

No. 624/2017

15th November 2017

Dear Colleagues

POST OFFICE: IMPOSITION OF MONTHLY PAY - EMPLOYMENT TRIBUNAL FINDS IN FAVOUR OF UNION

Further to LTB 560/17 and the National Briefing held on 31st October, I am pleased to advise Branches that the Employment Tribunal decision with regards to the Post Office's imposition of monthly pay has found in favour of the two CWU members (test case).

Background

Branches will be aware that last year the Post Office announced its intention to move all weekly paid employees to monthly pay, affecting c.1230 people. Our strong preference was to negotiate a National Agreement on this issue as it was our belief that the subject matter came under the auspices of collective bargaining. However, the Post Office refused to negotiate and progressed unilaterally by Executive Action with the imposition of monthly pay from 3rd February 2017.

Employment Tribunal finds in Favour of the Union

Following legal advice, we instigated a test Employment Tribunal case for two of our members, one from Supply Chain and one a Counter Clerk. The ET took place on Friday 6th October and the decision was posted on 9th November. The Tribunal confirmed our members are still entitled to be paid every week. Every Friday, when they are not paid, the Post Office will essentially be in breach of contract.

In addition, the Tribunal held that because the Post Office imposed this change by Executive Action and without varying their terms and conditions of employment validly, the test case Claimants are entitled to two weeks' pay as compensation.

In the judge's determination he stated the following which is most revealing:

"it appears that the respondent (Post Office Limited) was fully committed to the reasonableness of its own case and would only accept that the consultation or negotiations would be "meaningful" if they got what they wanted."

The options now open to the Post Office are to go to an Employment Appeal Tribunal (EAT) or alternatively to engage with the Union with a view to finding an agreeable way forward. We understand the Post Office has 28 days to lodge an appeal.

We have taken further legal advice and consequently we are pressing ahead with our plans to pursue a Group claim for more than 550 members who so far have put their names forward to be part of a potential Group claim. We have written to the members who have signed up to the Group claim to update them on the positive news regarding the ET decision. We have also written to members we have identified as not yet putting their names forward for participation in the Group claim to let them know we are pursuing our claim and that it is not too late to sign up.

In the meantime, we will be writing to Paula Vennells, Chief Executive, urging her to instruct her team to engage in meaningful negotiations with the objective of reaching an agreement on this vital issue via collective bargaining.

In closing, the outcome of this case has a much wider significance as it has proven that the Post Office cannot unilaterally impose changes just because it suits them. If it wants to make changes to terms and conditions of employment it needs to obtain consent and this must be via meaningful negotiations designed to conclude a collective bargaining agreement with this Union on behalf of the membership.

A press release has been published today and is attached to this LTB for your information (Appendix A).

Further developments will be reported.

Any queries in relation to this LTB should be directed to Lea Sheridan on 020 8971 7361 or lsheridan@cwu.org

Yours sincerely

Andy Furey
Assistant Secretary