



15 March 2007

All Branch Secretaries  
Royal Mail letters

Dear Colleague

### **MTSF – Employment Tribunal Application – Judgement**

As I am sure you are aware the Employment Tribunal claim Amicus/CMA made seeking determination on whether the MTSF was contractual was held during last year. The hearing was held on a number of days through May, September and in December. The reason for the protracted hearing was that firstly, the hearing was adjourned to allow an amended ET1 to be made and Royal Mail to prepare to respond to that amended application. Secondly the evidence took longer than anticipated and further dates had to be set aside.

The Tribunal made its judgement and issued this on the 8<sup>th</sup> March 2007. In general terms the Amicus application was not thrown out and the Tribunal has indeed determined that certain elements of the MTSF should have been incorporated into the terms and conditions of the Contract of Employment.

Currently our solicitor is considering the judgment which runs to some 38 pages, and cross refers to a number of appendices in the MTSF. Following this consideration a more detailed update will be provided. In summary however, the early consideration of the judgment suggests that elements of the MTSF such as pay protection, excess travel expenses, buy down of grade and hours are likely to be deemed as contractual.

Additionally there is a timescale upon which either party, Royal Mail or Amicus/CMA, can appeal against the judgement. Obviously we are considering this and should that be the course of action we will make you aware of this subsequently.

The result is an exoneration of our position. Namely that Royal Mail were wrong to unilaterally withdraw from all elements of the MTSF.

Once we have the considered view of the union solicitor more information will be provided.

Yours sincerely

A handwritten signature in black ink that reads "P. K. Reed".

National Secretary  
Amicus/CMA Sector

