

**Our Ref:** AF/LS/100

**Date:** 9<sup>th</sup> October 2017

From the office of **Andy Furey** Assistant Secretary

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Martin Kirke  
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Dear Martin

**CEIRF - COLLECTIVE DISPUTE RESOLUTION PROCEDURE – STAGE 2 MEETING –  
FORMAL LETTER: CEF & UNACCEPTABLE REPRESENTATIVE STRUCTURE**

No doubt you will be aware a brief and unproductive meeting was held with John Whitefoot and his colleagues earlier today. Unfortunately, John was insistent that the meeting could only proceed on the basis of it being recognised by all parties as a National Joint Negotiating Committee (NJNC). Conversely we fervently believed the meeting should have been held under the auspices of the **Collective Dispute Resolution Procedure – Stage 1** in full accordance with my correspondence of 26<sup>th</sup> September 2017. For the avoidance of doubt, and contrary to John Whitefoot's assertion, I did not "*request*" a Stage 1 meeting in my correspondence, in fact I "**formally instigated**" a Stage 1 meeting as is my entitlement to do so under the CEIRF.

**Grounds for Invoking the Collective Dispute Resolution Procedure (CDRP)**

I wish to be absolutely clear the Union will not tolerate under any circumstances the Post Office dismissively rejecting the instigation of the Collective Dispute Resolution Procedure by the Union. Indeed neither party has the right of vetoing the agreed procedure which seemingly is what John Whitefoot is endeavouring to do.

The grounds for invoking the CDRP are as follows:

- It is evident the Post Office has a "red line" policy with the arbitrary 3 full-time Representatives.
- Equally clear is the fact John Whitefoot has no authority to negotiate outside of this "red line" position.
- I have consistently stated in all my recent correspondence to Paula Vennells and others, this Union will not accept just 3 full-time Representatives.
- I have also been abundantly clear we will not be bounced or bullied into accepting just 3 Representatives by the "gun to our head" threat based approach the Post Office has adopted.

We are therefore irrefutably at an impasse with both positions polarised. Accordingly, the only way to resolve this impasse is for both parties to embrace the concept and processes linked to the CDRP, especially as this is the only agreed process for escalation to ACAS (assuming agreement cannot be reached at any of the earlier stages).

In order to achieve a mutual resolution to the impasse described above the Union was keen to activate Stage 1 of the CDRP, yet the Post Office bizarrely seems intent on obstructing the agreed procedure. It does beg the question why is the Post Office unwilling to engage meaningfully in the agreed resolution procedure? Is it because it is frightened of ultimately having to involve a third party in ACAS, which is integral to the process?

Firstly I am really struggling to understand why the Post Office is in denial about the irrevocable breakdown described above in respect of the Representative structure. Secondly I am also perturbed by the attitude of the Post Office as John Whitefoot is doing everything possible to evade and avoid the agreed CDRP. Ironically, a broadly comparable procedure is also contained within the proposed "CEF". As the Post Office is blatantly ignoring the current procedure, what confidence can the Union have in the Post Office abiding by a similar process in the "CEF" to resolve disputes in the future? Whilst it is a cliché, the "CEF" isn't worth the paper it is written on.

### **National Joint Negotiating Committee (NJNC)**

I am genuinely surprised that the Post Office would seek to call this meeting a NJNC when it is so evident there is a polarisation of our positions and no prospect of reaching an agreement ("red line" policy). The actual phraseology NJNC implies that negotiations will take place, which unfortunately has not been the case at any of the meetings we have attended where the CEIRF/CEF have been discussed, primarily due to the "red line" policy. It is therefore a complete misnomer to call today's meeting a NJNC. Clearly there have been absolutely no meaningful negotiations since the Post Office served the six months notice on the CEIRF as the "red line" policy has prevailed throughout this time. The Union, for its part has never attempted to defend the status quo and has been pragmatic and responsible in tabling a realistic counter-proposal for transitional arrangements.

### **Stage 1 Exhausted - Stage 2 Instigated**

My concern is that John Whitefoot is trying to run down the clock to 9<sup>th</sup> November and then say it is far too late to involve ACAS. This is a position the Union will not accept under any circumstances. Consequently it is reasonable to now consider Stage 1 of the CDRP to have been exhausted due to the refusal to engage in this stage of the procedure. Whilst John has adopted an intransigent position which is disappointing as I had hoped progress could be made; nonetheless, due to the prevailing timescales, I have no option other than to initiate and instigate Stage 2 of the procedure. Please note this is not a "request" which was John Whitefoot's misguided interpretation of my instigation of Stage 1 as outlined in my correspondence of 26<sup>th</sup> September.

I am placing you under formal notification that this Union considers we are now at Stage 2 of the procedure which requires your involvement as the Group HR Director. I would draw to your attention Paragraph 4 of the CEIRF headed up "Rules of Engagement". This part of the agreement reads as follows:

*"Where the parties fail to reach an agreement at any level of the business, then the Collective Dispute Resolution Procedure (**Appendix B**) will be adopted and followed".*

I would once again reiterate that both parties have failed to reach an agreement in respect of the numbers of Representatives ("red line" policy). Therefore the above fully applies. Also, I would stress the following:

**"The Stage 2 meeting will normally take place within 10 working days".**



Consequently, I will make myself available to attend the Stage 2 meeting as a priority. I would therefore be grateful if you could acknowledge receipt of this letter by return and offer some dates so that the Stage 2 meeting can proceed.

In conclusion, I genuinely believe the "red line" position of the Post Office is unsustainable and unworkable in regard to decent and timely representation for our members. This means the Post Office will have to adopt a more reasonable position and be willing to compromise. I recognise this may be a challenge for you; I would however emphasise that to achieve a harmonious way forward, it has to be preferable for both parties to reach an agreement.

Yours sincerely

A handwritten signature in black ink that reads "Andy Furey". The signature is written in a cursive style with a large, sweeping flourish at the end of the name.

Andy Furey  
Assistant Secretary

c.c. Paula Vennells – Group Chief Executive  
John Whitefoot – Employee Relations & Policy Director