

BakerlooNews

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

September 2011

Justice for Jayesh!

Following London Underground's decision to uphold the downgrading of Bro Jayesh Patel to CSA the Bakerloo Branch has requested a ballot for strike action of all driver members on the line.

Jayesh was reduced in grade for an incident that occurred on February 12th 2011.

On the day in question Jayesh was suffering from fatigue and stress which resulted in him misunderstanding and confusing the framework agreements on driving parameters and taking a Personal Needs Relief (PNR). To make matters worse, just prior to the incident, Jayesh was interviewed on the front of his train by a Duty Manager. This was a straight forward performance matter and should have been dealt with as such. Jayesh should have been given a Corrective Action Plan and retraining. Instead Bakerloo management went for the jugular and sent Jayesh to CDI on a gross misconduct charge.

The charges facing Jayesh were unconvincing and insubstantial to say the least. The write up by management of events attempted to portray Jayesh as wilfully and maliciously disrupting the service

20 10th July 2011
CHARITY
CONGRATULATIONS YOU ARE NOW AT THE TOP OF MOUNT KILIMANJARO
AFRICA'S HIGHEST PEAK MANZANARA 5895M SASL
WORLD'S HIGHEST FREE STANDING MOUNTAIN

MAKE MINE A TRIPLE

When it comes to charity, Jayesh Patel doesn't do anything by halves. The Queen's Park train operator has not only climbed Kilimanjaro this year, but also plans to spend two weeks in the Alps mountaineering, as well as taking part in the BUPA Great South Run to raise money for charity in a trio of challenges. He's fundraising for The Royal Brompton & Harefield NHS Foundation Trust and the Duke of Edinburgh's Hardship Fund. "I climbed Mount Kilimanjaro by the difficult Machame route as opposed to the easier route," said Jayesh. "I suffered badly with altitude sickness, but managed to continue without additional oxygen or tablets. "Although I am a qualified mountain leader, it was a really difficult trip. I'd like to thank my LU colleagues, who supported me before and after my adventure." Jayesh's next challenge sees him attempting to tackle Mont Blanc - a staggering 15,780ft. To donate, visit www.justgiving.com/jayesh-patel1 or www.justgiving.com/DofE.London

"The Appeal Chair ruled out that the incident in question was a performance issue but stated that Jayesh acted wilfully and maliciously to disrupt the service... What a nonsense! While Jayesh was waiting for the result of the Appeal, 'On The Move' were highlighting Jayesh's activities for charities."

on the Bakerloo Line. The authors of the document tried to paint the worst possible picture of events of the day in question. This included the assertion that Jayesh Patel's action caused severe disruption to the service until late in the evening. Not so! The Bakerloo Branch secured LU's own 'Daily Service Review' which showed that a "good service" was operating at 17:00 hours. Amongst other embellishments in the brief, LU padded out the charges to include no less than 6 breaches of LU's code of conduct. This was an attempt by LU to overstate the charges against Jayesh to try to justify his victimisation.

The Bakerloo Branch believes that Jayesh's downgrading is a clear cut continuation of LU's victimisation policies as was the case with Eamonn Lynch. The Branch believes that the reason that the investigation took so long into the incident was because management were setting Jayesh up. RMT also smelled a rat when the CDI Panel included a manager directly involved in the case and was from the Bakerloo Line, in

continued on page 2 >>>

Justice for Jayesh!

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breach of LU's own procedures. The Branch has now gained evidence to show that management colluded in their decision to sack Jayesh. Jayesh has an Employment Tribunal at the end of October and these issues will be raised at that forum.

LU had the opportunity to correct this downgrading at Appeal. Not least the fact that management imposed a permanent disciplinary sanction on Jayesh which was in breach of their own procedures.

On December 18th 2010, the Train Operation's Manager at Queens Park wilfully and maliciously breached LU and Network Rail's rules on ice scraping. Initially senior management tried to cover this up but following the intervention and insistence by the Office of the Rail Regular that this dangerous working practice should be dealt with properly did LU agree to carry out a proper investigation. And what did the manager get for this wilful and intentional breach of safety procedures? Retraining!



Jayesh speaks at a RMT young members conference

The Appeal Chair ruled out that the incident in question was a performance issue but stated that Jayesh acted wilfully and maliciously to disrupt the service.

What a nonsense! Jayesh Patel is an upstanding member of the community and a young man of honesty and integrity. Look at LU's own company magazine! While Jayesh was waiting for the result of the Appeal, 'On The Move' were highlighting Jayesh's activities for charities. As OTM say's "When it comes to charity, Jayesh Patel doesn't do anything by halves". At the CDI hearing Jayesh even had a character reference from the Director of the London Region of the Duke of Edinburgh award charity! To attempt to say that Jayesh maliciously went out to disrupt the service is a disgraceful abuse of the truth and the disciplinary process.

But while LU victimise young RMT train drivers, contrast this with how LU treat their managers.

As a result of the Bakerloo Branch's request to the national union for a ballot for strike action the RMT Council of Executives has agreed that the union should "urgently submit a request for a Director's Review of this case; should this not result in an acceptable outcome (ie. the return of Jayesh to his driver's job), to refer the case to ACAS; should this not result in an acceptable outcome, to refer the case to a meeting of the General Secretary and the Managing Director of London Underground; ensure that the above actions are taken promptly; (and) immediately begin preparations for a ballot of all Bakerloo line driver members for strike action, with the ballot to be enacted immediately should all the above steps not result in an acceptable outcome."

The Bakerloo Branch will keep all members informed of developments. A special meeting to discuss the union's campaign will be held in due course.

Wembley Central Group rosters still include agency staff

The September Branch meeting discussed the issue of the proposed new 'inner car barriers' on 1972 stock and its effect on station staff. London Underground stated their intention to displace detrainment staff on the Group as a result of this. However the Branch was informed that management have proposed new rosters which will mean that there will be little if any displacements as a result of this new technology.

The Branch is concerned though that the staffing arrangements will still include the use of agency staff and security guards. The branch believes this is in breach of the agreement made with the RMT in April 2008.

Section 8 of a letter from Gerry Duffy to Brian Whitehead (dated 02 April 2008) states explicitly that: "2. As stated previously it is not our intention to retain Agency staff. They will be retained to support staff training. It is expected that this will be completed 9 months after agreement of the training plan at the JWP (with an option to extend for a further 3 months). 3. We agree to a regular 6 monthly Review, the purpose of which will be to monitor: a. The pace of the refurbishments; b. The effectiveness of proposed staffing arrangements; (and) c. The period required for retaining the Agency Staff 4. LU confirms that these are interim arrangements, ring fenced to the ex-Silverlink stations (there will be no roll out of this model and commit that once the refurbishments are complete (anticipated to be the end of November 2009) there will be no 3rd Party Security Staff on these stations."

The Bakerloo Branch has written to head office requesting that this matter is taken up with LU as a matter of urgency.

In the meantime the union is still raising the relevant safety concerns with management on the proposal to introduce the inner car barriers.