

BakerlooNews

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Newsletter of the Bakerloo Branch
national union of rail, maritime and transport workers

March 2011

Double standards exposed

Since RMT health & safety rep, Eamonn Lynch's dismissal in October, train drivers on the Bakerloo Line have taken two days strike action for his reinstatement. The issue is now being dealt with at ACAS and the RMT's General Grades Committee has agreed to escalate the dispute to every train depot on the combine. This also includes victimised Northern Line activist Arwyn Thomas who was also wrongfully sacked. Arwyn also won an Interim Relief Tribunal where the judge ruled that he was unfairly dismissed because of his trade union activity and LU were ordered to continue to pay his wages. To misquote Oscar Wilde, to lose one interim relief tribunal may be regarded as a misfortune; to lose two looks like vindictiveness.

Bakerloo News can also report that while train drivers were taking strike action to overturn the wrongful sacking of Eamonn Lynch management were blatantly breaching safety procedures. On the first days' action on December 18th 2010 when Bakerloo drivers shutdown the Line, a serious breach of safety procedures occurred involving the Queens Park Train Operations Manager.

It was reported that the Queens Park TOM "was on his haunches in the front of a train, door open, train moving with the de-icer paddle...now any slip or blip on the line could have made this pole go right through him."

London Underground's procedures are well defined and are contained in Rule Book 4 section 6: they involve



Safety rules go back to the Middle Ages

getting traction current switched off, using Short Circuiting Devices, using the stationary train as protection and walking up and down the track scraping the current rails with an ice scraper. Through the whole process there should be communication and an understanding reached with the line controller.

Network Rail procedures are contained in GE/RT8000/DC and GE/RT8000 - M4. The procedure on their metals are that the Incident

Controller would call a 'cable and track team' to be sent to the area and an isolation would be taken; ie current switched off. Any possessions would be cancelled and sleet trains run through the affected area.

To date no action has been taken against the manager concerned for this wilful breach of procedures, neither has the manager been stood down from operational / safety roles.

The manager concerned was in breach of 3.3.1 of the code of conduct standard which states "Employees are required to comply with all relevant Health and Safety legislation by:

- taking care for their own health and safety... (and)
- taking care for the health and safety of other employees, contractors, customers and members of the public, as far as reasonably practicable;
- helping LUL to comply with its legal duties, in particular by conforming to company and any additional local safety-related rules and procedures".

He was also in breach of 3.3.3 "If employees are involved in, witness, or are aware of:

- a dangerous or potentially dangerous incident or situation... they must report it immediately to a supervisor or manager (or in accordance with local instructions)... They must also keep any evidence, produce any necessary written reports and fully cooperate with any investigations.

This would be the basis of the write up for a CDI charge against ordinary
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Double standards exposed

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workers; not so LU managers.

The irony has not been lost on Bakerloo drivers that while Eamonn Lynch has been sacked for following manager's instructions, senior managers on the line can seemingly breach safety procedures with impunity.

As a result of a formal complaint from RMT Health & Safety Rep, Brian Munro, a fact finding interview was carried out by the TOM's employing manager the Train Performance Manager. No witnesses were interviewed, radio recordings were not gathered; neither was CCTV evidence used. And also it has been alleged that Performance Manager was present.

The RMT is extremely concerned with how LU has dealt with this wilful breach of procedures in comparison with how they have dealt with Eamonn Lynch's case.

The union has also raised this breach of procedures and failure to properly investigate the Train Operation's Managers actions with Quentin Cole from the Office of the Rail Regulator (ORR). Mr Cole met Nigel Holness (LU Service Director), Jill Collis (General Manager Safety Quality Operations) and Lance Ramsey (Bakerloo General Manager) on March 7th 2011. Mr Holness is now dealing with the issues raised by the ORR on this matter.

Another new development in Eamonn's case is that since his dismissal London Underground have also introduced a new 'Defective in Service Instructions' document (DISI). This supersedes the document used by LUL in their CDI charges against Eamonn Lynch and became effective from March 7th 2011.

LU have tried to argue that Eamonn Lynch should have not complied with the signallers and line controllers instructions as he was in charge of the train. The new DISI states exactly what all train operators understand is the process in these circumstances:

Section 2.4 of the document, when dealing with defective trains and taking them out of service, says:

"Train operator's actions - You must:
• tell the controller and follow their instructions"

On the day in question this is exactly what Eamonn did.

LU sort this out. Stop the victimisation of RMT reps!

Pay claim 2011

RMT has presented a joint pay claim with TSSA for 2011 to LU management. We are demanding a substantial above inflation pay rise that will reward staff for the huge improvement in productivity and increase in passenger numbers that we're all having to cope with. As inflation heads towards 5% and reports show that low wage earners experience higher costs than the better off an inflation only pay deal would mean falling living standards.

The dramatic rises in food, fuel, and other living costs, especially in London and the South East, necessitate a substantial pay award in excess of RPI, with no strings attached, in order for our members

to continue to meet the cost of living.

We have also demanded a reduction to the working week to 34 hours, and a reduction in the number of working days to four per week. Also more progressive 'family-friendly' policies, to include paid leave for domestic emergencies, and improvements to maternity / paternity / adoption pay. As usual we are insisting a one year deal and will only consider a multi-year deal if there is a major improvement to our pay and conditions.

If you want full details of the RMT/TSSA pay claim go to the RMT London Regional Council website: www.rmtlondoncalling.org.uk

ELECT YOUR REPS

The next Bakerloo Branch meeting will elect a new health & safety rep for station staff on the Wembley Central Group.

The Branch will also elect a new Union Learner rep for the South end of the line.

Come to the Branch meeting on Monday 4th of April at 16:00 hours, upstairs in the Clachan, Kingly St.

Company Council overrule Bakerloo strike disciplinaries

LU management have backed down over strike related disciplinaries after massive pressure from RMT reps.

A company council decision last week saw bosses back away from an all out battle with RMT over their illegal attempt to intimidate union members.

The recent spate of strike action affecting train drivers on the Bakerloo Line saw RMT action over the sacking of Eamonn Lynch and ASLEF inspired strike action on Boxing Day over allocation of duties.

As a result of the action, management resorted to interviewing drivers asking if individuals were 'covered' by the legal mandate of the individual unions concerned.

DMTs at Queen's Park and Elephant & Castle were asking driv-

ers to fill in forms about their union affiliations and one Elephant DMT actually asked a driver to provide a bank statement that proved he was paying subs to the RMT.

This was an all out attempt by management to intimidate drivers who had taken strike action. Management were stunned by the level of support shown for Eamonn Lynch on the December strike and pulled out all the stops to prevent it happening again in January. Of course the strike action could have been avoided by giving Eamonn his job back, but our bosses never see the obvious. This victory for RMT is also a victory for union solidarity and slap in the face for LU bosses and their union busting mates at City Hall.

DEMONSTRATE AGAINST THE CUTS!

RMT Bakerloo Branch members will be joining the TUC demonstration against the ConDem cuts forced on working people as a result of the bankers' incompetence. Join the RMT and "march for jobs not cuts" Saturday 26th March: Assemble 11:00hrs Embankment Station . Be a part of it.