

EMPLOYMENT RELATED LEGAL ADVICE AND ASSISTANCE FOR MEMBERS

Whatever your employment related enquiry, the Musicians' Union (MU) is here to help. The following guidance explains the terms on which union casework is handled and how legal advice and assistance is provided to members. This should help you understand each potential stage and how you can best progress your case. **Please note claims in the Employment Tribunal are strictly time limited and you may have as little as three months in which to lodge your application. Potential employment claims must therefore be addressed immediately, and the union contacted for advice at the earliest opportunity.**

1. Lets get started

Please read the below guidance and the MU's Criteria for Legal Advice and Assistance carefully, and return the signed Employment Related Legal Advice and Assistance Request form to your regional office. Without this the Musicians Union cannot advise or take any further action on your case.

You will also be asked to submit a detailed written chronology of the main events in relation to your case and copies of any relevant documentation such as the contract of employment (or other written agreement) and any relevant correspondence/emails between you and the employer/organisation you work with. Please only send copies to us by post or email and retain the originals yourself in a safe place. These documents will assist us in giving you the best possible advice.

A signed Request Form also ensures that the Union has your explicit General Data Protection Regulation consent to disclose your trade union membership before any third party is contacted on your behalf. Please rest assured contact would only be made on your behalf with your authorisation and your sign-off as to what would be discussed with your employer.

2. The allocation of your case to a Union Official

Initially your case will be allocated to an Official. It should be noted that Officials are not solicitors but will have detailed employment law, industrial relations and contract knowledge and experience to advise on your case and can access a legal opinion where necessary. They can also provide trade union representation at meetings with your employer.

3. Keeping in touch with the Official

Once your case has been allocated to an appropriate union Official they will make contact with you to discuss your case and check our understanding of the advice and support sought. Our Officials can usually be contacted during office hours of 10 am – 5.30pm Monday to Friday: Please note the Union offices are closed on Bank Holidays and over the Christmas and New Year period.

Our Officials carry a high caseload and other responsibilities, and are therefore often out of the office. If your allocated union official is not available, they will return your call as soon as is practicable, although this may not be the same day. Only in urgent circumstances, or where a union Official is likely to be unavailable for an extended period, will it be appropriate for the intervention of another union official in the conduct of your case.

4. Progressing your case

After the initial contact with your allocated union Official, you will keep in touch via telephone and email as your case progresses. It is your responsibility to forward to your representative any further correspondence and documentation from your employer without unnecessary delay.

5. Employment Related Legal Advice and Assistance

There may be a need for your allocated Official to confer with the Union's retained firm of specialist employment law solicitors in order to obtain a legal opinion or ongoing legal advice on your case. If further union funding of ongoing advice is needed then the union's Legal Panel approval is required. The request for approval will be sought by your allocated Official.

The Union expects you to consider any reasonable settlement proposal put forward if it is to continue assisting with, and particularly financing, your litigation. Pursuing a claim through to trial can become disproportionately expensive compared to the value of the claim and extremely demanding of Officials' or indeed solicitors' time. The aim of the Scheme is to conduct litigation on a cost-effective basis with a view to early resolution of the dispute in line with the Civil Procedure Rules 1998, and hopefully, in line with your reasonable expectations.

Union Rules stipulate that legal advice and assistance are provided under such criteria as are established by the Union's Executive Committee ("the EC") (Rule I.3.c) and that the grant of legal assistance is made at the EC's discretion (Rule V.10). The EC has established the criteria detailed below on this form, defining the scope of, and qualification for, legal advice and assistance and these are also published in the Members' Handbook and on the MU website <https://www.musiciansunion.org.uk/Home/About-Us/How-the-Union-Works/MU-Rules>. Members may be ineligible for legal advice and/or assistance if they do not meet all the criteria.

6. The conduct of your case

To avoid the prospect of you receiving conflicting advice, the union does not provide advice or representation where you are already being advised by a third party (e.g. solicitor, advocate or friend or relative) or you instruct a third party whilst the case is in progress. In such circumstances the union may refuse or withdraw casework / legal advice and assistance in respect of your case.

We will assess your case and advise you on how to achieve the best available outcome. In some cases there may be more than one outcome available to you and it will be a matter for you to decide, having been advised about the options open to you. This may also change as the case progresses.



7. Confidentiality

All information you provide is treated as confidential. All information is processed and stored in accordance with the General Data Protection Regulation. No information will be disclosed or used in relation to the conduct of your case without your permission. Only in circumstances where we reasonably believe that you may cause harm to yourself or others would any personal information be provided to others e.g. the police.

Our duty of confidentiality to you means that we cannot discuss your case with a relative or friend or anyone else seeking to act on your behalf. This is usually possible only where you have granted power of attorney to another party e.g. due to mental incapacity.

Once your case is concluded, the case file will be archived and retained in storage for 6 years. After this time your case file will be securely shredded.

It will be necessary to pass your details and details of your case to our lawyers to enable them to provide appropriate advice and / or representation; we cannot progress your request for advice/assistance without such disclosure (which accordingly represents a lawful ground for data processing: it is necessary for the performance of a contract with you.)

8. Withdrawal of Casework/Legal Assistance for your case

We may withdraw representation and assistance if you:

- a) Cease to become a member of the union or have not paid your subscriptions in accordance with the union rules;
- b) Have been advised your case has no reasonable prospect of success;
- c) Fail to co-operate with the union Official or lawyer allocated to your case;
- d) Ignore our advice and/or act contrary to our advice and/or act without recourse to your union Official;
- e) Ignore our lawyer's advice and/or act contrary to that advice
- f) Use or instruct a third party for the purposes of advice or representation in relation to the conduct of your case;
- g) Have been advised that the continuance of your case may subject you to harm or other detriment;
- h) Deliberately withhold, omit or misrepresent any matter in relation to the facts or the conduct of your case;
- i) Someone such as a partner acting on your behalf, acts in a way that interferes with the conduct of your case by your Official; OR
- j) Use abusive language or behaviour towards any union employee or other connected with your case. Your behaviour to others involved in the case is racist, sexist, homophobic or in any other way offensive and contrary to the Union's equal opportunities policies.

The list above is not exhaustive.

You will have the right to appeal to the union's Legal Panel about the refusal or withdrawal of representation.



9. Insurance

The Union's external solicitors are subject to compulsory insurance against professional negligence under the Solicitors' Indemnity Insurance Rules, as are all solicitors in private practice. As employed solicitors, the Union's In-house Solicitor is not subject to compulsory insurance under these Rules, but all the Union's Officials who provide advice and assistance, including the Union's In-house Solicitor are insured by the Union against negligence.

10. Feedback

The MU aims to provide a high level of casework support and legal assistance to members. However if you have concerns about the conduct of your case please take the matter up, in writing, with your Regional Organiser in the first instance, and if you remain unsatisfied, you may write to the General Secretary at:

MU HQ, 60/62 Clapham Road, London SW9 0JJ providing brief details of your concerns.

If you are pleased with the conduct of your case and/or its outcome or you would like to provide feedback please contact the Regional Organiser.

11. What to do now

Complete and sign the Legal Advice and Assistance declaration below and return one copy of this document by mail or email to your Regional Office together with copies of any relevant documents and correspondence. This authorises us to act on your behalf.

If you have any queries about the guidance provided in this document or require further information or explanation, please contact your Regional Office.

12. Getting support through your case

It is common for members experiencing a difficult working environment to be suffering from very high levels of stress, anxiety or depression. Counselling support is provided by the following organisations and the union would recommend members seek such support through their case:

Music Minds Matter run by Help Musicians UK, their helpline 0808 802 8008 is 24/7.

www.musicmindsmatter.org.uk

Music Support a peer to peer music industry service for addictions and mental health issues. Tel: 0800 030 6789 / www.musicssupport.org

The British Association of Performing Arts Medicine (BAPAM)

0207 404 8444 / www.bapam.org.uk
