

## Freelance forum



By Jane Furnival

I WISH they would ban those adverts which claim that you can earn £50,000 a year as a freelance writer. It's a fraudulent claim in the current climate.

"The situation is pretty dire," says a member. "Income is down by 25%," says another, "Selling stories is harder."

The Sun has lowered its rates to a princely £20 for one or two paragraphs or up to £135 for large general features or sports articles. The Bizarre section pays £600 for a lead. Photography rates start at £78.75.

"The Sun will pay significantly more than any of our immediate rivals," they trumpet optimistically in a letter accompanying the bad news.

### Work for free

People are noticing a drop-off in work as editors pressure their staff to substitute for freelancers. Also, comments one member, an influx of would-be freelancers who can't write and aren't trained is muddying the market.

Someone else notes "the increasing number of websites and magazines that want you to work for free 'to enhance your portfolio'. 'I was offered £10 for a 500-1000 word product review for a financial website - whoo!'" says a disenchanted newcomer.

All this means that our members are seeking new markets. "I charge £140 for a seven hour day, freelance copywriting," comments one.

Another freelance said she tried 'bidding' sites, such as scribblepage, in which you are asked to pitch and give your price to write a particular story. She soon gave up. "You are often competing against Asia and the US where they will do a 500-word story for 5 dollars."

However, she remarks that People per Hour, Guru.com and Elance - which she says limits you to three bids for work a month unless you pay a fee - sometimes have 'quite decent jobs' in journalism and corporate copywriting, with jobs and 'chunky projects' awarded on the quality of your pitch, not price.

### RATES ROUND-UP

*Evening Standard*, 1000 words, feature, £400. *Cosmopolitan*, 750 words, one page real life health, £325. Women's magazine, 900 words, £320. National tabloid paper, travel feature, 1500 words, £600. French women's magazine, overseas property feature, 1800 words, £1,300 paid in euros. *Sunday Telegraph*, 1400 words, feature, £700. *Aston Martin* magazine, 500 words, feature, £250. Press release, £100, two hours' work. *Good Morning TV*, 5-minute live appearance and writing script, £350. *Sunday Mirror*, news feature photograph, £180. *Wimpsey Homes Newspaper*, lifestyle feature photograph, £100.

# MGN FORCED TO BACK OFF

MGN Management has been forced to climbdown from its unilateral imposition of a pay freeze on Daily Mirror, Sunday Mirror and The People journalists.

Also, crucially, it has been forced to climbdown from its attempt to unilaterally end the BAJ/MGN arbitration agreement.

The climbdown came after BAJ complained to the Central Arbitration Committee (CAC) which is available to intervene if either party to an official recognition agreement - as at MGN - fails to follow the agreement.

The Company gave an undertaking to Professor John Purcell, chairman of the CAC panel set up to consider BAJ's complaint, that they would discuss BAJ's 2009 House Claim and take part in arbitration over it if necessary.

The Company has asked for the arbitration agreement to be reviewed and BAJ has agreed to take part in the review under the auspices of ACAS.

However, BAJ negotiators have made it clear that BAJ would not give up arbitration unless some other independent mechanism was agreed to enable differences to be resolved peacefully.

On November 11, HR Director Lesley Sommerville told BAJ negotiators that the Company was withdrawing from the arbitration agreement with immediate effect.

## Member's Book

Cedric Pulford's *Byliners* has tips for beginning and established freelancers. 128pp. £8 (includes 20% BAJ discount): Ituri Publications, Office 2, Broad March, Daventry NN11 4HE.

ANY members who have new books on sale are free to give details in this book column. Just email 25 words of basic information to: [office@bajunion.org.uk](mailto:office@bajunion.org.uk)

## Key Facts

- RPI INFLATION: January 1987 - 100. January 2009 - 210.1. Rise in past year 0.1 per cent.
- AVERAGE EARNINGS: 2000 - 100. January 2009 - 138.2. Private sector rise in the past year, excluding bonuses, 3.4 per cent.
- UNEMPLOYMENT: At 31 January 2009 - 2,030,000. Up 421,000 in the past year.
- HOUSES: Halifax national house price index: 1983 - 100. February 2009 - 518.9. Annual change - minus 17.7 per cent.
- MOTORING: AA's system for mileage rates for petrol cars averaging 10,000 miles a year: Car cost new up to £10,000 - 36.84p a mile. Car cost new £10,000 - £13,000 - 45.35p a mile. Car cost new £13,000 - £20,000 - 59.71p a mile.

Group Managing Editor Eugene Duffy said the Company would not be dictated to by an ACAS arbitration panel again. He said the Company had put the facts to the recent pay arbitration and had not been listened to.

The Company was obviously smarting over the fact that BAJ won the arbitration hearing last August and MGN journalists were awarded a pay rise of 3.5% against the Company's 3% offer.

Lesley and Eugene also knew presumably that the parent company, Trinity Mirror plc, was about to announce a pay freeze across all subsidiary companies, including MGN, on November 19.

They obviously hoped to railroad BAJ negotiators into accepting the ending of arbitration without a murmur, but, on legal advice, BAJ asked the CAC for assistance.

The 2009 House Claim which seeks a 5% rise in line with RPI inflation in the benchmark month of September was submitted to MGN on February 13. The Company has totally rejected it. Talks are now being held over the claim, but arbitration looks likely.

The pay scene across Fleet Street is mixed. About half of the titles have had rises ranging from 2% to 3.8% and the others have had pay frozen.

Latest Trinity Mirror accounts show that MGN titles achieved an operating profit of about £65 million in 2008 - enough to give journalists a decent rise.

Steve Turner said: "We must keep MGN arbitration to resolve any serious difference in the future. The alternative of strike action helps no-one. Hopefully, the new Management will come to see that conciliation is better than conflict."

## Your finances

BAJ's finances were under considerable pressure in 2008, as the accounts below show. BAJ had income of £140,145 and expenditure of £140,523.33, leaving a deficit for the year of £378.33. Fortunately, BAJ has reserves to help out. The books are now being audited.

Our Management Accounts from 1 January until 31 December are:

INCOME		February		10,161.00	
Advance/arrears subs	5,450.00	March	10,294.00		
Donations	6,200.00	April	10,213.00		
Bank interest	322.44	May	10,114.00		
Legal fees for compromise agreements	4,150.00	June	10,131.50		
Dividends	9.61	July	10,231.50		
Sale of mobile phones	31.92	August	10,064.00		
Office rates rebate	800.53	September	10,268.50		
		October	10,361.50		
		November	10,649.00		
		December	10,606.50		
Monthly subs received		TOTAL	140,145.00		
January	10,086.00				
EXPENDITURE		Computer support		333.97	
Legal expenses/Helpline premium	19,437.60	Website	179.21		
Legal advisers' retainers	25,441.96	Equipment Fund	426.43		
Legal adviser's practising certificates	1,125.00	Photocopying	229.17		
Legal adviser's, NEC's and FOC's insurance	1,035.41	Postage	937.85		
Other legal bills/court charges	8,536.01	Stationery/printing	1,775.34		
Tax Helpline	1,292.52	Secretarial	5,563.26		
BAJ Press Cards	1,207.53	Bookkeeping	1,135.00		
UK Press Cards	930.45	Audit fees	2,173.75		
Trainee Press Cards	12.50	Bank and BACS charges	885.45		
Company search fees	77.57	Office rent	5,072.15		
BAJ NEWS	5,493.38	Office service charges	1,660.05		
Books	32.49	Office rates	979.05		
LRD affiliation fees	95.00	Office water rates	401.20		
Bounty payments	800.00	Office insurance	613.62		
Pay/NIC (S. Turner)	23,316.20	Sundry expenses	2,201.34		
Pay/NIC (D. Thomas)	21,730.48	TOTAL	140,523.33		
Keyman insurance	1,296.78	TOTAL INCOME	140,145.00		
Telephones (4)	2,842.83	TOTAL EXP	140,523.33		
Facsimiles (2)	636.00	IN HAND	-378.33		
Mobile telephone	564.78	Reserves:	£15,438.80		
Laptop dangle	52.00	Unit trust savings	3,250.00 (cost)		

# BAJ NEWS

No 60 Quarterly March 2009

## Tribunal slams News of the World liars

# BULLIES EXPOSED

JUSTICE FOR MATT



Matt: Confidence restored

THE world of journalism is on fire in the economic crisis. Staffers are suffering redundancies and pay freezes, and freelancers are suffering savage cuts in payments.

BAJ is ready to help. General Secretary Steve Turner, Membership Secretary Deborah Thomas and our legal team are working flat out to assist affected members.

The scandal is that most newspaper and magazine groups are still making reasonable profits, but they won't use the money to cushion jobs, pay and fees until the tide turns. Shame on them!

Even worse than the economic doom and gloom is the corporate bullying which has been happening almost unrecorded in many editorial departments for years.

So this issue of BAJ NEWS is devoted to the case of sportswriter Matt Driscoll who was bullied into a mental breakdown by nasty senior executives at the News of the World, but who has now triumphed over his tormentors in the employment tribunal.

The last BAJ NEWS told the story of another member who received an out-of-court settlement of £225,000 after being bullied into a mental breakdown, but the case had to be anonymous and circumspect in content because of a confidentiality agreement.

Matt's case can be reported in full horrific detail because it was heard in public. The tribunal panel's 50-page judgement is a damning indictment of the News of the World. Matt has got his confidence back.

SENIOR executives at the News of the World stand condemned of deliberately damaging the career and health of its "gifted" sports writer Matt Driscoll.

The Employment Tribunal at Stratford, East London, said the senior executives were guilty of:

- Manufacturing allegations of misconduct against Matt with the sole aim of being able to dismiss him.
- Causing Matt's mental illness.
- Bullying him repeatedly.
- Violating his dignity and creating an intimidating and hostile environment.
- Failing to give accurate evidence, being evasive and, in one case, lying on oath.
- Failing to have a policy on disability.
- Lacking an understanding of the effects of a depressive illness.

The guilty are:

Andy Coulson, former Editor, now Head of Communications for the Conservative Party (who did not give evidence).

Neil Wallis, former Deputy Editor, now Executive Editor (who did not give evidence).

Stuart Kuttner, long-time Managing Editor.

Paul Nicholas, Deputy Managing Editor.

Ann Paul, Director of Human Resources.

Fiona Spink, former Human Resources Business Partner.

Mike Dunn, former Sports Editor, now Sports Editor of The Sun.

The Tribunal said the Senior Management Team

## APPEAL DENIED

THE News of the World tried to appeal against the Tribunal's decision, but the Employment Appeal Tribunal (EAT) wouldn't allow it.

Mr Justice Wilkie reviewed the Company's 9-page Notice of Appeal and concluded: "I am unable to see that any of the grounds raise an arguable point of law rather than disagreement with the outcome dressed up."

Mr Wilkie added: "This is rather an elaborate exercise in applying a fine toothcomb to a lengthy decision."

The paper has now asked the EAT for an oral consideration of its grounds of appeal.

of Mr Coulson, Mr Wallis, Mr Kuttner and Mr Nicholas (aided and abetted by Ms Paul, Mrs Spink and Mr Dunn) cynically orchestrated a plan to remove Matt from his job before and after he became ill.

After a seven-day hearing, the three-man Tribunal panel found unanimously that Matt had been unfairly dismissed and had been subjected to disability discrimination and harassment.

The Tribunal will meet again to decide how much compensation Matt should be awarded. A hearing has not yet been fixed.

The Tribunal's 50-page judgement chronicles minutely the appalling bullying and ill-treatment

to which Matt was subjected.

Matt was put on a 1st disciplinary charge over a complaint by Arsenal Football Club in July 2005. He was put on a 2nd disciplinary charge over a complaint by Charlton Football Club in March 2006. He was notified of a 3rd disciplinary charge over timekeeping and performance in July 2006.

Matt then became seriously ill with stress. He was dismissed in April 2007 at a hearing at which he was not present and while he was still off sick.

The Tribunal's judgement said that it accepted the Claimant's evidence that Mr Coulson turned against him as a result of an incident in late 2004. Mr Coulson gave Matt a tip that Arsenal Football Club was planning to play in purple shirts to celebrate its centenary. The Club's Press Office denied it. So Matt didn't write the story.

Some three months later, The Sun ran the story and Mr Dunn said to Matt: "Coulson will be on the warpath over this. We are dead."

The Tribunal said: "Mr Dunn denies any such conversation with the Claimant. We find that such a conversation did take place."

The Tribunal added: "The impression given to us, from reading the documentation and considering the evidence as a whole, was that the senior management team were going through a cynical process of giving the appearance of fairness towards the Claimant."

"By giving him a first warning, final warning and then dismissal, they hoped to avoid a successful

Turn to centre pages

# MATT MADE ILL

MATT was taken ill with chest pains on 18 July 2006 after he was hit with his 3rd trumped up disciplinary charge. His GP diagnosed stress reaction and signed him off work.

Deputy Editor Neil Wallis reported Matt's illness to Editor Andy Coulson. Mr Coulson replied by email on 19 July 2006: "Want him out as cheaply and quickly as possible."

Matt was then bombarded with phone calls, emails and letters demanding that he see the Company Doctor, Andrew Deuchar.

The Tribunal said: "During the first few days of the Claimant's sickness absence, numerous telephone calls were made to him by Stuart Kuttner, Managing Editor and Fiona Spink, HR Business Partner, although they did not succeed in speaking to him. In addition, Ann Carville, the Group Occupational Health Manager and Ann Paul, the HR Director, made telephone calls.

"Mrs Spink wrote to the Claimant, by letter dated 28 July 2006, to inform him that Ann Carville, would visit him at home on 3 August, 2006.

"Mr Turner sent an email to Mrs Spink, dated 1 August 2006. He said the Claimant was satisfied with his GP and asked her to cancel the visit.

"Mrs Spink refused to cancel the appointment, but confirmed it. It was bullying behaviour.

"We find that Mr Coulson's desire to get rid of the Claimant as cheaply and quickly as possible was his desire not only on 19 July 2006, but also as early as August 2005."



Coulson: Nasty

# THE THREE PHONEY CHARGES

## Arsenal complaint

SHORTLY after the London bombings in July 2005, said the Tribunal, the Claimant wrote an article about the religious faith of Kolo Toure, the Arsenal footballer, including quotes from him.

Arsenal complained to Sports Editor Mike Dunn, alleging that Matt put words in Mr Toure's mouth that he had not said.

Mr Dunn contacted the Claimant and asked him to provide him with the taped interview and copies of his notes. He was on holiday at the time and returned from Manchester to Kent to get the taped interview and email it to Mr Dunn on 3 August 2005.

### Delay

Mr Dunn emailed the Arsenal Press Officer Ms Docherty on 5 August to apologise for the delay. He then went on holiday between 13 August and 1 September. He did not ask anyone to do anything about the complaint while he was away.

Ms Docherty made a complaint to the Press Complaints Commission on 31 August. She complained about inaccuracies, failure to respect privacy and Mr Dunn's delay in processing the complaint.

The Claimant was subsequently notified of a disciplinary hearing to consider allegations of inaccuracies in his interview with Toure and an unacceptable delay in dealing with the complaint. Managing Editor Stuart Kuttner appointed

Mr Dunn to conduct the hearing.

Mr Dunn issued the Claimant with a first written warning. Mr Dunn concluded that the Claimant's standards of professional behaviour had fallen below an acceptable standard because his quotations were not backed up by a taped note. As to the allegation of unacceptable delay, Mr Dunn noted that there were some mitigating points. He did not state that he himself had caused the delay.

The Tribunal said: "Mr Kuttner emailed Mr Coulson on 9 November 2005. The contents are telling. He stated that the situation was not black and white enough to dismiss Matt Driscoll. He went on to state 'of course we could still fire him and pay the going rate for that'".

The Tribunal noted that in 2005 five of Mr Dunn's other reporters were banned by football clubs for writing stories that the clubs did not like. No action was taken against them.

The Tribunal added: "Although Arsenal Football Club informed the Press Complaints Commission that they would be satisfied with an apology, no apology was provided. Nor was the issue subject to any litigation."

ON 22 March 2006, said the Tribunal's judgement, Sports Editor Mike Dunn received a complaint from the Press Officer of Charlton Football Club about an article on Manager Alan Curbishley.

The Claimant took a short cut himself by relying on another journalist as his source and not carrying out checks himself.

Mr Dunn told Managing Editor Stuart Kuttner about the complaint. Mr Kuttner appointed Deputy Managing Editor Paul Nicholas to hold a disciplinary hearing. Mr Nicholas asked for advice from the Company's lawyers as to whether the Claimant could be dismissed. He stated in advance of the hearing that the Claimant had "blatantly lied" about the quotations in his story.

### Issue

Mr Nicholas advised Deputy Editor Neil Wallis that the Legal and HR advice was that they probably could not successfully dismiss him, because this issue was not sufficiently worse than the first conviction to merit skipping a final warning and dismissing him.

Mr Turner represented the Claimant at the hearing. Mr Turner requested information on comparisons with complaints against other sports writers in similar situations. Mr Nicholas did not provide the information.

Mr Nicholas wrote to Mr Coulson and Mr Kuttner. He felt he had enough to give the Claimant a written warning

## Charlton complaint

rather than "safely dismissing." Mr Coulson replied authorising him to "go ahead with a final written warning."

The Claimant appealed against the final written warning. The appeal was heard by Mr Wallis. Mr Turner asked for information on the number of complaints received from clubs in the past nine years during the Claimant's service and whether any other sports writers had been the subject of disciplinary proceedings.

Mr Turner also asked whether the journalist involved in Wayne Rooney's successful libel action against the News of the World had been disciplined. The requests were ignored. The Claimant's appeal was unsuccessful.

The Tribunal added: "The Claimant continued to feel very stressed. This is entirely understandable. He had been subject to two unjustified disciplinary hearings that had taken place as a pretext to justify the Editor's desire to get rid of him."

This was confirmed by the fact that "they refused Mr Turner's request to overturn the Claimant's second disciplinary warning after Alan Curbishley's book showed that the article he had written about him had been true."



Kuttner: Bullying

## No policy to help disabled

THE News of the World was condemned by the Tribunal for failing to have a policy on disability and failing to consider whether Matt's mental illness amounted to a disability.

The Tribunal's judgement said: "The Claimant's sickness absence was considered by their Director of Human Resources, together with other Human Resources Advisers, their Occupational Health Manager, their Occupational Health Doctor and a number of senior managers, including the Editor.

### Evidence

"Yet none of them sought to ensure that medical evidence was obtained for an assessment to be made as to whether or not the Claimant's mental illness amounted to a disability.

"We find this failing on the Respondent's behalf most surprising. It is a failing that runs contrary to paragraph 38 of the ACAS Code of Practice on Disciplinary and Grievance Proceedings.

"An even more striking omission on the part of the Respondent is that we were informed they do not have any policy on disability. For a large employer such as the respondent, this is a significant failure to comply with guidance given in the Disability Rights Commission's Code of Practice."

# KUTTNER WAS EVASIVE AND UNCONVINCING

THE Tribunal did not have a good word to say about Stuart Kuttner, Managing Editor of the News of the World.

The Tribunal recorded that Mr Kuttner took part in Management's phone bombardment against Matt when he became ill with work-related stress.

Then when Matt declined to be visited at home by NI's Occupational Health Manager, Ann Carville, shortly after he became ill, Mr Kuttner immediately suspended his sick pay.

The Tribunal's judgement said: "Mr Kuttner decided to stop the Claimant's sick pay. He wrote to the Claimant by letter dated 4 August 2006. He informed him that he was disappointed at the Claimant's failure to respond to Ms Carville's request to contact her.

### Threat

"He asked him to contact Ms Carville again to organise a medical examination. He finished his letter by stating that if he failed to do this, it would be treated as a serious breach of contract of employment.

"Mr Kuttner's explanation for his decision to refuse sickness pay at that early stage was that it was a 'shot across the bows.' We find it to be an extension of the bullying behaviour towards the Claimant that he and other managers had been carrying out before his sickness absence."

The Tribunal's judgement said that on 8 January 2007, Mr

Kuttner, HR Director Ann Paul and HR Business Partner Lesley Kerry held a meeting about the Claimant. They decided to dismiss him on the grounds of capability due to continued sickness once his reinstated sick pay expired.

The Tribunal added: "They were key players in the process leading up to the Claimant's dismissal and they were not interested in facilitating his return to work.

"The Claimant's sick pay was due to expire on 10 February 2007. The decision not to extend sick pay was made by Mr Kuttner. In his witness statement, he gives a variety of reasons for his decision. We do not accept them.

"We find that the main reason for Mr Kuttner's decision was that he wanted to get the Claimant out of the Respondent's employment.

"We did not find Mr Kuttner to be a convincing witness in a number of respects such as (for example) his evasiveness as to how the treatment of the Claimant compared with that of other journalists that had written inaccurate articles.

"His witness statement contained contradictions. He stated that he did give consideration to extending sick pay under the long-term sickness and disability scheme, but later stated that he believed the scheme was in disuse.

"Extending the Claimant's sick pay would have interfered with the objective of dismissing him as it could have prolonged the time before dismissing him."



Dunn: Exaggerated

# Dunn failed to kid panel

SPORTS Editor Mike Dunn's ability to denigrate Matt's ability in his witness statement did not hoodwink the Tribunal.

The Tribunal's judgement said: "We find that Mr Dunn has, with the benefit of hindsight and in order to attempt to bolster the Respondent's case, exaggerated any shortcomings the Claimant may have had."

Matt joined the News of the World in 1997. His annual appraisals for 1998, 1999, 2001 and 2002 classified him as "very good", "good", "good" and "satisfactory." Mr Dunn's comments on each of the appraisals were very positive. Matt was promoted twice in this period. No staff appraisals were carried out in other years.

The Tribunal added: "There was one slight reservation in the 2001 assessment. Mr Dunn wrote: 'He does not pull as many stories as we would ideally like. However, he has made excellent contacts

in the North, can be a gifted writer.'

"The Claimant wanted to relocate to London. Mr Dunn sent an email to Mr Coulson, dated 18 January 2001, requesting that the Claimant be promoted to Chief Football Writer and to move from Manchester to London. His pay was to rise by £6,000 from £44,000. Mr Dunn's proposals for the Claimant were approved."

The Tribunal said Mr Dunn stated in his witness statement that he moved the Claimant to London, not to promote him, but to keep a closer eye on him as he was increasingly concerned about the Claimant's productivity, quality of stories and the source of those stories.

The Tribunal added: "The contemporaneous documentation is more convincing to us than a witness statement produced for the purpose of defending these proceedings."

# Nicholas was plainly lying

PAUL Nicholas, Deputy Managing Editor of the News of the World, was branded a liar by the Tribunal.

Matt's barrister, Matthew Sheridan, raised with Mr Nicholas the case of Mosley v News of the World in which reporter Neville Thurlbeck was found to have blackmailed one of the prostitutes in the case and to have taken no notes to confirm his quotations.

The Tribunal said: "Mr Sheridan cross-examined Mr Nicholas on the issue of whether Mr Thurlbeck had been subjected to any disciplinary action in respect of his article.

"Mr Nicholas replied that he did not know, although he reluctantly accepted that he is still employed by the News of the World.

"Mr Nicholas's evidence that he did not know whether Mr Thurlbeck had been disciplined was, at the very least, disingenuous.

"Mr Nicholas described the senior management team at the News of the World as being 'close knit.' This is plausible as the workforce is comparatively small.



Nicholas: Disingenuous

"It is also confirmed by the very active involvement of the senior management team of the News of the World in the disciplinary actions against the Claimant.

"We do not believe Mr Nicholas's professed ignorance. He was, to put it plainly, lying to us in this part of his evidence."

The Tribunal added: "The Mosley judgement made instructive reading. It was instructive partly because it is evident that the misconduct committed by Mr Thurlbeck was of a totally different magnitude to that of the Claimant."

# Complaint about lack of stories

THE Claimant was making less contact with the sports desk, said the Tribunal's judgement, and "producing fewer stories (understandably in view of the grounds for his final warning), but Sports Editor Mike Dunn has exaggerated the extent to which he did so."

"Matters came to a head in July 2006. Mr Dunn asked the Claimant to report into work every day at 10am. This must have been a humiliating requirement for the Claimant as no other sports journalist on the team was required to do so.

"The Claimant did not attend the office

next day as required. There is a dispute about the Claimant's explanation that he was awaiting delivery at home of a book by Alan Curbishley that was to be serialised.

"Mr Dunn, in his witness statement, said that they received no communication from the Claimant on the day in question. This is at variance with the contemporaneous documentation, namely that the Claimant telephoned at 10.15am.

"It is another example of Mr Dunn seeking, with hindsight, to portray the Claimant in as bad a light as possible.

"The Claimant was invited, by a letter

dated 15 July 2006, to a disciplinary hearing on 25 July 2006.

"We have considered the evidence provided to us as a whole for the period from August 2005, following Arsenal Football Club's complaint about the Toure article, to 15 July 2006 when the Claimant was invited to another disciplinary hearing.

"We find the behaviour to have been a consistent pattern of bullying with the intention of removing him from their employment, whether through a negotiated settlement package or through a staged process of warnings leading to dismissal."

## BULLIES EXPOSED

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unfair dismissal claim. We have considered our overall view of the evidence of the witnesses, including documentary evidence. There were many occasions when we felt that witnesses of the Respondent were giving evidence that was inaccurate, evasive or unsatisfactory in other respects.

"We were, overall, far more impressed with the evidence of the Claimant and his witnesses.

"Earlier we made findings that the disciplinary processes carried out against

the Claimant prior to his illness were a pretext for a desire to get rid of him as an employee.

"We have considered whether the Respondent's motivation changed, at least by the time of the Claimant's dismissal.

"We find that the Respondent's long-standing desire to remove the Claimant continued and we are not persuaded that capability was the reason, or principle reason for the Claimant's dismissal.

"It is correct that the Claimant was not

dismissed swiftly after becoming ill. The Respondent did not, therefore, get the Claimant out "as quickly and cheaply as possible" as instructed by Mr Coulson to Mr Wallis in an email message dated 19 July, 2006.

"By the time of the Claimant's dismissal, Mr Coulson had left the Respondent's employment. We found that the Respondent's senior management team shared Mr Coulson's goal of removing the Claimant.

"In the circumstances of this case, the Respondent would probably have dismissed the Claimant much earlier on

the pretext of their manufactured allegations of misconduct leading to a third disciplinary hearing on conduct grounds, had the Claimant not become seriously ill shortly before the scheduled third hearing.

"Our findings of fact show that the Claimant's ill-health was caused by the Respondent's bullying treatment of him. Some recognition of fault on their part and expression of a genuine desire to make amends were a necessary part of any healing process for the wrongs they had done the Claimant. The Respondent did not do this."

## Turner: Very impressive

GENERAL Secretary Steve Turner was a "very impressive witness," said the Tribunal's judgement.

It added: "Mr Turner gave unchallenged evidence that he was involved in three similar cases to that of the Claimant at the News of the World which had each taken the same path.

"In each case, the journalist was unreasonably subjected to disciplinary proceedings, realised that the newspaper felt his face did not fit any more and they were trying to drive him out. The journalist asked if a severance package was available to resolve the matter. "In each case, the suggestion of a severance package was raised by the journalist concerned and taken up by management.



Turner: Unchallenged

"The Respondent's actions in this case are entirely consistent with what Mr Turner has described in the other cases."

The Tribunal said that Management's attitude towards Mr Turner "showed, at best, an unwillingness to allow him to do his job of representing and supporting the Claimant and, at worst, appears outright dismissive or hostile."