

What is happening to hundreds of victimised Royal Mail workers?

The questions Lord Falconer and the CWU refused to answer

Laura Tiernan
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Last week the *World Socialist Web Site* wrote to Charles Falconer, a partner at law firm Gibson Dunn, requesting information about the legal review he is heading into the sacking and suspension of hundreds of union reps and other postal workers during the Royal Mail dispute.

The Falconer Review was established by Royal Mail and the leadership of the Communication Workers Union (CWU) in February during closed door talks at conciliation service ACAS sponsored by former TUC leader Sir Brendan Barber.

The WSWs put several questions to Falconer about the review. While the deadline for referring sackings and suspensions was May 26, the CWU has published no information to the membership about the progress of cases.

At least 400 workplace reps and postal workers were sacked or dismissed during the dispute. But Ward has previously stated that only those “directly related to the dispute” will be reviewed. Just 200 cases have been referred to Falconer by the CWU. Ward told members in April that some of those disciplined had “crossed the line” and would not be defended by the union.

Hundreds of reps and other postal workers were victimised by Royal Mail as part of brutal restructuring aimed at transforming the business into a parcel-led delivery service to compete with Amazon.

Workers are being sacked and suspended on the most trivial pretexts and via trumped-up charges. Examples include being dismissed for using the word “scab” on social media. CWU reps have been suspended and sacked for challenging unagreed revisions to work practices and for defending members against management bullying i.e., for doing their job as a rep.

Victimised workers have told WSWs they are facing huge personal hardship. With charges of “gross misconduct” on their employment record, many have been forced to accept low-wage casual work to make ends meet. By agreement with the CWU, only those dismissed on or after April 5, 2023, are eligible for back pay from the point of their dismissal. (See Letter to Branches June 20, 2023)

On August 15, WSWs wrote to the CWU requesting basic information about the fate of hundreds of victimised workers. We asked how many cases Lord Falconer had begun reviewing, and how many of these had resulted in either reinstatement, or in suspensions and dismissals being upheld. WSWs received no reply to our enquiries.

On August 21, WSWs wrote to Falconer. Among the questions we asked him were allegations put to us about payment for legal work and the progress and outcome of cases:

Dear Mr Falconer,

I am a reporter for the World Socialist Web Site doing background research on the plight of CWU reps and other postal workers suspended or sacked by Royal Mail during the recent dispute. With hundreds of postal workers reportedly suspended or dismissed, their status is a matter of public interest, especially to the wider labour movement.

My questions are as follows:

- *How many cases have currently been referred to the Falconer Review?*
- *What percentage of cases have been referred as suspensions?*
- *What percentage of cases have been referred as dismissals?*

• *Can you confirm that Royal Mail is being billed for the National Conduct Procedure Agreement between RMG and CWU and Unite CMA (Code of Conduct), Royal Mail's Business Standards, and any relevant policies on bullying and harassment."*

• *Can you confirm that Sir Brendan Barber has or will receive referral fees for work referred to the Falconer Review?*

• *For how many cases has the CWU submitted evidence bundles?*

• *How many cases have you begun reviewing?*

• *How many cases have an outcome?*

• *How many cases have resulted in reinstatement?*

• *How many cases have resulted in suspension or dismissal being upheld?*

My publication deadline is this Wednesday 12 noon.

Sincerely,

Laura Tiernan

Reporter

World Socialist Web Site

Despite following up with a phone call to Falconer's law firm and his personal secretary, WSWs received no reply.

As the Postal Workers Rank-and-File Committee explained in its statement last Friday, the sackings and suspensions at Royal Mail are the largest mass victimisations since the miners' strike of 1984-85. It is an orchestrated campaign eliminating anyone viewed as an obstacle to the company's brutal corporate strategy.

For months, CWU leader Dave Ward claimed there would be no talks and no end to the dispute until all victimised reps were reinstated. But in April, the CWU unveiled the Business Recovery, Growth and Transformation Agreement, ending the dispute on terms dictated by the company.

CWU officials hailed the agreement as a "victory" because it protects their lucrative partnership with Royal Mail. The deal was rammed through in a ballot campaign dominated by lies, disinformation and dirty tricks against the membership by Ward, his deputy Andy Furey and the CWU postal executive.

Appendix 7 of the agreement set out the terms of reference for Falconer's review, with the CWU agreeing that "All decisions on the conduct of the Review will be for him [Lord Falconer] to decide in his absolute discretion."

The review's stated purpose is "to provide an independent assessment and adjudication on whether conduct cases arising from the dispute have been fairly handled taking into account relevant policies including

Royal Mail's "Code of Conduct", co-authored by the CWU in 2015, defines misconduct so broadly that it amounts to a blank cheque for victimisation.

There is nothing impartial about the Falconer Review. It is headed by an individual whose loyalty to corporate and state interests is long established. Falconer gave legal advice to the National Coal Board during the 1984-85 miners' strike, helping to boost scab union the UDM. As a senior cabinet minister in the Blair Labour government, he was reportedly key in overcoming legal objections to Britain's 2003 invasion of Iraq which subsequently killed 250,000 Iraqis.

But Ward, Furey and the CWU postal executive have no qualms about handing him absolute powers to decide postal workers' fate.

Victimised workers have told WSWs they regard the Falconer Review as a "smokescreen" to get their cases off the table while the company and CWU implement their rotten agreement against the entire workforce.

After a sacked rep publicly challenged the CWU's silence over cases before the Falconer Review, he was deleted from the union's social media accounts. On August 8, Forgotten Postman replied to the CWU's glowing depiction on Twitter/X of a National Briefing to reps after the dispute, writing: "Posting about solidarity while abandoning about 200 reps and members who are still clueless as to their fates. @CWUnews @DaveWardGS do you feel any shame about this?"

One week later Forgotten Postman shared the CWU's response: a screenshot of the union's social media account with the words "@CWUnews blocked you".

Would you like to share information or offer your views about Royal Mail's workplace victimisations? If so, please submit using the form below. Your anonymity will be protected.



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