



DEFEND PAUL BAILEY

Paul Bailey, a driver at Leytonstone, remains sacked for passing a random drug and alcohol test. Chris Taggart, Head of Central Line Operations and the manager responsible for hearing Paul's recent appeal, upheld the crazy CDI decision to dismiss Paul, despite all the evidence.

Paul was sacked in March despite indisputable proof that he had a level of 19ng/ml of THC in his blood at the time he was tested; **the maximum permissible amount is 50ng/ml, which means that he passed the test comfortably.** Curiously, this fact was only uncovered by Paul's RMT branch which paid for the 'B' sample to be tested because LUOH refused to provide Paul with the result of his 'A' sample. The LU-approved laboratory which tested the 'B' sample stated that the result was consistent with the 'A' sample, which provides further

Alere Toxicology Certificate Of Analysis

Donor Reference : BAILEY PAUL
 Date of Birth : [REDACTED]
 Company Ref. : LEYTONSTONE
 Barcode Ref. : [REDACTED]

Date Collected : 20-OCT-2017
 Date Received : 24-OCT-2017
 Date Reported : 26-OCT-2017

Chain of Custody Intact? : YES

TESTED	RESULT	SCREENING CUT-OFF
Amphetamines	Negative	1000 ng/ml
Cocaine metabolite	Negative	300 ng/ml
Benzodiazepines	Negative	200 ng/ml
Cannabis	POSITIVE	50 ng/ml
Opiates	Negative	300 ng/ml
Methadone	Negative	300 ng/ml
Propoxyphene	Negative	300 ng/ml
Ketamine	Negative	500 ng/ml

For further information contact Toxicology Enquiries below

'A' sample result: allegedly positive, but why is there no mention of the actual level of THC in Paul's sample?

evidence that Paul passed the test and that management were fully aware of this.

New evidence ignored

Presented with this new evidence, management refused to back off, instead telling Paul to raise it at the CDI. At the CDI, the panel completely ignored the new evidence of the 'B' sample while still refusing to provide the result of the 'A'. Not only that, but the evidence they were relying on was inconsistent, legal documents such as the testing paperwork and results were not present in the CDI pack, and the Return to Work paperwork had been forged (Paul was not at work on the day the RTW interview is alleged to have taken place and someone has forged his signature on it).

Health products

Paul is very keen on maintaining a healthy lifestyle, going to the gym regularly and taking protein shakes,

SYNLAB CPA Accredited Medical Laboratory Reference No. 0914

Customer service MYRIOS

Lab No: 18T002083
 Testing Reason: Other

Forename: Paul
 Surname: Bailey

Date Sampled: 23/01/2018
 Date Received: 26/01/2018 14:48
 Date Reviewed: 30/01/2018 14:59
 Date Reported: 30/01/2018 15:04

Un-recorded

TOXICOLOGY - DRUGS OF ABUSE IN URINE

LCMS Confirmation	Cut off Levels	Result	Units
Delta 9 THCC		19	ng/ml
Cannabis Interpretation		Result consistent with 'A' sample results reported.	

Validated by: [REDACTED]
 Chain Of Custody Checks: Passed

'B' sample result: shows a score of 19ng/ml, a negative result. Notice the report also says the result is consistent with the 'A' sample which LU refused to divulge

some of which are derived from hemp seeds. **These are freely available in health food shops and are acceptable for use by LU staff.** This would explain the minute trace of THC in his sample and Paul explained this during his medical review with the LUOH doctor.

Sacked

Despite the glaring inconsistencies in the CDI pack, management's refusal to produce the supposed evidence of a positive D&A result, and the evidence in support of Paul, the CDI panel nevertheless sacked him.

Naturally, Paul appealed this unjust decision. Having waited months for the appeal to be heard and weeks

for an outcome, Paul finally received the decision of the appeal: dismissal upheld. **At the appeal, Mr Taggart amazingly claimed that the cut-off level for THC was 15ng/ml instead of 50!** So he either cannot read or he is moving the goalposts with no authority whatsoever.

This disappointing outcome was referred to a Director's Review where we hoped for justice to be done and Paul reinstated. **However, the company has refused to hold a Director's Review into the case.** We are therefore left with no choice but to defend Paul with industrial action. It's not just about Paul, it's about the D&A policy and how it can be used by managers to dismiss anyone they don't like.

JUSTICE FOR PAUL - JUSTICE FOR ALL

So what has Paul's case got to do with you?

Simple – he has been sacked for nothing whatsoever, following a drugs test which he passed. Consider what that means. It means that any policy (in this case the Drug and Alcohol Policy) can be 'misunderstood', 'reinterpreted' or simply ignored by managers who wish to sack a member of staff they don't like.

If Paul stays sacked, it will mean that we have entered a new and dangerous situation in which any one of us could be picked out and given the same treatment at

any time. This is clearly something we cannot allow to happen. Policies, procedures and agreements are there for a reason. They set out the rights and responsibilities we owe the company and that the company owe us. Without them and without a fair application of them, there is chaos, uncertainty – and injustice. That is why we are left with no alternative but to prepare for industrial action now that a Director's Review of Paul's case has been denied. **JUSTICE FOR PAUL MEANS JUSTICE FOR ALL.**

Zero tolerance – what does it mean?

Some people have been suggesting that Paul wasn't completely 'clean' because a figure of 19ng/ml of THC was found in his urine sample and that this breaches LU's 'zero tolerance' policy towards drugs and alcohol. However, this is to misunderstand the meaning of zero tolerance.

For alcohol and all other drugs, there is a cut-off limit. For THC, it is 50ng per ml of urine. This is an industry standard and is used by LUL and its testing labs. If a test shows someone to have traces of any substance on or above the cut-off limit, then the test result is positive. If the test shows traces below the limit, the result is negative because it is too low to provide evidence of drug use. Levels below the cut-off limit are so low that they could have got there through innocent means (passive smoking, for example). In the case of alcohol, it is accepted that the body can produce small quantities of the drug itself, which is why there is a cut-off limit above zero to take account of this natural effect.

In short, zero tolerance means zero tolerance of positive results. You pass or you fail a D&A test. If you fail, you need a very good explanation or you will be dismissed. If you pass, you should be back at work.

Anything else is a misapplication or an abuse of the D&A policy.