

nass

NASS NEWSLETTER NUMBER 16 NOVEMBER 2010

STABLETALK

GEORGE RE-ELECTED PRESIDENT UNOPPOSED



Photo supplied courtesy of S L McGrath Photography

GEORGE MCGRATH RECENTLY RECEIVED AN OVERWHELMING VOTE OF CONFIDENCE FROM YOU BY BEING RE-ELECTED NASS PRESIDENT WITHOUT ANYONE ELSE STANDING AGAINST HIM.

Jim Cornelius, Chief Executive, said, when announcing the conclusion of the election, "this is good for **NASS**. George has held the post for the past two years from when our first Annual General Meeting of Members decided to have a President nominated and voted by all the Association's members. In the leadership partnership he and I have created, George has fulfilled all the tasks asked of him. It is because of this that **NASS** has continued to go forward." George's colleague **NASS** Executive Council member and

Vice-President Aimee Hockley-Righton said "George has made a massive contribution to the work that **NASS** does and is a real asset to us. I am pleased that the **NASS** membership has perceived that and are looking to him to continue to lead and represent them along with Jim".

This time the term of office for the **NASS** President was increased to three years in order that whoever was elected would remain in office until some time after the next election date for the **NASS** Chief Executive post. From January 2011 the **NASS** Executive Council becomes due for re-election and George has urged all Full Members to think about standing in their region or for one of the other seats (see item on P2)

NASS EXECUTIVE COUNCIL MEETINGS IN THE REGION

THE VISIT OF THE NASS EXECUTIVE COUNCIL TO SCOTLAND WAS THE FOURTH REGION OF NASS THAT THEY HAVE MET IN ALTHOUGH THE FIRST TIME THAT WE HAVE PUBLICISED THE FACT IN ADVANCE.

NASS Membership is low in Scotland and as Stephen Freeman, **NASS** Scotland Region Executive Council Member, is always travelling the long distances to parts of England, we thought

that it was time to go to his home territory. Apart from meeting on a recent Saturday, the Executive Council Members took the opportunity to visit Musselburgh Racecourse to see the new Stable Staff Canteen and agreed that it was a magnificent development. Bill Farnsworth, Racecourse Director and new member of the BHA Board, met with us along with Morag Gray, BHA Board Member and Chair of the BHA Welfare and Training Group. They are both committed to helping

NASS improve the position for Stable Staff. The offer to all Stable Staff in Scotland to join the EC on the Saturday night at a social did not produce many members or prospective members. We realise that most of you live some way outside of Edinburgh but it was the best we could do at the time – contact us with other suggestions of how to organise a meeting of **NASS** Members in Scotland as we are working for you and would welcome your support and involvement.



PRESIDENT'S COLUMN

YOUR VERY OWN PERSONAL TIMEBOMB!

Having worked hard over the last couple of years to get better recognition, pay and conditions for stable staff, it's perhaps time I turned my attention to a longer term problem, PENSIONS, or the lack of a realistic and effective one for stable staff.

While I believe we (NASS) have made good progress in improving our conditions over the last two years, (Canteens are an ongoing problem I know I know). NASS has managed to get an overall 2.2% increase in all graded wages, increased pension contributions by the employer from £400.00 pa to £440.00 pa, and an increase to the holiday allowance from 30 days to 32 days if you have been with the same employer for one year and up to 34 days with a qualifying 5 years of being with the same employer.

However we have a long way to go before we make a career in racing worthwhile considering. Because most racing yards are predominantly staffed by young people often having been just let loose from the racing school, pensions aren't very high on their list of priorities, if at all. What a pity, because I feel regardless of all the improvements NASS has made on pay, conditions etc it won't count for very much if we have to work till we either can't or die. Sure you can retire at 65, but on what? Most of you reading this have no idea if you even have a pension, (you do, it's called a stakeholder pension - I can almost hear you

saying a what!). Again most won't know how much is in your pension, (not much), who holds it or how to access it and more importantly how to pay into it.

SO LET ME GIVE YOU SOME FACTS:

- 1 You have a Stakeholder pension**
- 2 Your employer currently pays a total of £440 per year into your pension**
- 3 That will give you about a tenner a week to retire on!**
- 4 Unless you start paying into your pension NOW you're not going to have one that can sustain you in the FUTURE.**

However it's not all bad news, the government are taking action to help us. From 2012 all employers have to enrol you in a scheme called National Employment Savings Trust. Until 2016 they have to pay 2% of your income. This will rise to a total of 8% by 2018 with employers and employees paying an almost equal contribution.

We all qualify. There is NO "Opt Out" for any employer. As things stand a £25,000 salary will give you a £7000 pension. So NASS need to

address two issues here, firstly, we need to get our employers to contribute more than just the minimum.

Most employers pay 6%, some pay as little as 4% and the better ones pay 10%.

To my knowledge no employer in racing pays equivalent to that. Secondly, we need to get the Grade A wage closer to the £25,000 mark as opposed to the hopelessly outdated, ridiculous, and insulting £13,000 a year (somebody tell the National Trainers Federation).

I'm well aware that some of racing's most senior, loyal and hard working staff, many of whom have worked for the best yards in Great Britain and have been responsible for Derby winners as well as multiple Group 1 winners, are having to look for part time jobs when they retire just to make ends meet and that's not good enough for me. A crying shame not just for those involved but also a sad indictment for the 'Sport of Kings'.

I will always strive to do better on your behalf.

G. McGrath

THINK ABOUT STANDING FOR YOUR EXECUTIVE COUNCIL

NASS AT PRESENT HAS AN EXECUTIVE COUNCIL OF 8 PEOPLE INCLUDING GEORGE MCGRATH AS PRESIDENT.

Letters calling for the nomination to the new Executive Council will be going out in January 2011 and to help you to consider standing for it, details of the seats available are given below. It is important to remember that all those elected two years ago or have joined since by being co-opted, have all done it for the first time and so were no different to where you are coming from. Scobie

Bedford, who has been on the EC for these two years and was voted earlier this year as our nomination for the NASS Stable Staff Award says "I have never been a committee person but NASS helped me and I wanted to help them in return.

I didn't know what to expect but you get help to follow the paperwork and make the necessary decisions. All Regions should have a representative so I urge all those with a view about the way things should be to stand for the EC".

Each of the NASS regions is entitled to one EC member; the bigger areas have two members. There are also two seats for women members - one for the North and one for the South; a seat for one Black Asian and Minority Ethnic member and one representative from NASS' fee-paying members.

YOU HAVE TO BE A FULL MEMBER OF NASS AND BE NOMINATED BY A FULL MEMBER OF NASS TO STAND FOR ELECTION.

EDITORIAL RESPECT IS DUE

RESPECT IS A BIG ISSUE FOR STABLE STAFF. THE DONOUGHUE COMMISSION IN 2004 RECEIVED A LOT OF COMMENT ABOUT THE LACK OF RESPECT GIVEN TO STABLE STAFF AND THE AMOUNT OF BULLYING AND HARASSMENT TAKING PLACE IN RACING YARDS AND THE REPORT SAID: "STABLE STAFF SHOULD BE TREATED WITH RESPECT AND DIGNITY AT ALL TIMES AND THEIR CONTRIBUTION TO THE RACING INDUSTRY SHOULD BE MORE WIDELY RECOGNISED". THE NASS CHARTER FOR STABLE STAFF SAYS THAT THERE SHOULD BE "RESPECT AND RECOGNITION AND A HARASSMENT-FREE EMPLOYMENT ENVIRONMENT FOR ALL STAFF".

Many of the cases that NASS deals with have underlying features relating to bullying or a "lack of respect" being given to Stable Staff either by their colleagues, Head Lad/Lasses or Trainer/Trainer's partner. NASS has for some time been monitoring these complaints with the intent of establishing a project to look at the extent of bullying to try and improve things. NASS gives notice that it will challenge all forms of bullying and assist those suffering from it. All Staff have a right to respect.

But respect is a two way process and to obtain it you also have to give it back. Recently, a few cases have led me to make the following observations.

Whilst representing some Stable Staff who have had problems at work, it has emerged that some of their behaviour has been equally disrespectful to a Head Lad/Lass or even a Trainer. Shouting and swearing has been regarded as appropriate whether they have been treated in a similar manner or not.

I took up the case (as reported in this newsletter) of unreasonable sharing of bedrooms at the Ayr Racecourse Hostel and was confronted with stories by the Housekeeper as to the state that rooms are often left in. The NASS Charter for Stable Staff says "All racecourses to provide modern, clean hostel/hotel facilities with a maximum of 2 persons sharing in a safe environment either on course or nearby" and see the New Minimum Standards reported in this Newsletter. But how can we argue for single en-suite bedrooms with a TV at all Racecourses if they are going to be trashed. I have also taken up the complaint, rightly aired by Stable Staff staying there, that they are not allowed access to the rest of the hotel including the bar. That could be become a possibility but only if we show that if respect is given to us then we will likewise respect the facilities and environment provided and others using them.

RESPECT REQUIRES RESPECT

Jim Cornelius

GODOLPHIN STUD AND STABLE STAFF AWARDS 2011

THE GODOLPHIN AWARDS ARE HERE AGAIN AND WE WOULD URGE ALL NASS MEMBERS TO ENSURE THAT THEY OR OTHER APPROPRIATE COLLEAGUES ARE NOMINATED.

Last year, NASS members won all the eligible categories that they could have been nominated for. The editorial in this newsletter refers to respect for Stable Staff and the Godolphin Awards are the most prestigious that exist for Stable Staff with an overall total prize money for individuals and their stable colleagues of £120,000.

Accompanying this newsletter is a form detailing the NASS Special Merit Award which is put forward for the second year running.

The categories of all the Awards are:

- David Nicholson Newcomer Award
- High Achiever Award
- Rider Groom Award
- Stud Staff Award
- Dedication to Racing Award
- NASS Special Merit Award
- Employee of the Year Award

Only a relatively small percentage of Stable Staff get nominated - let's change that and get a record number nominated.

Pester your trainer or do it yourself.

Nomination period for all Awards is 15 November - 4 January 2011. Details of the nomination procedures can be found on the NASS website www.naoss.co.uk



MESSAGE FROM EDITOR

YOU WILL SEE THAT THIS NEWSLETTER CONTAINS VIEWS OF NASS MEMBERS, WHICH I WANT TO ENCOURAGE - IF YOU LEAVE A COMMENT ON THE NASS WEBSITE, WWW.NAOSS.CO.UK, WE WILL ASK YOU IF YOU WANT IT PUBLISHED.

The views contained within these members' pieces do not necessarily reflect a view or policy held by NASS or myself but we will publish to encourage debate. We would like to get to the point where we have a *Members Section* of the newsletter.

MUCK SACKS - DO YOU STILL USE THEM?

You will see elsewhere in this newsletter the report of the successful personal injury claim of £65,000. Attention should be drawn to the fact that this accident arose out of the stable employee still being required to use muck sacks and that there was no safety rail. NASS knows that a small number of trainers still use muck sacks and some of those do not provide proper safety provisions for tipping. Let this case be a serious warning to them.

NASS CAN SURVIVE ON ITS FUNDING

WITH THE REDUCTION IN PRIZE MONEY THAT IS AFFECTING THE WHOLE OF RACING AND THE UNIQUE POSITION NASS HAS BEEN IN OVER THE PAST TWO YEARS, THINGS WERE LOOKING BLEAK FOR NEXT YEAR.

We have had extra funding based on it previously being frozen in 2006 by the BHA and then released to us from 2008 when NASS demonstrated that it was acting as a proper representative organisation for Stable Staff. The NASS Executive Council have been discussing the best approach to this serious problem for some time. They decided that going for a subscription based membership should be considered only as a last resort, even though more of you supported it than we had expected. This was due to the problems of collection, potential low take up still leaving us short of funds and the need to use the Associations time collecting money just to exist rather than working on your behalf.

The EC decided instead that the least disruptive and potentially viable strategy would be to try

to get the BHA Board to increase the existing prize money allocation to NASS from 0.15% to 0.25%. That extra amount, taking into account the current decline in prize money, would enable NASS to operate a budget roughly in line with the past two years and therefore not reduce any of our activities.

Unfortunately, our request clashed with a recent decision of the BHA to review all prize money deductions and so they postponed a discussion on our request so that it could be considered in the overall review. However they didn't leave us to struggle in the meantime and have agreed to financially assist us until the outcome of the review. Our thanks to the Board. Plus, in the near future we hope to be able to announce a useful additional finance boost but it isn't finalised at the time of publishing this newsletter.

NASS @ THE RACECOURSES

NASS RECENTLY TOOK UP A COMPLAINT ABOUT STABLE STAFF ACCOMMODATION AND FACILITIES AT LEICESTER RACECOURSE.

We got a speedy response from the management of the racecourse, who have agreed to double the amount of cleaning to ensure that it doesn't happen again in the same way. This was followed by further comments by Stable Staff that they had noticed an improvement next time they visited.

A complaint about dog waste at Hexham Racecourse stable yard was also rapidly dealt with. More complaints have been made about Doncaster canteen so we have visited again and the matter has been rectified and again complainants are happy. We also pass on compliments and did so recently with regard to the Haydock canteen food being good and a commendation for the couple who run it. Lastly we ironed out some recent complaints about Goodwood canteen.

EMAIL RECEIVED FROM A SATISFIED NASS MEMBER;

NASS RECENTLY RECEIVED AN EMAIL FROM A MEMBER SATISFIED WITH THE SERVICE HE GOT. HIS NAME AND EMPLOYER HAVE BEEN OMITTED BUT WE FELT IT WORTH PUBLISHING HIS VIEWS AS WELL AS THE PRAISE FOR NASS.

"Thank you for your prompt response to my request, for a representative at a disciplinary meeting that was due to take place but I believe said meeting to be cancelled, and will therefore no longer require representation."

It is reassuring to know that there IS someone on the side of the remedial work force (aka stable staff, aka backbone), of this wonderful institution of ours we call racing. Were it not for people such as your-selves, this work force would not have a voice and would no doubt still be operating as if in the 19th century. It is then in our own best interests that the National Association of Stable Staff be kept up to date, informed and publish information on employers disregarding employee legislation. In this way I believe stable staff need not fear the wrath of their employer if he or she is equipped with this knowledge. The grapevine being rife amongst stable staff, any employer finding themselves on the "wall of shame" should and would find it difficult to get staff. The FACT that the life of stable staff is not a glamorous or even a well paid one relies on our passion for the horses and it is to this end that an employer takes his advantage".

NASS QUESTIONNAIRE

THANKS TO ALL OF YOU WHO RESPONDED TO OUR QUESTIONNAIRE SENT WITH THE LAST NEWSLETTER. IT WAS ONE OF THE BEST RESPONSES TO DATE AND THE ANSWERS HAVE BEEN VERY USEFUL FOR US.

Firstly the winners of the prize draw that went with it and drawn out at random by someone independent to NASS. They were: Anne Sewell and Mark Billingham.

In regards to the questions on sports activities and names of individuals prepared to help out at a national and regional level, because of the big response to doing things we have been in discussion with Racing Welfare to ensure we don't duplicate activities and it is likely that we will develop a joint program. As far as our question of you as to whether you were happy with the opportunities to communicate with the Association, we had a 95% yes to that and the rest were blank votes.

Our consultation of you about the best way for NASS to approach obtaining increased funding, the answers were again very valuable. Just over one third of you were ok with us introducing a membership subscription; about one third of you supported NASS receiving additional funds out of pool money and just under one third of you didn't agree with either. This has assisted our discussion with the BHA Board in the future funding of NASS (see separate article on P4 of this newsletter)

NASS EXECUTIVE LAUNCHES 2 CAMPAIGNS

THE NASS EXECUTIVE COUNCIL RECENTLY AGREED TO LAUNCH TWO CAMPAIGNS ON BEHALF OF STABLE STAFF. FIRSTLY THEY REVIEWED THE APPROACH TAKEN TO DATE IN REGARD TO STABLE STAFF FACILITIES AT RACECOURSES AND AGREED A NEW SET OF MINIMUM STANDARDS TO CHAMPION WITH THE 3 RACECOURSE COMPANIES AND THE INDEPENDENT RACECOURSES.

THESE MINIMUM STANDARDS ARE SET OUT BELOW. THEY ARE INTENDED TO BE IN ADDITION TO AND ON TOP OF THE EXISTING BHA GENERAL INSTRUCTION TO RACECOURSES ON STABLE STAFF FACILITIES. WE WILL KEEP YOU INFORMED AS THE RACECOURSES EITHER MATCH THEM OR SIGN UP TO IMPROVING TO THAT STANDARD.

HOSTEL/HOTEL FACILITIES

- That all dormitories be eradicated and that the maximum bedroom occupancy be 2 Stable Staff who either come from the same stables, know each other or are prepared to share and that no compulsory sharing occurs with strangers.
- If bedrooms are not ensuite then showers be easily accessible from bedrooms.
- That all bedrooms have a locking bedroom door.
- That each hostel has a separate locked/secure arrangement for Stable Staff not staying overnight to leave personal belongings.

- The only acceptable variation to the above would be where a Racecourse has a "one-off" larger than usual Race Meeting e.g. Aintree's Grand National, Ayr Gold Cup or a special festival meeting where attendance is greater than usual.

STABLE STAFF CANTEEN

- That the Canteen have televisions and contain a rest/relaxing area away from the eating area and if possible an outside eating area in the summer.
- That the canteen provides a menu at a price in line with that contained within the RCA Questionnaire results.
- That there be free tea and coffee provided for all Stable Staff.
- That Stable Staff be given the priority of being served.

SECONDLY, THEY DECIDED TO BE MORE PROACTIVE IN CAMPAIGNING ON THE MOTION RAISED EARLIER IN THE YEAR AT THE NASS AGM ON WORKPLACE FACILITIES FOR STABLE STAFF. ALREADY ONE OF THE DEMANDS HAS HAPPENED IN THAT THE HEALTH AND SAFETY AT WORK "RED BOOK" HAS BEEN UPDATED AND BEING DISTRIBUTED SHORTLY.

The two campaigns are linked because you are very quick to complain about racecourse facilities whilst putting up with much worse personal hygiene facilities at your workplace, the stables. We plan to publicise those trainers who have good personal hygiene facilities in line with health and safety requirements whilst trying to encourage improvement of those not good enough.

As well as contacting NASS with complaints about racecourses, how about letting us know if you don't have the following in your stables:

- Health & Safety Policy – detailing the responsibilities for Health & Safety within the workplace and safe working practices
- Health & Safety Representative – someone who is responsible for the H&S policy being carried out, who takes all reasonable steps to ensure correct H&S practice in the workplace

RISK ASSESSMENTS

- Accident Book, trained/qualified First Aider, First Aid Box
- Lists of telephone numbers for police, Fire and Ambulance, local doctors surgery (daytime and out of hours emergency numbers), local hospital A&E, Vet (daytime and out of hours emergency numbers) – a list of these numbers should be provided next to the telephones

- Personal Protective Equipment – when mounted on horses all persons should wear a skull cap and body protector/safety vest (provided free of charge and provided as a minimum). Other items of clothing which may be necessary in certain circumstances appropriate to the job include reflective clothing, gloves, riding boots, goggles, protective footwear, ear plugs, overalls, visors, and dust masks
- Manual Handling Training – availability of wheelbarrows and sack barrows for heavy loads
- Suitable and sufficient sanitary conveniences provided at readily accessible places which are adequately ventilated, lit, clean and in an orderly condition
- Separate male and female toilets provided, the doors of which are capable of being secured from inside, toilet paper provided and suitable means for the disposal of sanitary dressings
- Suitable and sufficient washing facilities (including showers if required by nature of work or health reasons) provided in readily accessible places with a supply of hot and cold, or warm running water so far as reasonably practicable which are sufficiently ventilated and lit, clean and in an orderly condition

- Separate male and female showers, the doors of which are capable of being secured from inside and the facilities in each room are intended to be used by only one person at a time
- Washing stations should have running hot and cold, or warm water, and be large enough to enable effective washing of face, hands and forearms
- Adequate supply of wholesome drinking water readily accessible at suitable places and marked by an appropriate sign where necessary with a sufficient number of suitable cups unless the drinking water is in a jet from which you can drink easily
- Suitable and sufficient rest room facilities for breaks, suitable for eating meals with sufficient seats available for use
- Eating facilities should at least include a facility for preparing or obtaining a hot drink, which should be kept clean to a suitable hygiene standard

A LONGER LIST INCLUDING MORE TECHNICAL ASPECTS CAN BE FOUND ON THE NASS WEBSITE www.naoss.co.uk

NASS MEMBER WINS £65,000 IN PERSONAL INJURY CLAIM

A NASS FULL MEMBER SUFFERED AN ACCIDENT DURING THE COURSE OF HIS EMPLOYMENT, FALLING FROM THE WALL OF A MUCK PIT RESULTING IN SIGNIFICANT INJURIES TO HIS RIGHT KNEE.

The member was initially reluctant to pursue a claim but due to ongoing significant symptoms and because he could not carry on working he contacted **NASS** to seek legal assistance. **NASS** referred the matter to their solicitors, Morrish Solicitors LLP, to investigate the possibility of a compensation claim.

Morrish Solicitors sent a formal letter of claim to the employer and following detailed negotiations the employer admitted liability. A medical expert was instructed to prepare a report in relation to the member's injuries. This evidence identified that the member had pre-existing arthritis in his right knee but that the accident had caused a dramatic advancement of symptoms.

The member's accident occurred at age 60 and he was intending to work until at least the age of 65. Attempts to agree compensation proved unsuccessful and it was therefore necessary for Morrish Solicitors to commence Court proceedings.

Following the commencement of Court proceedings, the employer made an offer of £25,000 in settlement of the claim. However, this was subject to deduction of state benefits received by the member since his accident. This would have meant him receiving approximately £10,000. This offer was rejected and following further negotiations, settlement was agreed with the member

receiving the net sum of £65,000 in settlement of his claim.

In addition to the £65,000, the member was entitled to keep payments previously received in respect of state benefits and the Racing Industry Accident Benefit Scheme (RIABS). The member is now in receipt of his settlement cheque.

As the member's claim was funded by **NASS** there was no risk to him of having to pay any legal costs. As the claim was successful, the member's legal costs will be recovered from the Defendant.

DAVID SORENSEN OF MORRISH SOLICITORS COMMENTS:

Following on from the excellent article by Professor Mike Filby of Racing Welfare featured in the July 2010 Stabletalk, the above case shows that **NASS** members are often able to recover compensation when an accident occurs. **NASS** members who come through to us for advice generally have suffered serious injuries, ranging from fractures, amputation, head injuries, significant soft tissue/joint damage and spinal injuries, including partial paralysis. Such injuries will often result in the individual requiring a prolonged period off work or even having to give up work. However, even what may be considered a less serious injury can be very debilitating in the short term and may attract possible compensation. If in doubt, we would always urge a member to contact **NASS** for advice. Such advice is always free.

Most of the injuries are horse-related, for example, a fall or being thrown from a horse but injuries can also be caused in vehicle accidents as well as accidents in the yard, such as the case above. In cases we have been involved in, accidents have resulted from faulty or inappropriate tack/work equipment, inexperienced riders being placed on known troublesome horses, horses becoming spooked, unsafe working practice, defective premises, hazards on the gallops/yard and mistakes made by other riders.

Health and safety as well as personal injury claims have a poor press these days. Many people think that if a person has an accident they immediately have a good personal injury claim that can be pursued. This is not the case. To win a personal injury claim, negligence or a breach of statutory duty (such as the need for the employer to keep the yard free of dangerous obstacles) needs to be shown. In the workplace, except for certain strict duties imposed by statutory health and safety regulations, the employer is only responsible for foreseeable risks and is not responsible for genuine accidents as long as they have taken all necessary steps required of them by the law. If an employer takes all reasonable precautions they can, in most cases, avoid losing a personal injury claim.

IT IS WORTH NOTING THAT THE ANIMALS ACT 1971 DOES IMPOSE A STRICT DUTY FOR DAMAGE CAUSED BY A HORSE UNDER THE FOLLOWING CIRCUMSTANCES:

The injury was of a kind which the horse, unless restrained, was likely to cause or which, if caused, was likely to be severe, and; The likelihood of injury was due to characteristics not normally found in a horse or not normally found except at a particular time or in particular circumstances e.g. a horse when spooked, and: The characteristics which

caused the injury were known to the keeper e.g. if a horse is frightened of dogs and a dog is allowed to run around in close proximity to where the horse is being ridden, particularly if the rider is inexperienced and has not been warned of the potential danger.

However, the keeper of the horse can escape liability under the Animals Act if the injury can be shown to be due wholly to the fault of the injured person or that the injured person fully appreciated the risk of injury and voluntarily accepted this risk. What constitutes voluntary acceptance is debatable and will often be a matter for the court to determine.

Despite adverse media cover, personal injury claims are nothing new – the responsibility to provide a safe workplace dates back to the mid-19th Century. Whilst there are often daft examples quoted in the media about banning 'cheese rolling' events or school trips, racing yards can be dangerous workplaces where appropriate safety measures will help avoid accidents and injury. Often this only involves checking that the equipment used is in good condition, available to employees and the work routes, such as to the gallops, are obstacle-free.

AYR AGREES IMPROVEMENTS FOR VISITING STABLE STAFF

FOLLOWING CRITICISM OF AYR RACECOURSE FACILITIES FOR STABLE STAFF IN THE RACING POST RECENTLY, NASS AND THE AYR RACECOURSE MANAGEMENT ENTERED INTO DISCUSSION ABOUT MAKING NECESSARY CHANGES.

NASS is pleased to announce that the infamous "camp beds" have gone from the bedrooms. Finally, such an outstanding Racecourse has brought itself in line with present requirements and more is hoped of them.

THE FOLLOWING IS AN AGREED STATEMENT IN REGARD TO STABLE STAFF FACILITIES FOR THE FUTURE:

- There shall be a maximum of 2 persons per room in the Ayr Racecourse Hotel wing, used for Stable Staff.
- Where it is necessary to have two Stable Staff sharing, then

communication will be made to the first person allocated to the room to advise them of the sharer.

- All other Stable Staff staying overnight will be accommodated in local bed and breakfast establishments, including the nearby Holiday Inn.
- Where it is a single race day, departure from a bedroom will be extended whenever possible. On continuous racedays it will not be possible to extend the departure time due to the need to clean the room for a new occupier and to be available from 2pm on that day. Where Stable Staff are staying for more than one day

access to the bedroom will be for the duration of the stay but the initial fax booking the room should state the full length of stay to enable this to be planned.

- The Stable Staff Canteen has now been moved to nearer the Stables.

NASS AND THE AYR RACECOURSE MANAGEMENT ARE EXPLORING FURTHER DEVELOPMENTS DETAILS OF WHICH WE HOPE TO RELEASE IN THE NEAR FUTURE.

IF A PERSONAL INJURY CLAIM IS BROUGHT, SUCCESS BENEFITS NOT JUST THE INJURED PERSON BUT ALSO:

The NHS – the insurer of the person who caused the injury, such as the employer, must repay the NHS for the cost of any medical treatment. If a personal injury claim is not made, the NHS budget will be further stretched. State Benefits – similarly, the insurer will repay the State the cost of any benefits paid to the injured person as a result of the injury.

Local Authority – if a Local Authority pays for adaptations to the injured person's home or other needs caused by the injuries, those costs will be repaid by the insurer to the Local Authority.

The workplace – you can guarantee that following a personal injury claim the employer's insurer will take sufficient steps to try to ensure the employer takes proper steps to improve its health and safety and to prevent needless avoidable injury to others in the future. A claim may lead to an increase in the employer's insurance premium and this will also help focus the employer's mind on improving the workplace safety.

Lastly, the injured person will of course benefit – after all, no one goes to work to get injured. Whilst RIABS, **NASS** and Racing Welfare provide support, amongst others, compensation for personal injury will entitle

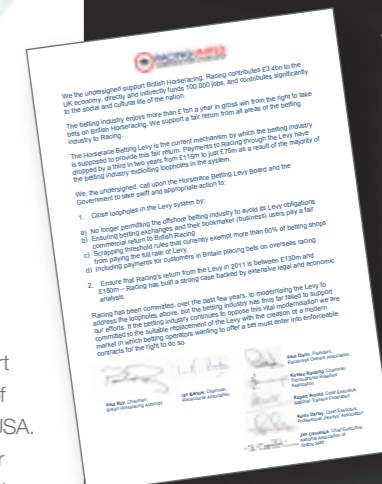
someone to recover additional compensation to cover the pain and suffering as well as any additional losses that they have suffered that flow from the accident. Also additional things such as medical aids, equipment, the cost of medical care or alterations to the home can be claimed. For example, where someone suffers a severe permanent injury such as paralysis, expensive care and equipment will be needed throughout the person's life.

This article will no doubt result in some people accusing **NASS** of promoting the 'compensation culture'. Firstly, as solicitors who regularly represent individuals rather than employers, we dispute the very existence of a 'compensation culture'. In reality, the number of Court cases against employers has fallen steadily over the last 10 years and in Britain we pay out far less compensation, as a proportion of our GDP, than any other major European country, apart from Denmark, and we only pay out a third of the proportion of compensation paid in the USA. Secondly, over 850,000 people are injured or made ill as a result of their job each year, yet the number who recover compensation from their employer is according to the Association of British Insurers, around 60,000 per year – just over 7%.

Ultimately, an employee has a right to be protected from avoidable accidents during the course of their employment and it is only when the employer fails in this duty that a claim will succeed.

NASS SUPPORTS RACING UNITED - SO SHOULD YOU

PICTURED BELOW YOU WILL SEE THE LETTER SIGNED BY ALL SECTIONS OF RACING TO FORM THE RACING UNITED CAMPAIGN, INCLUDING NASS.



Jim Cornelius, **NASS** Chief Executive, said "**NASS** is pleased to be included with all other sections of racing to play a part in the campaign that is so important for the future of racing and our members. This fight

to secure more funding for racing is the only way that we will be able to progress our own campaign for improved pay and better conditions of service for all Stable Staff".

JOIN RACING UNITED – SIGN @ THE WEBSITE www.racingunited.co.uk

REDUNDANCY IS A DISMISSAL – WHY NOT SPEAK TO US!

THE CONTINUING POOR ECONOMICAL SITUATION, ALONG WITH THE DECLINE IN PRIZE-MONEY, IS HAVING AN EFFECT ON TRAINERS ALL ROUND.

The knock-on effect, after having a period of not replacing staff, is that a number of Stables are beginning to make redundancies. Being "laid-off" without any future commitment to employment is being made redundant, which is in employment law a dismissal. You have a right to be consulted before being made redundant with the right of appeal against it.

IF THAT HASN'T HAPPENED OR YOU ARE NOT SURE ABOUT THE PAYMENTS BEING MADE TO YOU, CONTACT NASS. WE WILL ADVISE AND REPRESENT YOU.

AROUND THE REGIONS

AS WELL AS THE EXECUTIVE COUNCIL VISITING SCOTLAND, OTHER NASS ACTIVITIES HAVE BEEN TAKING PLACE AROUND ENGLAND AND WALES.

NASS was present at the Epsom Open Day on 22 August and I am pleased to report that we now have an active NASS Regional Committee in Epsom. This is our fourth Regional Committee out of the 9 NASS Regions.

Our newest Regional Co-ordinators, Fran Heape and Hazel Giffen, have been active, visiting stables and recruiting members as well as meeting the Trainers. Fran had a warm welcome back from a previous employer, John Mackie, when she and I visited. This

was followed up by her with a successful and welcomed visit to Venetia Williams which means we are beginning to make in-roads into the West Midlands Region where the NASS/SLA Head Office has been based for many years.

Hazel is beginning to make her presence known in Wales and similar to Fran her background in racing, although different, is advancing NASS in a Region previously neglected. Her visits to Tim Vaughan and Evan Williams were well received and fruitful.

WANT TO LEARN A NEW LANGUAGE

NASS, through its involvement with the General Federation of Trade Unions, has access to "on-line learning" language courses at a reduced price, provided by a well-known company called Rosetta Stone. These include: French, German, Italian and Spanish (for a full list visit their website www.rosettastone.co.uk). Whether you travel to these countries for work or holiday or just want to learn a language, NASS can assist you.

Importantly for non-english speaking Members there is an English as a Second Language Course.

CONTACT THE NASS OFFICE FOR MORE INFORMATION.

Finally, we are sorry to lose our South West Regional Co-ordinator, Lynne Clarke, although pleased for her that she has taken a job with Racing Welfare in the same area. In a short time she developed NASS in a difficult Region due to its size and the fact that Stables are spread out over that Region. We hope to get a replacement shortly and will report it – in the meantime Jim will cover it.

A FAIR DAYS WORK FOR A FAIR DAYS PAY



THAT'S WHAT WE HAVE COME TO EXPECT THESE DAYS, BUT DOES IT STILL HOLD TRUE?

NASS recently received an email from a stable staff worker, who posed the following question; What is a fair day's work? Doing what's expected of you regardless of your own personal opinions, putting your job before all else, but doesn't that also come under the title, loyalty? Loyal to the employer, who trusts you will carry out your duties to the best of your ability, and to keep a professional awareness of what you talk about to others?

What happens when two employees of equal age and ability are rewarded accordingly for their efforts? Employee one does his/her job to the best of their ability, while employee two does little more than a student at a racing school. Should each receive equal pay? Would you think it fair if a fellow worker with less experience, qualification, skill or ability

were on the same pay as an employee with said attributes? How is it, why is it that in this industry, all that is required for a top grade wage is five consecutive years (experience) in the racing industry? I, myself have been in racing 27 years, I also have an NVQ3 and have broken in more yearlings than I can remember, and yet a 24/25 year old can, with 5 years in racing take home the same pay. How does this system encourage experienced older members of staff to stay in racing??? Why should experienced staff bear the burden lesser qualified staff on the same pay grade? That through no fault of their own, are just not up to the task at hand.

It is my opinion that this pay structure of ours needs a wake up call. So many experienced staff have or are leaving racing because of the

financial side of it, which will also inevitably lower the standard of English thoroughbred racing. My simple solution, might take a bit more planning but it is simple. An increased rate of pay for NVQ3, as per 1&2 and a set rate per year in racing whether consecutive or not.

If I had to justify my thoughts I would say this. Would I trust an apprentice electrician to wire my house without an experienced electrician overseeing him/her? Would a trainer with 30 years training race horses charge the same rate as a trainer with only 3/5 years? Would you be happy if a student doctor told you she/he was going to perform your heart transplant or would you pay extra for a surgeon?

Maybe this sounds like a general gripe, but I believe it to be a justified one...