

GLASGOW OFFICE

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Mr Gary Smith
GMB Scotland
Fountain House 1-3
Woodside Crescent
GLASGOW
G3 7UJ

Our Ref: DD/0223/2018

Your Ref: Gary Smith

14 December 2018

Dear Gary Smith

Peter Gregson
Litigation – GMB Disciplinary
Cease and Desist

My firm is instructed by Peter Gregson concerning the GMB Scotland disciplinary action against him. I have been passed a letter bearing your name and signature. This letter is dated 10 December 2018. My client has requested that I respond to this correspondence on his behalf.

ISSUE ONE

You state:

"I note that you have apparently issued addresses and /or circulars as well as let our business be known to the press and other outside bodies in breach of rule 35 point 13. Moreover, you issued addresses and circulars to branches and other individuals within the Union without the appropriate approval again in breach of Rule 35 as above."

My client is legally entitled to his freedom of expression and association under the law of Scotland. He is also entitled to respect of his private life, his home and correspondence. The GMB trade union and yourself as an official of the GMB must respect my client's legal rights and cannot lawfully interfere without first obtaining a court order.

Neither yourself nor GMB Scotland has lawful authority to restrict or annul my client's legal rights. To suggest that my client requires your "permission" to undertake communications activities is absurd.

In your correspondence you have cited the GMB rulebook as authority for your statements.

The GMB rulebook must be read to comply with the law of Scotland.

The GMB cannot impose rules upon its members which unlawfully interfere with basic human rights. The GMB has no power to make rules which seek to regulate human rights; only Parliament can legislate to interfere with human rights and the GMB is not Parliament.

ISSUE TWO

You state:

"Please note that your email account is likely to be blocked as you have sent unsolicited emails to people across our organisation.

The issue of unsolicited emails will need to be looked into in relation to potential breaches of data protection legislation. If you need to contact our office, you may need to do so by post for the reasons set out above."

The action taken to block my client's email communications amounts to an unlawful interference with his human rights. As you have stated, my client is subject to a disciplinary procedure. My client cannot possibly receive a fair hearing with such draconian measures taken against him.

You have also stated that there is a potential breach of data protection legislation. However, you have failed to identify specifically what you mean by this statement. It is quite a serious charge to accuse my client – even implicitly – of breaking the law.

I invite you to withdraw this remark immediately.

In order to avert further action, I require that you immediately restore my client's communications within the GMB by unblocking his email account. I also require that you withdraw the remark regarding potential breaches of data protection legislation. Finally, I require you to cease and desist from all harassment, victimisation and unlawful interference with client's human rights aforesaid.

My client also requests and apology from you for your conduct towards him to date.

This letter addressed the most recent correspondence issued in your name. It does not detail my concerns regarding your disciplinary process. I will write to you formally concerning this disciplinary process and the accusations against my client separately.

I look forward to your response in due course.

Yours sincerely

A handwritten signature in blue ink, appearing to be 'D2' followed by a long horizontal stroke.

Daniel Donaldson
Principal Solicitor
Legal Spark Solicitors and Notaries Ltd