



The Union Working Together To Protect You

GMBA Branch Newsletter
September 2018

Holiday Pay Update

Dear Colleagues

Now that the story is out there relating to average holiday pay, along with the shenanigans the AA and the IDU got up to, it has become clear that the AA had to reach some sort of agreement with the IDU because GMB was always going to win at the Tribunal. Quite simply, the AA was withholding monies that you were fully entitled to have. The so-called “agreement” was an attempt to save face by the AA with a poor attempt to promote the management-led union. The AA has said they will not be paying back pay, but there are avenues for staff where they could attempt to gain something back; I will go further into this later in this letter.

I have heard numerous people stating that the claims could have bankrupted the company, thus putting jobs at risk. This is nothing more than lies and scaremongering. To give you some sort of idea, the AA’s Directors have paid themselves a whopping £29.8 million since 2013 and that is from only two of the companies under the AA umbrella. It has an operating profit of £82.8 million in 2018.

Dealing with Back Pay

You can only go back two years at an Employment Tribunal; this means you can only go back for years 2017/2018 and for the first twenty days leave per year. There is a high likelihood that if you submitted claims now, you could be “in time” for at least 2018 and possibly 2017, providing you did not take all of your leave very early in 2017/2018. You should now consider submitting those claims to me. If you don’t, you will simply run out of time.

The easiest way to attempt to see if you lost out is to add the total earnings twelve weeks prior to going on leave then divide it by twelve. This should be the approximate wage you should have earned when on leave. Whilst this is not exact science, it will give you a rough idea. Most certainly if you sell parts, membership or undertake regular overtime you would have more than likely lost out. This includes all staff, not just AA patrols.

The claim years

The Employment Tribunal dealt with claims for 2015/2016. If you did not put in a claim or you were out of time when you did, you now need to submit the claims years 2017/2018. Currently, some GMB members will be purchasing cars and some taking luxury holidays, as a result of the claims. Don’t miss your opportunity!

What you need to do

1. You would need to print off all of your pay slips going back to the start of 2017, get a copy of your contract of employment and print off all the dates you took leave for years 2017/2018. Undertake the basic calculation, as previously stated.
2. You would need to submit a grievance letter to the AA, stating that it was an unlawful deduction of wage and ask for it to be paid. A template letter is attached, so ensure you do the calculations before sending the grievance letter in to the AA. **DO NOT WAIT FOR AN OUTCOME OR INVITE, AS THE CLOCK IS TICKING.**
3. As soon as you have undertaken the calculations and have the required paperwork, **it must be posted recorded delivery to me at the address below**, I will only accept copies and not originals. **I will not accept emails.**
4. I will submit group ACAS early conciliation for all those sending in the details and your claims will be assessed by Unionline, GMB's Solicitors.

NON-GMB Members and IDU Members

I am currently seeking legal advice to see if IDU members are able to sue the IDU for gross negligence on your behalf, as they have said in their communications that they were aware of the issue for eighteen months and chose not to inform their members of the claims, subsequently leaving them at a significant detriment because of their actions. I believe the IDU were aware in 2008, as this was the first Fuel Assist contract that had average pay built in.

Due to the dreadful way this has been dealt with, I have decided to open a two week window of opportunity for non-members to join and their claim will be assessed by Unionline. **That two week window is Tuesday 25th September 2018 to Monday 8th October 2018.**

You can join online at www.gmb.org.uk

Yours fraternally



Paul Grafton
Membership Development Officer and Regional Organiser
GMB Southern Region
Cooper House
205 Hook Road
Chessington
Surrey
KT9 1EA

UNIONLINE
YOUR TRADE UNION LAW FIRM
0300 333 0303
www.unionline.co.uk

