

Guide for Work Rights Centre clients speaking to the media

At the Work Rights Centre, we often work with established journalists who want to share stories like yours to shine a light on injustice.

Media coverage of injustice can expose wrongdoing and drive wider positive change. At their strongest, stories in the media can push politicians to reconsider their policies, open an investigation, or change public narratives. Occasionally they can help individuals to get justice for themselves, too, but this is far from guaranteed.

However, your safety is always more important than a news story. This resource seeks to answer some commonly asked questions to help you when you consider speaking with a journalist, prepare for a media interview, and decide what boundaries you may want to put on your involvement.

The choice is yours, and we will stand by you whatever you decide. If you want to speak to a journalist, our Senior Communications Officer can help you think through the pros and cons so that you make the choice that is right for you, and to prepare and answer your questions. If you prefer not to, this will not affect the legal advice we provide you with in any way

Key terms around boundaries

Anonymous: Speaking anonymously means that your name and personal details will be kept secret (or “not for attribution”). The words you say will be quoted, but the journalist will not reveal who said them. If you agree to be photographed, you will not be identifiable from the pictures either.

‘On the record’: This means that your words can be reported as said by you, using your real name. If you consent to being photographed, your face will be identifiable. Going on the record means that anyone who searches for your name on the internet could find the article. This includes future employers. Some of them may value the courage of speaking up. Others may not.

‘On background’: If you speak to a journalist ‘on background’, the journalist will not record anything you have said as coming from you. You have supplied them with information, but it cannot be traced back to you. For example, you could tell them the name of your employer ‘on background’, but they will not tell anyone they got the information from you.

These are the terms and definitions we use at Work Rights Centre. Journalists may differ in how they interpret these terms, so we will always confirm their meaning with any journalist we work with.

Immigration

1. How could speaking to the press impact my immigration status?

Some people fear that publicly criticising the Home Office could lead to retaliation or the Home Office cancelling their visa. If you already have a secure immigration status, the Home Office cannot retaliate in this way. The Home Office can only take away someone's immigration status if they have not followed the immigration rules and/ or the law.

However, if you currently do not have a secure immigration status, such as not holding the correct documents or your status is in limbo, it would be inadvisable for you to go on the record in the media. It could draw the Home Office's attention to your case. If you think that talking to the media is valuable, we suggest doing it anonymously, or waiting until your status has either been secured or declined.

2. Could naming my current employer impact my immigration status if I am on a work-sponsored visa?

It is high risk to name an existing employer in the press if you are still working for them on a work-sponsored visa, for two key reasons. The first is the risk of dismissal. Unfortunately, an employer could dismiss you, even when they shouldn't. This would lead to the Home Office curtailing (cutting short) your visa, and ultimately leave you with just 60 days to find a new employer to sponsor you.

Naming your employer may prompt the Home Office to investigate them. If following an investigation, the Home Office revokes your employer's licence to sponsor migrant workers, all migrant workers whose permission to be in the UK is tied to their sponsorship with the employer will likely have their visas curtailed. This includes you. This also means that the employer will be stopped from hiring, and exploiting, migrant workers like you in the future.

3. Will journalists contact the Home Office about my case if I speak to the press?

Depending on your story, a journalist may want to ask the Home Office for a comment (this is called "right of reply"). For example: a journalist may want to give the Home Office a right of reply if your story is about an immigration application that was delayed, rejected, or refused by them, or if the Home Office plays another significant role in your story.

If a journalist needs to share your details with the Home Office, they will need your explicit consent. But even if the journalist may need to use your real name in their private communication with the Home Office, you can still choose to remain anonymous in the article they publish.

4. How might the Home Office respond if a journalist contacts them about my case or if my case is in the media?

You should always try to get advice from an immigration lawyer if you are unsure about the implications of speaking with a journalist about your immigration case.

If your story involves an instance when the Home Office has made an unfair or poor decision that affected you, the Home Office may reconsider its decision when a journalist contacts them. Their communications team are inclined to try to avoid bad press, which may work in your favour.

If you have been waiting a long time for a decision on your case, the Home Office could be prompted to look into your case more quickly. Therefore you could receive a decision quicker, for better or worse.

However, this is not always guaranteed. Depending on the stage your case is at with the Home Office, they may leave it to be considered by a caseworker in the normal way.

Employment

1. When can I speak to a journalist about my bad employer?

If your story is about a bad employer, journalists will likely ask you for the name of the employer, and may contact them with a 'right of reply'. Giving all parties a '**right of reply**' is a well-established part of good journalism, and it is not designed to discredit your story.

A journalist must get your explicit consent if they wish to share your name with the employer when they do this. If you tell a journalist about your bad employer '**on background**', they will not tell the employer that they received this information from you. However a risk you should consider, is that depending on the size of the employer and the details you tell the journalist, your employer may be able to identify you or mis-identify a colleague or a group of colleagues as the source.

If you decide to speak '**on the record**' about an employer, the journalist will have to take your allegations to the employer to give them a 'right of reply'. In this scenario, the employer will know that you have spoken to the press about them.

Consequently, it may be a **bad idea** to speak to a journalist 'on the record' about your employer:

- If you are still working for your employer.
- If you are looking to settle your dispute amicably.
- If you are in the middle of ACAS conciliation.

*2. So when is talking to a journalist about your employment problem a **good idea**?*

Generally, if you stopped working for your employer, and it is clear that there is no amicable solution to your employment dispute. For example: if your employer refuses to engage with you and you believe appealing to the public could bring about positive change.

3. Can I speak to the media if ACAS is involved?

Once the notification of a potential claim has gone to ACAS, ACAS has up to six weeks to resolve the dispute before you can take the issue to an Employment Tribunal. The process with ACAS is confidential, and by taking part in this process you are agreeing to keep it confidential. Speaking about this process publicly would undermine the process.

If the case is not resolved, ACAS will issue a certificate which allows you to take your case to an Employment Tribunal, if you wish to do so. If you decide you do not want to go to an Employment Tribunal, you can talk to the press about your experience, but you should keep the ACAS proceedings confidential.

4. Can I speak to the media about my Employment Tribunal claim?

If you have lodged a claim with an Employment Tribunal, hearings that decide substantive preliminary issues and final hearings on the merits of the claim are held in public and anyone (including journalists) can attend that hearing and write about it in the press. However, in some cases the tribunal may order a claim to be heard wholly or partly in private, or for one or more persons involved to remain anonymous, or impose other reporting restrictions.

Remember: the case could be settled while waiting for a final hearing or even while the hearing is ongoing. Settling requires some level of confidentiality between both parties, so speaking about it publicly may reduce the likelihood of your employer being willing to settle the case.

There is also a risk that what you say to journalists could damage witness testimony and be used by the other side.

The safest time to give media interviews is after the Employment Tribunal has delivered its judgement.

5. Can media attention make it more likely that I will win at an Employment Tribunal?

No. The tribunal's judgement is based on the law and the facts of the case, not media or public opinion. The case would be won or lost based on the law and the evidence put to the Tribunal.

However, if there is a wider public interest in the case, speaking to the press can raise public awareness of the issues involved.