

No. 575/19

4<sup>th</sup> October 2019

Dear Colleague,

## **Average Pay on Leave (Holiday Pay Claims) Against Royal Mail Group Limited**

The purpose of this LTB is to update Branches on recent developments that have occurred in relation to the above.

Further to LTB 519/19, circulated to Branches on 28<sup>th</sup> August 2019, it was brought to the attention of the DGS(P) Department that a “Case Management Order” had been introduced by the President of Employment Tribunals which will transfer all existing and new cases to the Tribunal Centre in Bristol. Currently this Order only applies to cases in England and Wales.

A copy of the Case Management Order is attached but Branches will wish to note that all Employment Tribunal claims for average holiday pay on leave in Royal Mail Group will be *“stayed until 1 January 2020, in the light of the ongoing national discussions with a view to reaching an agreement in respect of these claims”* and that *“A preliminary hearing for the purposes of case management shall be listed at Bristol as soon as possible after 1 January 2020”*. This in effect means that unless a National Agreement is reached by the end of this year, a collective employment tribunal will take place in early 2020 where the Union’s claim for average pay on annual leave will be heard. This is a major achievement for the Union and its members.

On 26<sup>th</sup> September 2019, following an approach from Weightmans solicitors, ACAS contacted the DGS(P) Department to advise that in light of the aforementioned order, as from 23<sup>rd</sup> September 2019 Royal Mail Group will no longer offer new settlements at the early conciliation stage. Whilst the business will conclude cases where an offer has already been tabled or a recalculation requested, all new cases will be issued a certificate number and progressed to the ET1 stage.

As Royal Mail Group failed to contact the Union to relay this change of policy, correspondence was sent to the business seeking clarification and a response was received on 29<sup>th</sup> September 2019. This confirmed their position (as above) but also requested that meeting dates be put forward for further collective negotiations on this issue. The DGS(P) Department is currently in the process of arranging a mutually convenient date for the next meeting.

**It should be noted that the outstanding work completed by Branches during the past twelve months has ensured that the issue of average pay on leave has moved forward. During this time our members have collectively received hundreds of thousands of pounds in compensation. It is evident that the momentum Branches have created, along with the wider strategy, has resulted in the progression of this matter and we are now in the position we originally sought in terms of collective action.**

Despite the Case Management Order and the stance taken by Royal Mail Group, it is still vitally important that Branches encourage the maximum number of members to continue to submit claims through ACAS. This will ensure we remain in the best position to achieve our goals and the current direction of travel now means this has become more likely.

The workload, from an early conciliation perspective, will now be less than before due to the position that has been taken by Royal Mail Group, and once registered all employment tribunal cases should now be forwarded to the Legal Services Department at CWU HQ.

In addition, we are now asking Branches to identify “test” cases that can be utilised and in particular those involving part-time grades that have formed the vast majority of cases thus far.

Finally I must reiterate that it is still the Union’s intention to get an acceptable collective agreement on this matter and your ongoing work will ensure that we achieve this.

Any enquiries in relation to the content of this LTB should be addressed to the DGS(P) Department.

Yours sincerely,

A handwritten signature in black ink, appearing to read 'T. Pullinger', written over a light grey grid background.

Terry Pullinger  
**Deputy General Secretary (Postal)**