

160 Falcon Road
London SW11 2LN
Telephone 020 7801 2614
Fax 020 7924 6377

John Pearson
21 Goyt Avenue
Marple
Stockport
Cheshire
SK6 7JR

Mark Serwotka
General Secretary

24 November 2014

Dear John

The National Disputes Committee (NDC) has considered your case at its recent meeting and I am writing to let you know the outcome of that discussion.

The NDC was presented with a report on the facts of your case and your requests for support for a reinstatement campaign, for ordinary membership of PCS with retrospective effect, and payment of your solicitor's fees.

The NDC noted that you have launched a public campaign for these aims and that I had responded to your open letter and internet postings which attack the union's record on support for victimised reps. In that response I made it clear that it is a point of principle for PCS to fully and wholeheartedly defend any case of victimisation by an employer. The union has paid the salaries of many reps who have been dismissed whilst we have pursued their reinstatement, the union has organised strike action in defence of victimised reps, and we have vigorously pursued legal action against employers.

The question considered by the NDC in coming to a position on your requests was whether the union was wrong to refuse to back your claim to the Employment Tribunal. The NDC noted that PCS has supported a number of Employment Tribunal claims for victimised representatives where our legal advice was that the claims did not have reasonable prospects of success. However, we have done this with the caveat that the reps follow our advice and conduct themselves in an appropriate manner. You repeatedly refused to follow our advice which was designed to save your job, and refused to attend the disciplinary hearings. The NDC agreed that you had acted as an individual outside the collective responsibility that being a PCS rep in such a situation requires. The fact that you won your claim does not alter this position.

The NDC considered your specific requests. Given that the ET judgment was only for compensation, reduced by 50%, and given the industrial situation in the branch, the union cannot mount a campaign against the employer for your reinstatement. Secondly, since the union cannot pursue a remedy for your dismissal there cannot be any question of PCS membership under our rules. Thirdly, given that the NDC did not accept that the decision not to support the ET claim was incorrect it would be inappropriate to pay your legal costs.

The NDC agreed that if you wish to have a meeting at which its decisions can be explained in more detail that should take place. Please contact my office if you wish to take up this offer. In previous communications you have stated that you would like Sofia Azam to be your

companion at such a meeting. I must point out to you that Sofia's case is an entirely separate matter on which the NDC has made decisions and correspondence has been exchanged. Discussion of Sofia's case will not take place at the meeting offered to you and I will not enter into correspondence with you on Sofia's case.

Please contact my office to arrange a meeting if you so wish.

Yours sincerely

A handwritten signature in black ink, appearing to read 'M. Serwotka', with a long horizontal stroke extending to the right.

MARK SERWOTKA
General Secretary