

JOINT T2 + L2 BULLETIN
15TH MAY 2020



REFUSING UNSAFE WORK



Brian Woodhead, the Director of Customer Services, the most senior manager on LU stations, said explicitly in several conference calls on 14 May that “if people [i.e., staff] feel unsafe, they should withdraw from that situation.”

As we face increased risk from rising passenger levels, it's very welcome to have Brian's support for RMT's position of refusing unsafe work. The last page of this bulletin is a step-by-step guide to using LU's refusal to work policy. The principles are simple, however: if you feel that you, your workmates, or the public face “serious and imminent risk”, you can act to avert that risk. This could include:

- Being positioned in a part of the station where it's impossible to maintain safe distancing from passengers or workmates
- Being asked to perform a task that involves close contact with other people
- Performing a task that requires touching multiple surfaces, e.g., security checks, without adequate PPE

If, for example, safe distancing on a gateline becomes impossible due to passenger volume, staff should collectively remove to a place of safety where you can maintain distancing. Your union will support you in doing this – and, following Brian Woodhead's comments today, we expect the company to support you as well.

**“IF PEOPLE FEEL UNSAFE, THEY SHOULD
WITHDRAW FROM THAT SITUATION.”**

- BRIAN WOODHEAD



DISTANCING ON THE WAY TO AND FROM WORK

Members should not board trains or buses on which it's impossible to safely distance on the way to or from work. No one should be penalised for lateness due to this reason. If you need to let several trains pass in order to travel safely, that is not your fault. Members who can drive to and from work should continue to do that, and submit mileage requests to management. If your local management is refusing to pay mileage requests, speak to a rep to raise the issue.

REVISED STAFFING ARRANGEMENTS

Emergency staffing arrangements agreed on stations – including working to Sunday minimum numbers, and revised shift allocations – should continue until further notice. LU have said that they want to review the use of Sunday minimum numbers when the network reaches 25% capacity. Reps will be involved in any such review, and we will oppose any reversion to weekday minimum numbers and any changes to staffing arrangements unless we feel that these are operationally necessary and can be done in a way that does not expose staff to increased risk.

TfL FUNDING?

Mayor Khan told the media on 14 May that TfL “may have to cut

services” if emergency funding from the government is not forthcoming. While it's positive that the Mayor has finally found his voice when it comes to standing up to the government over funding, it's less positive that he's using his voice to threaten cuts.

RMT has written to LU Managing Director Andy Lord to demand commitments around the protection of jobs and conditions. We agree with Mayor Khan that TfL/LU urgently needs substantial central government subsidy; we won't accept paying for the crisis via frontline cuts that affect workers and passengers.

Knowing your rights is essential! Please read the links in this bulletin which tell you what laws protect you and what your rights are. The RMT COVID19 Guidance and the RMT Serious & Imminent Danger Booklet are great tools to equip yourself with. You can read all of our Tier 2 bulletins [here](#).

[The Management of Health and Safety at Work Regulations 1999 \[Section 8\]](#)

[Health and Safety at Work Act 1974 \[General Duties\]](#)

[Employment Rights Act 1996 \[Section 44\]](#)

[RMT COVID19 Guidance](#)

[RMT Serious & Imminent Danger Booklet](#)



A QUICK GUIDE TO LUL'S REFUSAL TO WORK POLICY

For clarity, we reject LUL's opinion of refusal to work legislation. The union has long believed this to be flawed and illegal. None the less, it is crucial you have a clear understanding of the companies refusal to work policy so we have written this brief guide.

- When a member of staff believes it is not safe to continue work, they must stop work and immediately report it to their manager.
- The manager must inform the local H&S rep as soon as possible
- The manager in consultation with a HSE advisor must determine if there is or isn't serious or imminent danger and provide reasons why the risk is or isn't considered 'as low as reasonably practical'.
- The manager must record and communicate this to the member of staff and their H&S rep
- If there is a failure to agree, the workplace risk assessments (WRA's) must be reviewed by the manager and HSE advisor. This must be recorded and communicated to the member of staff and their local H&S rep. If a local rep isn't available, management must report this to Tier 2
- If the review confirms the risks are 'as low as reasonably practical', the employee will be requested to work normally.
- If the review confirms it is unsafe to continue working that way, the manager must explain how the matter will be dealt with and what work can be done in the meantime, if any.
- There are slight difference with what to do if the potential danger is affecting more than one location – for example Safety Council **MUST** be informed as soon as possible and a senior LU manager will be appointed to co-ordinate the actions required.
- Whilst the employee waits for the investigation to be fully and properly completed the manager must find reasonable alternative work either within the workplace or at a different workplace location or the employee shall be sent home with no detriment to their pay, terms or conditions.
- If there is a failure to agree, the employee has the right of appeal.