

# Parcelforce owner drivers' legal challenge to gig economy contracts exposes CWU's pro-company alliance

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Parcelforce owner drivers in Britain are taking legal action against Royal Mail, challenging their self-employed status that deprives them of basic employment rights such as sick pay, paid holidays and the minimum wage.

Unlike delivery drivers employed directly by Parcelforce, owner drivers do not receive an hourly rate and are paid per parcel delivered. They must lease their vans and pay their own petrol costs, and health and vehicle insurance.

Parcelforce Worldwide, the dedicated parcel delivery arm of Royal Mail Group (RMG), employs around 6,500 workers across 54 depots in the UK. In some depots the percentage of owner drivers reached 20 percent last year.

Last month, under the heading, "Royal Mail sued by delivery drivers in 'Uber-style' gig economy legal case," the *Observer* interviewed Marc Francis, one of three claimants bringing a case against Royal Mail with the support of the Independent Workers Union of Great Britain (IWGB) and are being represented by solicitors Leigh Day.

Francis told the newspaper that after 10 years of working for Parcelforce, he'd "had enough".

The article explained, "Despite being classed as self-employed, owner drivers do not have control over the days they work (which are outlined in contracts with Parcelforce), the hours they work (as it is dependent on the number of packages given to them by Parcelforce each morning) or even the route they take (determined by the company's Route Excellence computer system)."

Self-employed delivery drivers are often unable to earn the minimum wage after paying for van lease and fuel costs, fear taking sick leave because of loss of earnings and are forced to pay for agency staff covering their routes when they are absent.

Francis recounts how last September, in a flare-up of ulcerative colitis, he was unable to work for two weeks. On return, he was asked to pay £764 to Parcelforce to cover the cost of hiring an agency worker who covered his route. After being diagnosed with pneumonia, he felt compelled to inform his managers he would be at work the next morning. During another work absence, he received a letter from management threatening to terminate his contract after the planned cover for his route did not show up. "The reason why owner drivers are much more suitable to the business is purely down to exploitation," he said, explaining that he and his colleagues are fighting for the "legal rights we're due."

Leigh Day described the situation as "endemic", with solicitor Lianna Wood commenting, "In our view, Parcelforce drivers working for Royal Mail should be entitled to workers' rights such as receiving holiday pay and being paid the national minimum wage. This issue affects thousands of Parcelforce owner drivers."

A campaign statement by the IWGB explains: "In February 2021 the Supreme Court ruled that Uber taxi drivers should be classified as 'workers' instead of 'independent contractors'" which provided a "very strong precedent".

There is no reference in the IWGB's campaign material to the protracted legal case it waged at Deliveroo, which exposed how the state and the union bureaucracy conspires to deny employment rights to super-exploited workers. Its legal campaign to have Deliveroo riders designated as "workers" with collective bargaining rights was struck down by the Supreme Court last November, aided by a union recognition deal between the company and GMB union. The GMB's sweetheart deal accepted that riders would continue to be designated as self-employed.

The recent strikes by thousands of delivery drivers London who is employed directly by the company, spoke with WSWS about the issues facing drivers and why a rank-and-file movement is needed to unite workers across Royal Mail:

There is one glaring omission in the *Observer* article about the legal challenge mounted by Parcelforce owner drivers--the role of the Communication Workers Union (CWU). Between August and December 2022, the CWU led 18 days of industrial action by 100,000 Royal Mail workers--including those at Parcelforce--over massive attacks on pay, terms and conditions. That Parcelforce drivers are being forced to seek legal redress to protect their employment rights is an indictment of the rotten deal pushed through by the CWU postal executive to sellout the strike.

CWU leaders Dave Ward and Andy Furey vetoed an overwhelming strike mandate to enter secret talks with Royal Mail, producing a “negotiators agreement” which they boasted meant “Uberisation has been cancelled”. In reality, it was a sweatshop charter for increased exploitation. Their deal was backed by the Labour Party, whose MP Darren Jones was accorded a standing ovation at the CWU reps meeting that endorsed the union-company betrayal.

Ward is the frontman for Labour’s “New Deal for Working People”, which promises to do away with fire and rehire and the gig economy by overseeing a corporatist alliance between union officials and corporate boardrooms to drive up exploitation and profits.

The Postal Workers Rank-and-File Committee (PWRFC) has fought to develop a fightback against the CWU’s sabotage of the strike and its alliance with the company through a raft of union-management committees that have fully integrated the CWU bureaucracy with the company at every level.

CWU national officer Davie Robertson referenced the national agreement in a signed letter with senior management at Parcelforce on May 9, 2023, to introduce “revisions at pace”. Annex 3 of the agreement stated there would be a “freeze” on owner drivers, conditional on “considering alternative solutions” for cost-reductions.

The CWU also agreed that “headcount reduction” at Parcelforce would be managed at the expense of owner drivers and agency workers, opposing any fight to unify workers in the struggle for decent pay, conditions and protections for *all* drivers.

The WSWS approached the CWU for comment on the legal case brought by Parcelforce drivers against Royal Mail. We received no response.

A Parcelforce worker and member of the PWRFC in

London who is employed directly by the company, spoke with WSWS about the issues facing drivers and why a rank-and-file movement is needed to unite workers across Royal Mail:

“The CWU does not go near owner drivers. They are kept at arms-length and treated as a nuisance. But we don’t share the view that they are the enemy, or agency staff. It is the CWU officials who have sold all of us down the river. They speak with one voice with management. Letters and other communication from the company even carries the logo of the CWU.

“They call these ‘revisions’, but it’s backbreaking workloads. The volume of the delivery routes has not been reduced, but the hours have for 95 percent of drivers, and those with failed deliveries are being disciplined. Drivers with a long service are unable to meet unachievable targets.

“We are handling parcels weighing up to 20-30kg and walking up to 25km per day, up flights of stairs, and making repeated trips with our trolleys for collections at the Post Office and factories. We have 9am,10am and other a.m. parcels which cost more to the customer due to the time they want them delivered. We keep on getting messages on the PDA handset to deliver before the time. Any deliveries after the time are called up and the manager wants to know why it has been missed. This causes us problems as we have a set route and if the 9am is at the end of the route we must break off from our route to deliver the timed parcel, and this wastes time.

“We are all the same whether directly employed, owner drivers or agency, doing the same job and just trying to earn a living. We, the rank-and-file need to come together against Royal Mail and the CWU bureaucrats who have ganged-up against us.”



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