

Falconer Review of victimised Royal Mail workers: CWU delivers a travesty of justice

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An appeal to the rank-and-file from a victimised CWU rep:

There is no justice in this agreement, it is pure blackmail. We are meant to sign a document from Royal Mail that we accept we are guilty with no right to challenge the fitted-up charges. The “options” we face are: Accept the deal but waiver any rights to future or existing Employment Tribunal claims or accept the penalty.

We drummed up support for industrial action and Ward and Furey said we were being fitted up. I don't want this on my record and I'm sure 99 percent of others don't. We have done nothing wrong. In our hour of need the CWU has gone missing. They have offered the square root of zero in support and have only feathered their own nest with the crap deal.

We are meant to doff our cap and be thankful to have our jobs back, but this was meant to be a fight to quash the vindictive allegations by Royal Mail. They have walked away scot-free, and we are treated like criminals. How democratic is that!

The Communications Workers Union (CWU) has declared that the Falconer Review has delivered “justice” for reps and members victimised during the year-long dispute at Royal Mail.

A November 10 statement from CWU leaders Dave Ward and Andy Furey reports, “Over 100 CWU members have won the right to return to their job. Many more have had this original conduct warnings reduced. This is a turnaround of an unprecedented scale.”

The statement then notes, “There are very limited numbers of members whose decisions were not overturned,” adding that “This was always going to be the nature of entering an independent process”, before acknowledging “There are also a very limited number of

cases that require further judgement from Lord Falconer.”

It boasts that “93.1% of the original decisions have been overturned.” This already makes a mockery of the basic class principle of “an injury to one is an injury to all.” But the claim made is a lie.

As the *World Socialist Web Site* made clear at the outset of the Falconer Review, at least 400 workplace reps and postal workers were reported dismissed or suspended during the dispute. But Ward stated that only those “directly related to the dispute” would be reviewed. In the end only around 200 cases were referred to Falconer by the CWU, with Ward stating that some of those disciplined had “crossed the line” and would not be defended by the union.

Postal workers have already had bitter experience with the propaganda department of CWU HQ claiming a “win”. The sell-out agreement to end the year-long dispute which was launched with similar fanfare in April and finally pushed through in May has ushered in an historic attack on pay, jobs and terms and conditions.

The claims regarding the Falconer Review are no different. Described as an answer to “anyone” who “doubted the influence and strength of this union”, the statement continues, “To understand the overall context and the magnitude of this achievement then we would recommend all members take the time to read the collective agreement in full.”

The Falconer Review is an integral part of the Business, Recovery Transformation and Growth Agreement (BRT&G) which signalled the full integration of the union bureaucracy as an arm of the company.

Reading “RMG & CWU Collective Agreement – Outcome of the Lord Falconer Review” confirms that the CWU has once again sold its members down the river, above all those victimised by Royal Mail.

It notes that the actual cases covered in the “Collective

Agreement” by the CWU encompass only 125 dismissals and 67 disciplinary actions short of dismissal.

The CWU confirms a total of 21 dismissals have been overturned by Lord Falconer out of 26 “priority cases” he has ruled on. It does not explain why 3 dismissals were upheld or 2 have been referred back requiring “further investigation”—a fifth of the “priority cases” mutually agreed. The CWU originally stated that 13 were presented by the union and 13 by the company.

Even the 21 reinstatements agreed by Falconer with compensation for lost earnings require workers to agree to not bringing Employment Tribunal (ET) claims, including for unfair dismissal, by signing COT3 settlement agreements. This also applies to those who agree to a financial settlement rather than reinstatement.

The disciplinary charges involved in the original frame-ups are not reversed but only reduced and treated as “time expired”.

According to the Falconer rulings on 21 of the cases referred by Royal Mail, they will be “reduced down to a suspended dismissal with a 12-month warning” and in the cases of those referred by the CWU these “will be reduced down to a serious warning”.

Treating CWU reps and members as the guilty party and placing Royal Mail in the clear is the method used for all other cases covered by the Collective Agreement, which stipulates that all ET claims must be forfeited—denying workers the right to clear their names.

It is only in return for accepting these draconian terms that reinstatement will take place with no loss of pay, benefits or employment rights. While workers can return to their units, however, this does not guarantee their previous role, as this applies only “where possible.”

This leaves unchallenged flagrant breaches of workers’ rights by Royal Mail, which carried out frame-ups on an industrial scale, including for merely using the word “scab” on the picket line or on social media.

The 67 disciplinary cases short of dismissal are also only “commuted down” by one level in the company Conduct Code, from the original level of “sanction”, and treated as expired.

Ten cases identified among those dismissed and disciplined short of dismissal are to go to “mediation” before returning to their unit. Royal Mail reserves the power to transfer the individual worker to another location in consultation with the CWU. This continues the targeting of those Royal Mail and the CWU have identified as troublemakers.

All those workers involved now have a target on their

backs, facing the constant threat of victimisation by management. The rotten agreement between the CWU and Royal Mail has already produced what postal workers have described as a “second wave” of victimisations over the impact of revisions and hiked-up workloads. The My Performance app on delivery workers’ hand-held trackers rolled out as part of the agreement is entrenching Amazon-style levels of workplace surveillance. Meanwhile the CWU isolates and stalls strike action against victimisations, such as at Prenton delivery office.

During the dispute, Ward and Furey promised Royal Mail workers that “no one would be left behind” in the largest frame-up of workers arising from an industrial dispute since the 1984-5 miners’ strike. Instead, they agreed to a process helmed by a Blairite Labour peer who acted as an advisor to the National Coal Board during the miners’ strike on how to recognise the scab Union of Democratic Mineworkers and ban flying pickets.

Even the term “victimisation” disappeared in favour of “a review of conduct cases”, while half of those victimised were excluded and hung out to dry before proceedings even began.

With all terms of reference agreed behind closed doors by Royal Mail, the CWU and Falconer, the review was only “independent” from union members who were denied any say on the matter.

The warnings by the Postal Workers Rank-and-File Committee on the aims of the Falconer Review have been vindicated. We said that its real purpose was “1) to sweep the explosive issue of workplace victimisations under the carpet, blocking any industrial and political fight for reinstatement; and 2) enabling Royal Mail and the CWU to implement their national agreement against the workforce.”

The manoeuvres of the corrupt pro-company bureaucracy led by Ward and Furey must now be ended by the rank and file unifying the fight against victimisations and Amazon-style sweatshop conditions and creating an independent path of struggle.

Attend the next Postal Workers Rank-and-File Committee meeting on Sunday, November 26 at 7 p.m.—register here.



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