



## SOUTHERN REGION

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Lord Chief Justice  
Judicial Office  
11<sup>th</sup> Floor  
Thomas More Building  
Royal Courts of Justice  
Strand  
London  
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17<sup>th</sup> March 2021

Dear Lord Chief Justice

I write to you following various public developments concerning the Judiciary which you will be aware of, and which GMB has decided now warrant its involvement in the interests of Judges as workers.

You will be aware that the courts in the cases of O'Brien v MoJ, Gilham v MoJ, McCloud v MoJ have consistently held that Judges are workers and hence have rights in respect of equal treatment, whistleblowing, and safety at work, and of course GMB members among court staff also work in the court environment and have an interest in a safe workplace.

Particular concerns have arisen over the following for example:

- (i) GMB is aware from the national media (and because some members in the public sector have been affected outside of the judiciary such as by the pension litigation) of a number of court cases in which judges have had to take legal action, usually if not invariably successfully, over discrimination at work, pensions and equal pay, and rights in respect of 'whistleblowing', bullying, and even violence in court.
- (ii) In addition, we have noted the concerns expressed publicly in relation to the risks run by those attending court (as judges or others) due to COVID outbreaks in at least 95 courts, and you will be aware of the issues over the enhanced threat which this poses to members of visible minorities such as those of African, Caribbean and Asian descent and persons with disabilities. In at least two courts union members voted to strike over the virus safety issue, which impacts judges and especially those from those communities.
- (iii) The recently published Judicial Attitudes Survey revealed disturbing evidence about judges feeling unsupported and often unsafe, especially women judges.
- (iv) An Early Day Motion came to our attention which was laid on 17<sup>th</sup> March 2021 in which 11 members of Parliament expressed grave concerns about a range of issues including discrimination against judges in visible minorities in processes

GMB, BRITAIN'S GENERAL UNION

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of appointment, promotion and recruitment and in terms of treatment by other judges in managerial positions in courts.

- (v) The issue of race in British society is undeniably an important matter as is the safety of women at home and at work. Judges are as much a part of society as other workers and presently lack a union to ensure these rights are observed or enforced.

After taking legal and constitutional advice, there is no doubt that judges may join Trade unions just as they may join any other club or association, provided of course they are not personally taking part in party political activity and do nothing to bring the judiciary into disrepute or damage their own actual and perceived independence.

We have decided that it is now appropriate and necessary for GMB to create a specific branch of membership for judges, whether salaried or fee paid, and we will be doing so and inviting judges to join nationally.

However, the GMB would very much like to engage with yourself to take this forward with your approval and support, and would like to hear any representations you may have so that we can seek to accommodate those.

We feel that a cooperative, collaborative approach can ensure that, together with our many members who are staff at courts, Judges could then benefit from the practical assistance, life insurance and legal advice which only a union such as the GMB can provide on a professional and well-funded basis. This can only be a good thing if (as we are sure you and other senior judges are), you are committed to having judges serving at all levels whose faces reflect the society and life experiences from which litigants are drawn.

I look forward to hearing from you.

Yours faithfully

A handwritten signature in black ink, appearing to read 'Stuart Fegan', with a stylized flourish above the name.

Stuart Fegan  
Senior Organiser