type="checkbox"/> / Other: <input type="text"/>						

2 TELL US ABOUT YOUR JOB

Employer	<input type="text"/>	Your job	<input type="text"/>
Address where you work	<input type="text"/>		How many hours a week do you work? <input type="text"/>
	Postcode <input type="text"/>		Pay No <input type="text"/>
	Work Tel <input type="text"/>	Pay Date	<input type="text"/> <input type="text"/> <input type="text"/>

3 INSTRUCTION TO YOUR BANK OR BUILDING SOCIETY TO PAY BY DIRECT DEBIT



Please fill in the form and send to **GMB, 22–24 Worples Road, London SW19 4DD**

Name and full postal address of your Bank or Building Society branch

Service User Number

To the Manager of	<input type="text"/>	Bank/Building Society
Address	<input type="text"/>	
	Postcode <input type="text"/>	

For GMB official use only. This is not part of the instruction to your Bank/Building Society. If your A/C number is not available fill in your address below.

Name(s) of account holder(s)

Bank/Building Society Account Number

Bank/Building Society Sort Code

Reference number (Office use only)

Instructions to your Bank or Building Society.

Please pay GMB Direct Debits from the account detailed in this Instruction subject to the safeguards assured by the Direct Debit Guarantee. I understand that this Instruction may remain with GMB and, if so, details will be passed electronically to my Bank/Building Society.

Signature(s)	<input type="text"/>
Date	<input type="text"/>

Banks or Building Societies may not accept Direct Debit instructions for some types of account