

No. 089/25

1 May 2025

For the Immediate Attention of All:

Postal Branches
Parcelforce Regional Organisers
Parcelforce Local Representatives

Dear Colleagues,

Parcelforce ECHR Claim

Branches will recall that during the 2022-23 National Dispute, Parcelforce excluded workers who took part in balloted strike action from receiving premium payments for working weekends during Peak. At that time the CWU sought legal advice which suggested that this was an “unlawful inducement” to attempt to persuade workers not to take part in trade union activities.

On the basis of that legal advice, the CWU launched a group claim which circa 2000 CWU members in Parcelforce signed into.

Due to the Mercer Ruling at the UK Supreme court in 2024 this claim was struck out as taking part in strike action is absurdly not considered to be a “trade union activity” in UK law.

We therefore sought further legal advice to the effect that this ruling is in breach of the UK’s obligations under the European Court of Human Rights, of which the UK government is a creator and signatory. This includes Article 11 which covers the right to join a trade union and article 6 the right to a fair trial. The Union’s National Executive Council has therefore authorised a group claim to the ECHR on this basis.

We are now seeking authority from those members covered by the claim to enter into the ECHR claim. No legal costs will be incurred by the members to take part in this claim, they will simply need to return a hard copy of a signed form along with some details. A letter detailing this has been sent to all eligible claimants and is attached to this LTB. This contains further details on the process and legal background.

However the crucial message is as follows, if members do not opt in to take part in the claim, **they will no longer have an active claim and will not be able to join this claim at a later date. Forms should be returned to Unionline by no later than 19 May 2025.**

Therefore, as there is a good chance that some compensation may be paid out to individuals who take part in the claim, we would advise members to sign and return the form as soon as possible. **It is important to note that only members who took part in the original claim are eligible to join this claim.**

Please direct any enquiries about this LTB to rwotherspoon@cwu.org or contact Unionline at echr@unionline.co.uk.

Yours sincerely,

Martin Walsh
Deputy General Secretary (Postal)

Davie Robertson
Assistant Secretary

European Court of Human Rights

Application Form – Guidance Document

For you to be included within the CWU's application to the European Court of Human Rights, UnionLine must receive a correctly signed application form from you. If UnionLine do not receive this, or this form is completed incorrectly, you will not be included. **Please ensure that you read the following instructions in full prior to completing the attached form.**

UnionLine have provided you with page 3 of the application form that we will send to the ECHR as part of the application. The application form must include a 'wet signature' from every applicant. We cannot accept a photocopy of your signature or an electronic copy of this form. We must receive the original signed form to our office in order for you to be included within the claim.

You **must** sign at Section 33. This should be your normal signature in **pen**. We cannot accept an electronic signature.

You must include the date of your signature at Section 34. The format for the date is listed on the form as DD/MM/YYYY.

C.3. Authority

The applicant must authorise any representative to act on his or her behalf by signing the first box below; the designated representative must indicate his or her acceptance by signing the second box below.

I hereby authorise the person indicated above to represent me in the proceedings before the European Court of Human Rights concerning my application lodged under Article 34 of the Convention.

33. Signature of applicant

34. Date

D	D	M	M	Y	Y	Y	Y

e.g. 27/09/2015

You must not complete any other sections of this form. If you complete any other section of this form your form will not be valid, and we will not be able to include you within any claim.

As outlined in our letter, UnionLine also require the following information:

We also require the following information from you to complete your application form:

1. Full Legal Name
2. Address
3. Date of Birth
4. Place of Birth (City)
5. State of Birth (Country)
6. Nationality
7. If you are an EU National, please confirm your National ID number:

Please note that if UnionLine are not provided with this information we will be unable to include you within any claim.

Common Mistakes That Must Be Avoided When Completing the ECHR Form:

1. You **must not** mark the form in any way except as outlined above. Please do not staple or hole punch the form.
2. You **must** ensure that the form is one page of A4 paper only. We cannot accept forms that are printed over more than one page as this must be submitted as part of the application form.
3. You **must not** complete Section C.1 of the form titled 'non-lawyer.' This must be left blank. You would only complete this part of the form if you did not have a lawyer instructed and if you were representing yourself. As UnionLine are representing you we have completed Section C.2.
4. You **must not** complete Section 37. This section is where you or your representative can list an email address if you already have an eComms account (an electronic court system used by the ECHR). As far as we are aware, you do not have such an account and therefore this box must be left blank.
5. The date listed at Section 34 **must** be the date of your signature, this is **not** your date of birth or any other date.
6. Do **not** sign Section 35. Your representative Diarmuid Deeney will sign here as your representative.

If you have any particular questions or concerns about completing the form, please contact UnionLine as soon as possible at cwugroup@unionline.co.uk.

Frequently asked questions

Who will be funding my matter to the ECHR?

As long as you have a valid membership, the cost of pursuing this matter will be funded by the Union.

How long will the claim take?

Unfortunately, we cannot provide any definitive timescale for how long this will take. Once we have submitted the claim to the ECHR we are bound by their timescales.

Who will my point of contact during this action?

In the first instance, you should contact Hannah Riley at Unionline (Hannah.riley@unionline.co.uk).

Do I need to attend a hearing at the ECHR?

No, the union will instruct counsel to represent you and the Union in this matter.

What award can the ECHR make?

If the ECHR find your Article 6 (right to a fair trial) and Article 11 (freedom of assembly and association) rights have been breached due to a gap in UK law then they will be make an award of monetary value to compensate you for this.

Who will pay the compensation to me if successful?

The payment will be made by the UK Government.

What will happen if I do not respond you by the deadline set below?

Due to strict time frames to submit a claim to the ECHR unfortunately, if you do not respond to us to confirm that you want to be part of the action by the required date then you will not be able to be part of the claim.

PM House
250 Shepcote Lane
Sheffield
S9 1TP
Fax: 0114 2493439

Dear member,

Re: Your Employment Tribunal Claim

We write to update you on your Employment Tribunal matter relating to your treatment by Royal Mail during the November 2022 – December 2022 Royal Mail/CWU dispute.

You will recall that during this dispute you and a number of other members were subjected to a number of inducements to deter you from taking part in official strike action including a bonus which was not payable to employees taking part in strike action.

In early 2023, UnionLine were instructed by the CWU to issue a claim to the Employment Tribunal on your behalf. Your case was issued as part of a large multiparty claim and your claim was placed on hold due to another case being heard in the UK Supreme Court, known as **Mercer**. In this claim, like you, Ms Mercer was subjected to pressure from her employer for taking part in lawful strike action.

A decision in Mercer was reached in April 2024 which determined that there was a loophole in UK law which does not provide employees taking strike action any protection from suffering a detriment or inducement which falls short of being dismissed. The court also found that this is in breach of Article 11 of the European Convention on Human Rights which states “everyone has the right to freedom of peaceful assembly and to freedom of association with others, including the right to form and to join trade unions for the protection of his interests”. The UK is a signatory to the European Convention of Human Rights and so the law should be in line with this.

The decision of the Supreme Court means that your claim against Royal Mail for their actions during the industrial dispute in 2022 cannot succeed. We have now received the Tribunal judgement issued by Bristol Employment Tribunal that your claim has been ‘struck out’ meaning that your claim was unsuccessful. This means that your Employment Tribunal claim has come to an end. **However, your union’s view is clear: It cannot be right that employers can subject people to inducements such as bonuses to break strike action and that employees have no legal right to challenge this. The CWU plans to lobby the government to close this loophole and has already raised the matter with the TUC. The CWU are already pursuing legal proceedings against the UK government connected to this dispute and wish to continue this with further action related to your claim.**

Because your claim was struck out by the Tribunal and no substantive hearing took place to consider your claim, **you now have the right to pursue your claim to the European Court of Human Rights (“ECHR”) to seek compensation.** The CWU is launching a group claim on this basis, and we would like to invite you to take part in this.

We must make you aware that this is not a quick process, and it can take a substantial period of time before any decision is made. **We would like to reassure you that there is no cost to yourself as a CWU member taking part in this claim and we would encourage all affected members to take part.** Ultimately there are no guarantees that any claim to the ECHR would be successful but there is the chance of compensation being paid to you if the claim succeeds.

A factsheet is attached regarding claims to the ECHR. If you have any questions about this letter, please do not hesitate to contact us at cwugroup@unionline.co.uk

Next Steps:

If you **do not** wish to be included within the CWU's claim to the ECHR:

If you do not wish to be included within any future claim to the ECHR you do not need to take any further action. If UnionLine do not hear anything further from you, you will not be included within the claim to the ECHR and your instructions with UnionLine will come to an end.

If you **do** wish to be included within the CWU's claim to the ECHR:

If you wish to be included within any future claim to the ECHR it is essential that you provide UnionLine with essential information which must be included within the application form, and you will be required to personally sign and date a page of the application form which UnionLine provide to you.

Please note that due to the strict procedures that need to be complied with in respect of a claim to the ECHR, if UnionLine do not hear from you, UnionLine will not be able to include you within this claim and your details cannot be added at a later stage. Therefore, it is essential that you inform UnionLine as soon as possible if you wish to be included and it is your responsibility to ensure that you inform us of your wish to be included and provide UnionLine with the necessary information and signature.

There are a number of ways in which you can provide UnionLine with the necessary information. UnionLine require the following information from you, in order for you to be included within this claim:

Full Legal Name:

Address:

Date of Birth:

Place of Birth (City):

State of Birth (Country):

Nationality:

If you are an EU National, please confirm your National ID number (UK citizens do not need to provide this):

Please note that if UnionLine are not provided with this information we will be unable to include you within any claim.

We will need the correct forms from you by no later than 19 May 2025.

You can provide UnionLine with this information by email at cwugroup@unionline.co.uk by post or by providing this information to your CWU representative at your local depot.

You must also sign the attached signature page for the ECHR application form. This form requires a physical signature from you meaning that it cannot be an electronic signature. UnionLine must also submit your original signature page not a scanned or photocopied version. We have attached to this letter further guidance on how to sign this form.

There are a number of ways that you can complete this page as outlined below:

1. You can print the attached document, sign it and send it via post to UnionLine's address:
FAO: Diarmuid Deeney, UnionLine, PM House, 250 Shepcote Lane, Sheffield, S9 1TP.

Please note that if you chose this option, you will be responsible for the payment of the postage for this letter and UnionLine cannot take any responsibility for paperwork being lost in the post. If UnionLine do not receive this form, you will not be included within the claim. We recommend that once you have sent this form you contact Unionline to confirm that they have received it.

2. You can attend your local Parcelforce depot where your local CWU representative should be able to assist with signing the forms and send this form to UnionLine for you to be included within the claim.
3. You can attend UnionLine's offices in Sheffield and provide the information and sign the necessary forms.
Please note that if you wish to attend the UnionLine offices, please contact us before hand on cwugroup@unionline.co.uk to arrange an appointment so that we can ensure that someone is available to meet you. If you have any questions about this, please contact us at cwugroup@unionline.co.uk.

Summary

Your claim for inducement against taking part in strike action has been struck out by the Employment Tribunal due to the law being incompatible. The CWU are pursuing this matter to the ECHR to seek compensation due to UK law not being compatible.

For you to be part of this claim and entitled to any compensation that the ECHR award you will need to sign and return the ECHR application form with the above information to Unionline prior to 19 May 2024.

Yours faithfully,

Diarmuid Deeney

Solicitor

Unionline

C. Representative(s) of the individual applicant

An individual applicant does not have to be represented by a lawyer at this stage. If the applicant is not represented please go to section E.

Where the application is lodged on behalf of an individual applicant by a non-lawyer (e.g. a relative, friend or guardian), the non-lawyer must fill in section C.1; if it is lodged by a lawyer, the lawyer must fill in section C.2. In both situations section C.3 must be completed.

C.1. Non-lawyer

18. Capacity/relationship/function

19. Surname

20. First name(s)

21. Nationality

22. Address

23. Telephone (including international dialling code)

24. Fax

25. Email

C.2. Lawyer

26. Surname

27. First name(s)

28. Nationality

29. Address

30. Telephone (including international dialling code)

31. Fax

32. Email

C.3. Authority

The applicant must authorise any representative to act on his or her behalf by signing the first box below; the designated representative must indicate his or her acceptance by signing the second box below.

I hereby authorise the person indicated above to represent me in the proceedings before the European Court of Human Rights concerning my application lodged under Article 34 of the Convention.

33. Signature of applicant

34. Date

e.g. 27/09/2015

I hereby agree to represent the applicant in the proceedings before the European Court of Human Rights concerning the application lodged under Article 34 of the Convention.

35. Signature of representative

36. Date

e.g. 27/09/2015

Electronic communication between the representative and the Court

37. Email address for eComms account (if the representative already uses eComms, please provide the existing eComms account email address)

By completing this field you agree to using the eComms system.

ECHR MEMBER INFORMATION

Please complete the below information and return with the signed application form. Please **DO NOT** staple this information to the form itself.

Full Legal Name:

Address:

Contact Number:

Email Address:

Date of Birth:

Place of Birth (City):

State of Birth (Country):

Nationality:

If you are an EU National, please confirm your National ID number (UK citizens do not need to provide this):