

Shocking Kostal decision must be challenged



Mandatory ethnicity pay gap reporting would end discrimination and ensure the world of work is fair and equal

GMB is backing a challenge to a shock legal judgment that could have a huge negative impact on everyday collective bargaining.

Susan Harris, GMB Legal Director said:

"The Kostal decision has come as a major shock to the trade union movement.



"The facts concerned a run of the mill collective bargaining situation where the employer, after its first offer was not accepted by the union, went directly to the employees with the same offer and the threat that they'd lose their Christmas bonus if they didn't accept.

“ It is hoped the workers and their union in Kostal will take the case to the Supreme Court. Otherwise the effect on everyday collective bargaining will be huge

Susan Harris, GMB Legal Director

"This is considered the classic territory of what s 145B was enacted to make unlawful - and that is what the tribunal and Employment Appeal Tribunal found.

"However, in a surprising Court of Appeal judgment those findings were overturned on the supposed basis that otherwise a union would have a "veto" on any change to terms the employer needed to make. That is clearly not right. If an employer exhausts the collective bargaining process - which Kostal had not done - and still needs to make a change to terms and conditions, it can lawfully offer that change to employees for that purpose.

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