

No. 477/22

1st December 2022

Dear Colleagues,

RMG Disputes - Claims for Unlawful Deductions from Pay & Trade Union Detriments

Further to LTB 448/22 dated 11th November 2022, the Union are aware that the number of individual claims being submitted by members who believe they have been suffering a detriment due to either supporting industrial action or because of their Union membership are increasing and gathering traction across the UK

A fact that will not be lost on representatives and members is the reference made as a condition of the union agreeing to Royal Mail's counter proposal (surrender document) to the union withdrawing its support from our members who have submitted claims.

It is apparent that the company including this as a prerequisite to their proposal, view these claims as a serious risk to the IR reputation and illustrates that RMG have concerns they have possibly acted outside of the legal protections enshrined in both employment and other legislation and exposed the company to a significant level of risk.

The condition they wanted the union to support ignores the fact the Union has no authority to make a collective agreement which overrides individual Employment Tribunal claims, an action that would also expose the union to legal action by its members.

Branches will note that the non-exhaustive list for complaints of trade union detriment due to Industrial Action or Executive Action is as follows:

1. Members being instructed to attend sick absence interviews on strike days and at locations where they would be expected to cross a picket line with the threat of stoppage of sick pay in the event of not attending. Other stoppages of sick pay.
2. Denying members overtime opportunities in preference for agency and other workers; this may also impact upon whether a member meets the regularity threshold for holiday pay.
3. The removal of innovative duty patterns.
4. Suspending CWU Representatives for various allegations.
5. Changing duty start times and/or scheduled attendances at short notice;
6. Deducting pay before strike action has taken place.
7. Offering incentives that are only available to individuals who work during strike days.

It is therefore of the utmost importance that Branches/representatives ensure our members are made fully aware of the support and information the Union are providing to our colleagues who believe they have been treated in an unfair and or discriminatory way by their employer/local/workplace manager.

Judging by reports being received, it is quite possible that several thousand(s) have been potentially subject to detriments for lawfully supporting their Union, being a Union member and for taking part in lawful official industrial action and as a result entitled to receive restoration and possibly compensation for the detriment they have incurred.

In conjunction with Tony Rupa, Head of Legal Services, we have established a co-ordinated process that has been endorsed by the Postal Executive which will ensure a consistent approach and that support is provided to Branches and members who submit claims.

Coordinating roles will be undertaken by Rob Wotherspoon, Saf Khan and Luke Elgar from the Postal Executive, which will also involve Postal Branches and Senior Field Officials. The group each Postal Executive member is covering is attached to this LTB. Dialogue is also continuing with the Communications Department with a view to the wider circulation of this information amongst members which can be circulated via the national WhatsApp group and social media platforms. The aim is to further promote the use of the online claim form previously circulated to Branches and representatives in LTB 448/22.

To support the communications strategy, we will also brief the appropriate Senior Field Officials on Tuesday 6th December 2022 on the claims process detailed below and answer any questions they may have. We will also circulate forms received through the online claim portal at <https://www.cwu.org/rmg-ia-claim> to the relevant Branches for their action/attention.

ET Claim Process

Within 7 days of receipt of the email from the Postal Executive member, Branches will need to submit early conciliation forms to ACAS (all of the information necessary for this will be provided on the email received) including the Branch Secretary or Legal & Medical Secretary as the member's representative. This will allow Branches to track the process.

Branches/Representatives, having received the Early Conciliation Certificate and having concluded the Early Conciliation process without reaching a resolution, should then assist members to submit their ET1 form which must also include their ACAS reference number they have been issued with. The representative listed will again need to be the Branch Secretary or Legal and Medical Secretary to ensure that Branches are kept informed around the progress of the case. For all of the cases that are related to the issues referenced in the above LTB, the relevant PE members should also be informed of all emails from the Tribunal Service (this is not required for any normal tribunals not related to Industrial Action or Executive Action).

The relevant Postal Executive members will compile a central database from this information which will be used to track the progress of claims. Branches are reminded that the processes attached are time sensitive due to the time limit on the submission of employment tribunals, therefore it is vital that cases are tracked and the work is carried out in a timely fashion.

Colleagues will also recall during the average holiday pay dispute, members in Scotland and Northern Ireland submitted claims to their respective jurisdictions, Employment Tribunals (Scotland) and Industrial Tribunals Northern Ireland and possibly Fair Employment Tribunals, which deal with alleged unlawful political and religious discrimination. Claims from members in these parts of the UK should be submitted to their respective tribunal jurisdiction office(s)

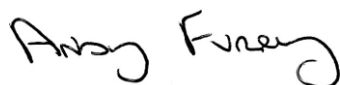
Branches will remain the primary contact point for any enquiries from members but the relevant PE member will be available to answer questions and assist Branches with the process.

The three Postal Executive members have also started work on resources for Branches in order to avoid duplication of effort. Some helpful resources have already been circulated in LTB 383/22.

Whilst this process will undoubtedly produce additional work for Branches and Senior Field Officials, the importance of assisting our members to challenge any alleged discriminatory and or unlawful practises undertaken by the employer and or local managers to punish representatives and CWU members for being a union member, supporting their union and taking industrial action cannot be underestimated. Neither will the national union be found wanting when it comes to supporting/defending our members who believe they have suffered a detriment or discrimination at the hand of their employer or their agents (local/area/regional managers).

Any enquiries in relation to the content of this LTB should be addressed to the DGS(P) Department.

Yours sincerely,



Andy Furey
Acting Deputy General Secretary (Postal)

Claims for Trade Union Detriment – Areas of Responsibility

CWU Branches - Group North (Saf Khan skhan@cwu.org)

North East Division

- Bradford and District Amal
- Cleveland Amal
- Doncaster and District
- Hull and East Riding
- Leeds No 1
- Newcastle Amal
- North East
- North East Central (merger of Darlington Amal – Durham County Amal and North East Coastal 1st May 2022)
- South Yorkshire and District
- South Yorkshire
- West Yorkshire
- York and District

North West – North Wales Division

- Cheshire No. 1
- East Lancashire Amal
- Greater Manchester Amal
- Greater Mersey & SW Lancs
- Lancs & Cumbria
- Manchester Combined
- Mid Wales, the Marches and N. Staffs
- North Lancs & Cumbria
- North Wales & Marches
- North West Central Amal
- North West No. 1
- Shropshire & Mid Wales
- Warrington Mail Centre

Scotland Division

- Clyde Valley Amal
- Edinburgh Dundee and Borders
- Glasgow and District Amal
- Glasgow and Motherwell
- Grampian/Shetland Amal
- Highland Amal
- Orkney
- Scotland No 2
- Scotland No 5
- Scotland MT

Northern Ireland Division

- Northern Ireland Combined
- Northern Ireland East
- Northern Ireland Telecom
- Northern Ireland West

CWU Branches - Group Centre (Luke Elgar lelgar@cwu.org)

Anglia Division

- Colchester & District
- Eastern No. 3
- Eastern No. 4
- Eastern No. 5
- Eastern No. 6
- Essex Amal
- North Anglia
- Northern Home Counties
- Romford Amal
- South East Anglia
- Suffolk Amal

Midlands Division

- Birmingham District Amal
- Coventry
- Derbyshire
- East Midlands
- Leicestershire Amal
- Midland No. 1
- North Staffordshire Postal
- Midlands MT
- Nottingham District Amal
- Wolverhampton & District Amal
- South Midlands Postal

South Central Division

- Central Counties & Thames Valley
- Harrow & District
- Meridian
- Portsmouth & District
- South Central MT
- South Central Postal
- South East No. 5
- South West No. 7
- Wessex South Central

CWU Branches - Group South (Rob Wotherspoon rwotherspoon@cwu.org)

London Division

- East London Postal
- Greater London Combined
- London Parcels & Station
- London Phoenix Branch
- London Postal Engineering
- London Regional Motor Transport
- London South West
- Mount Pleasant
- Northern/North West London
- South East London Postal & Counter
- West London Postal

South East Division

- Croydon & Sutton Amal
- Kent Invicta
- Kingston Area
- South & East Thames Amal
- South West Middlesex Amal
- Southdowns Weald & Rother

South West – South Wales Division

- Bournemouth & Dorset Amal
- Bristol & District
- Cornwall Amal
- Gloucestershire Amal
- Great Western
- Gwent Amal
- Plymouth/East Cornwall Amal
- Somerset Devon & Cornwall
- South East Wales Amal
- South West Wales Amal
- South Wales
- Western Counties
- Worcester & Hereford Amal