

GMB Central Executive Council (CEC) Appeals Committee 5th March 2019

At GMB Euston office, Mary Turner House, 22 Stephenson Way, London NW1 2HD: Minute of hearing, as recorded by Pete Gregson.

ATTENDEES:

CEC Appeals Committee:

Barbara Plant (President / Southern Region)

Margaret Clarke (Birmingham & West Midlands Region)

Colin Kerr (London Region)

Peter Kane (Northern Region)

John McDonnell (North West & Irish region)

Kevin Jones (GMB Wales & South West Region)

Elaine Daley (Race Reserved Seat)

Bess Blue (?) (or Liz Blackman, Midland & East Coast Region)

In attendance:

Joe Morgan (Senior Manager – Regional Secretary, Birmingham & West Midlands Region)

Steve Short (Executive Officer)

GMB Scotland:

Louise Gilmour (Senior Organiser)

Appellant:

Peter Gregson (GMB Scotland)

Witnesses: Rabbi Ahron Cohen, Tony Greenstein

General Background: The Prosecution' case (as written in the summons):

“The GMB Scotland Committee, in line with rule 5.4, found that Mr Gregson acted against the best interests of GMB, acted against policy and believed his anti-Semitic comments are racist in nature and suspended Mr Gregson from any benefit derived from Union membership, participating in the business of the Union and holding any office. In line with rule 5.5, the GMB Scotland Committee are recommending to the Central Executive Council that Mr. Gregson's membership of GMB be cancelled.”

THE HEARING

The meeting began at 11am with BP requesting that all phones be switched off and laid on the table. She pointed out that no-one had consented to being recorded. He then invited each present to introduce themselves. PG explained that his third witness, Mike Cushman, would not be attending as he was out of town.

BP stated to all that the Appeals hearing was not to debate GMB Policy, but to determine if PG's actions were in breach of the GMB rulebook.

LG outlined the case against PG. (the detail of it [can be found here](#))

She said that on 2/11/18 he was advised of the investigation. On 5/11/18 he was advised against the promotion of "anti-Semitic" material whilst identifying himself as a GMB shop steward.

On 6/11/18 PG was warned again about promoting material. On 2/12/18 he organised an event at TUC HQ entitled "Sewage Sunday".

LG said that contrary to PG's claims, the origins of the IHRA Working Definition of anti-Semitism lay in the EU Monitoring Centre's use of it as a tool for measuring incidents of anti-Semitism. LG indicated that she thought PG had continued to promote anti-Semitic materials after he had been told to stop.

She said PG should not be sending out circulars at all without prior approval, including sending out email addresses. Also sending out by email to all branches in the UK.

She said PG was failing to follow the directives of the GMB. On 3rd Dec, PG said he was guilty of accusing Israel of inventing or exaggerating the Holocaust. She said PG is therefore propagating Holocaust denial.

Also, PG is guilty of a direct attack on one of the GMB's employees. On 9th Dec PG left a comment on the National newspaper online attacking an employee, Rhea Wolfson (RW), who, said LG, had never been involved. She said PG had singled out RW as an avowed Zionist. She notes PG admits he has never met her, but talks about how strong a grip Zionists have on Labour. PG says it's clear that RW is part of a controlling influence in Labour. LG referred to "[My GMB Grief](#)" a paper put together about RW by PG. LG assumes that PG has identified her because she is a Jewish organiser employed by the GMB. She said PG claims that RW is obsessed with rooting out anti-Semites in Labour. She said that PG stated in his paper that "There is more juicy stuff on her feed." She said PG called RW a raving Zionist. On 21st December PG referred to her as a Zionist zealot. PG alludes to RW in the context of her oversight of the Glasgow Womens' strike. PG had said that RW was a liability.

She noted that PG said of RW in one email "As a Jew I love her, as a Zionist I despise her". PG had asked on various occasions for RW to come to his hearings as a witness. He had said "Might she not bear witness..". PG mentioned RW in a letter to MPs outlining the GMB case against him. GMB Scotland were now taking legal advice regarding PG's identification of RW. GMB Scotland believes this amounts to PG stalking RW. LG observed that PG had claimed that by adopting the IHRA Definition, the GMB are indirectly supporting apartheid. In terms of section 5.4 PG is guilty of acting against the interests of the union. She claimed PG's conduct was a problem in his targeting of RW, because she is Jewish. LG thinks PG's behaviour is anti-Semitic. LG said PH had been making inflammatory and abuse comments against RW. In summary, PG is guilty of breaking GMB rules and attacking a member of staff.

BP asked if any present had Questions of LG.

PG asked: When was the complaint lodged against him? LG said she would not say. Who was the complainant? LG said she could not say, but she could say that it was not RW. PG asked about the last time he had met LG, at his hearing in Glasgow on the 19th December, he had asked her the same question. PG observed she had said "28th Sept". LG denied this. PG referred to the minute he had written. LG said she had seen the minute. PG pointed out there were witnesses present and he had

written down the date 28th Sept – how had he gotten this date, if not from her? LG continued to deny she had given out this date.

LG then said the source of the complaint against PG was a concerned member, but it was not RW.

PG asked LG when the adoption of the IHRA definition had been made by the GMB and how was it promulgated?. He pointed out he had asked the same question on the 19th Dec and on that date the GMB Scotland President had promised to send PG the info, but had not.

WHEN GMB ADOPTED IHRA

At this point BP intervened and said she could provide that info. She said that the GMB had adopted the IHRA definition on the 4th Sept and that following this the link to the CEC minutes was put online for all to see. In addition, the minutes were posted out to the Regional secretaries. PG expressed surprise at this, given that the previous month, the GMB General Secretary, Tim Roache, had been reported in the press as saying the GMB had already adopted it. PG asked how could that be?

LG observed that PG was aware that the IHRA was GMB was in favour of the IHRA, because he had written to the Scotland Region Health Rep, Karen Leonard, on the 1st Sept asking that she ask Tim Roache not to declare the GMB in favour of the IHRA definition on the 4th Sept Labour NEC meeting, at which the GMB had two voting representatives. PG pointed out that at that time the GMB could not declare itself in favour of the IHRA Definition, because the CEC had not yet met to make the decision. Yet now he was being told that GMB reps were sent to Labour's NEC meeting and mandated to vote in favour of the IHRA, even before the CEC had taken the decision to adopt it?

PG was surprised at this, since it reflected an absence of due process.

BP asked if there were other questions. JM asked LG about the letter sent to PG asking him to “cease and desist”. After PG received the letter, did PG continue to send out materials? What was he posting? LG said PG was posting material online and sending it to lay delegates. PG continued to do so after he was after he was told to “cease and desist”.

JM asked of LG, were the branch structures in Scotland the same, in that every branch received minutes of the CEC meetings? LG said that that through the Branch secretaries, the minutes of the meetings were cascaded down to members.

BP asked of LG about RW. How had this affected her? LG said that RW was a new officer, barely in post a year. Of course, she was unhappy about getting “bombarded” by PG online. LG referred to PG's letter to MPs calling her a Zionist, saying she was behind my problems at the GMB.

PK asked about when PG identified he was a shop steward at the GMB. LG said in the letter to MPs and on other occasions.

PG asked LG if was aware of any situation whereby PG had sought to make contact to lobby officers. PG said she had not, apart from the group email referred to from early November.. Regarding the finance, though, he was aware as to the condition of the Edinburgh & Lothian's branch in the period from August to December. He asked if she was aware that we had no Branch Secretary at the time, because Andy McDonald had resigned and no-one had taken his place? LG said that all branches went through peaks and troughs. PG pointed out that he had never received the minutes of the CEC decision to adopt the IHRA. LG said that the minutes had been sent out, and GMB Scotland had done its part.

THE APPEAL

PB then invited PG to make his submission.

PG began by explaining how he had come to be involved in campaigning on behalf of Palestine. BP interrupted him and explained the CEC were only interested in what he had to say regarding the specific allegations against him.

PG said he wanted to explain why he was in the GMB. He said he has been a member of Unison since 1994, but that he had moved to the GMB because it was more feisty and more committed to campaigning. He explained what he was doing at the NHS Lothian branch, in terms of recruiting members around the whistleblowing issue. He said he was the only GMB steward for 24,000 people and all his campaigning work on behalf of the union had been curtailed by this action, that was to do with Israel, not the GMB.

PG went through his submission. Those present confirmed they had read PG's appeal papers ([available here](#)) so he said he would highlight a few major points.

NOT AN INVESTIGATION – AND NO CONSULTATION OR PROMOTION OF GMB POLICY

He pointed out that the GMB investigation was not an investigation at all. He said Gary Smith (GS, the Scotland General Secretary) had from day 1 decided he was guilty. He pointed out that no one has any GMB staffer contacted him about his activities with questions. PG explained he'd been through many disciplinaries and expected investigations to begin with questions, to which he could provide answers. That never happened with GMB. All he received were a stream of allegations through the door, in threatening language from GS, a man whose wages he helped pay. PG pointed out that this bullying and aggressive behaviour made a mockery of the word "Investigation". No-one had phoned, met or interviewed by email/post PG in order to find out what and why he was doing.

It had been pointed out to GS that he could not be both the Prosecutor, the person organising the hearing and deciding who could be called and what would be allowed by way of a defence.

PG pointed out that no consultation with members had taken place before the IHRA definition of anti-Semitism was adopted. He pointed out it was impossible to find out what the GMB's position was, regarding anti-Semitism.

PG pointed out that he had never received the minutes of the CEC (see above). He regularly received the minutes of the GMB Scotland meetings, which he carefully read, but which had never mentioned the IHRA adoption. He said that was the norm in Scotland – that GMB members did not receive the minutes of the CEC meetings, only the GMB Scotland Committee ones. He observed that Scottish members were quite unaware of the decisions taken at GMB HQ in London, as it was to the Glasgow office they looked for information. And that in all the emails he had ever received both nationally from the GMB and locally, from both GMB Scotland and the GMB Branch Secretary, there never had been any mention of the fact that the GMB had adopted the IHRA definition. On this basis, how can PG be held guilty of having broken it, when it was a rule that had been adopted behind closed doors, without consultation with members, that removed their freedom of speech on Israel, a decision that was not communicated to members either. How could members be expected to know of a rule they had never been told of. PG said he still, as yet, had never received a notice that the GMB was now bound by the IHRA.

He said he had searched the GMB website, he had searched on the criteria of “anti-Semitism” and all that came up were newspaper articles written by Rhea Wolfson. There was no evidence on the website either, that the GMB was bound by the IHRA.

NO INFO ON GMB DISCIPLINARY POLICIES

PG pointed out that he had asked several times for a copy of the GMB Disciplinary Policy and only received it a few days before his hearing, and even that was inadequate, in that it contained no timescales. PG pointed out that had disciplined staff and been disciplined himself and was aware of the importance of having clear Disciplinary Policies and Procedures; he was frustrated at the problem of getting information and felt GMB’s handling of his case to be very poor.

NO RIGHT TO DEBATE POLICY

The GMB Scotland secretary made it clear from the outset that there would be no discussion about the IHRA policy. What mattered was not that the GMB was removing my freedom of speech, but whether I had breached GMB policy. Thus members face the situation where a policy is adopted without their knowledge which removes basic freedoms and yet they are never allowed to express a view about this. Furthermore, contrary to the GMB president’s assertion in the expulsion letter, there are no procedures in place to debate policy. PG mentioned his GMB colleagues had tabled a motion to the GMB Branch meeting of the 8th December about the IHRA definition, asking for charges against PG to be dropped. ([read the motion here](#)). It had been decided that because it challenged GMB Policy, the Regional officer recommended that it be ruled out of order. The Branch had accepted his recommendation. So, there was no means whereby the anti-Semitism policy could be discussed.

PG then reviewed details of each specific allegation, providing brief pointers as to why they were unfounded. Full details can be found [in his appeal paper here](#).

BP then asked if there were questions for PG.

JM put a question to PG about Rhea Wolfson (RW). In my paper on her, why had he said at the end “In retrospect, these messages might not have been the cleverest thing I have ever done. I did not know then she was a raving Zionist”. What did PG mean by “raving”? PG explained he meant “overexcited by, obsessed by”. Her Zionist interest was self-declared, not least by her involvement with the Jewish Labour Movement.

JM asked about an email from PG to the GMB Scotland Secretary on Nov 21st. PG had described RW as “dangerous”. Why? PG explained that was because she was leading the GMB into a minefield.

JM asked about the specific allegation that PG accused Israel of “inventing or exaggerating” the Holocaust.

PG explained what he really meant was that Israel over-emphasises the Holocaust as a justification of what it does against Arabs. JM asked why whose words had been used. PG explained that it had been written that way in the IHRA definition style (which uses those exact words) and he sought to test it – he thought criticising Israel in this regard was not anti-Semitic and he wanted to check he still had that freedom of speech. [Apparently, he did not.]

The meeting then took a short break, in advance of the first witness.

At 12.30pm Rabbi Ahron Cohen came to the meeting. After removing and switching off his phone, he was asked to speak. He asked if those present had read his statement ([see it here](#)). They said yes.

When the Rabbi started explaining more, he was interrupted by BP, who said that the CEC were only interested in what he had to say as to whether PG had broken the GMB's rules.

The Rabbi said that from an orthodox Jewish point of view, nothing that PG had said or done was anti-Semitic. He said that everything PG had said was within his statutory rights. He said union rules were not allowed to over-rule PG's statutory rights. To try and stifle those rights cannot be correct.

The Rabbi explained that there seemed to be a lot of confusion and it was important to be clear that anti-Semitism and criticism of Israel were two quite different things.

BP invited questions. PG asked the rabbi "How would Jews feel if PG were expelled today. And what message does it send to Muslims?"

The Rabbi thought that if PG were expelled others would view that as a contravention of PG's basic rights. PG observed how much at risk the Rabbi had been for speaking out on Israel; his car had been burnt out in 2014. The Rabbi concurred that "there were some difficult people out there."

The Rabbi then left and Tony Greenstein (TG) took his place. [\[TG's written testimony can be read here\]](#). BP asked TG to switch off his phone, etc. She stated that she did not want to discuss the policy, merely check if PG had broken the rules. TG pointed out the Orwellian nature of the event, that PG and witnesses were not allowed to present a justification for their actions in calling out Israel. TG asked if there were no rights to dissent at the GMB? Why was the GMB putting out the message that it supports the world's only apartheid state? TG explained how his testimony explains why he thought PG had done nothing wrong. BP asked TG if he had any specific points he wanted to make. TG iterated that the IHRA definition was not a definition at all – it was a hazy, indeterminate piece of work. It merely said criticism of Israel "could" be seen as anti-Semitic, in certain circumstances, and the GMB were interpreting it in completely the wrong way. TG pointed out that even the man wrote it, Kenneth Stern, thought it was being used unfairly to prevent freedom of speech. It was only designed to help the EU monitoring centre in the collation of statistics.

BP invited questions. JM asked TG if he had seen the evidence that was put forward by PG. He referred again to PG's claim that Israel was guilty of "inventing or exaggerating the Holocaust". TG replied that he thought PG had used an inappropriate form of words, but that he had been criticising Israel. TG phrased the question as whether the IHRA definition was really a definition at all- for everything was open to interpretation. He thought it inadequate because there were no hard and fast rules. TG noted there was a very simple definition from the OED, that left no room for confusion. He noted that the IHRA Definition was developed for a political purpose, to stop sanctions.

TG then withdrew. BP invited each side to make their summing up. At the conclusion, she informed PG that he would receive the CEC's decision by post, within 5 working days.

The meeting closed about 1.15pm.