



SACKED FOR BEING A REP

Following a Company Disciplinary Interview (CDI), subsequently upheld at appeal, Mercy Odisi remains jobless, thanks to a callous LUL management which has clearly been out to get her right from the start. LUL says Mercy was sacked for losing £450; the facts, however, demonstrate that she was stitched up by management for daring to help her members stand up to local bully-boy managers.

Harassment

Last year, as a local RMT rep for the Green Park Group, Mercy had to deal with a DSM who thought it was acceptable to telephone sick members of staff at home up to three times *a day*. As her GSM seemed uninterested in rectifying this state of affairs, Mercy was eventually forced to advise two sick colleagues to initiate grievances against the DSM. Instead of taking the issue seriously, the GSM tried to get Mercy to make the members drop their grievances. This and other similar industrial relations issues on the Group form the background to what happened next.

Accused

On April 16th this year, Mercy was summoned to a fact-finding interview where she was accused of having lost around £450 between the months of *January and February!* She was also stood down. The interviewing manager refused to tell Mercy when they had first known about the shortfall, then claimed that she had also lost money last year, too. No evidence was offered for this accusation and no explanation given as to why the issue had not been raised with Mercy at the time.



If at first you don't succeed

Since Mercy was stood down, management have attempted to build a case for her dismissal. The whole process has been a dishonest and malicious sham – a travesty of justice. Management's case was so badly constructed and its actions so frequently at odds with

LUL's Disciplinary Procedure that the CDI had to be postponed, not once, but *twice!*

Amongst many other management failings were the following:

- Mercy and her rep not given the full CDI brief prior to the meeting;
- Mercy not charged under the Ticket Office Procedures handbook, but under LUL's Business and Ethics Standard which has nothing to do with the issue;
- The amount of money stated as 'lost' varied between the fact-finding and the CDI with no explanation for the discrepancy;
- Investigation not carried out by DSM, as per agreement, but by a Revenue Investigations Manager;
- Refusal of CDI panel to explain why other SAMFs who had recently lost over £1000 each received only 52-week cautions while Mercy was summarily dismissed;
- Refusal of CDI panel to accept the possibility that the new ticket office accounting

system, ESAF, is unreliable and has wrongly put other SAMFs under suspicion.

It is clear that management built their case against Mercy by selectively loading the brief with 'evidence' they thought would prove her guilt whilst ignoring anything which suggested her innocence; when her rep tried to raise some of these factors at the CDI, the panel refused to hear them and insisted that only the contents of the brief could be discussed – *a brief which they had selectively constructed*. Far from being a fair hearing, this CDI was little short of a kangaroo court, the outcome of which had already been decided.

What does Mercy's sacking mean to you?

Clearly, Mercy is now suffering the hardship of being without a job at a time when new employment is extremely hard to find. But she's not the only one suffering: Mercy has two children aged 10 and 12 who currently live with her parents in Nigeria, and to whom she regularly sends money. Now she can't send anything and her parents, in their seventies, are too old to work. Of course, LUL couldn't give a damn about that.

What about the staff whom Mercy has represented on behalf of the RMT for the last two years? Their elected rep has been removed by the company on a trumped-up charge for daring to do what a rep is supposed to do: represent their members and fight for

their rights. Mercy's sacking is an attack, not only her, but on all the members she represented. It is an attack on our union and upon everything the union does to make our working conditions decent, safe and secure.



What about ticket office staff?

How safe do you feel in your job, knowing that you might be sent to a CDI over a discrepancy which occurred months earlier and which is now impossible for you to explain? Thanks to LUL's new ticket office accounting system, ESAF, money is no longer counted at the end of the day, but is sent to a private counting house; this is "blind accounting" and is a recipe for trouble. Amazingly, LUL seems happy to blame 'losses' on their own staff but never on employees of the counting house.

And, finally, what about members in other grades? A Victoria line train operator was recently sacked for opening his train doors on the wrong side despite the fact that this event could have been prevented had LUL fitted the same safety device as is in place on every other line on the combine. Another driver was recently

sacked after being accused of stealing a customer's laptop, despite a flawed investigation and a total lack of evidence.

As long as the kangaroo courts are in session, none of us is safe.

Fight back

Now, more than ever, we need to stand up to the management bullies. Mercy stood up for her workmates by becoming a rep; now she needs us to stand up for her and for all our members who have been unfairly dismissed. When Arnos Grove driver Zak Khan was sacked at the start of the year, with the decision upheld on appeal, things looked bleak. However, a massive vote for strike action at Arnos and Acton Town depots helped secure a softening of management's position at a Directors' Appeal: Zak is now back in his old job after a stint on the stations. *We need to learn the lesson of Zak.*

Advice for SAMFs

If you work in a ticket office, you are advised to close your window early, get an account print-out and then count your money at the end of each shift from now on. This is to protect against the kind of injustice suffered by Mercy. If you get grief from a manager, report it immediately to your local rep. And get down to the Branch where we will be discussing battle plans. We haven't given up on the prospect of getting Mercy reinstated; she has been granted a Directors' Appeal to be held on 22nd December. *This is management's last chance to deliver justice for Mercy.*

No XMAS CHEER FOR SACKED DRIVERS

Mercy Odisi is not the only member facing Christmas without a job. Seven Sisters drivers Jamie Witchell and Carl Campbell remain jobless following unjustified dismissals earlier in the year. Carl Campbell was sacked for opening his train doors on the wrong side, despite that fact that such an error is only possible because Victoria line management refuse to fit correct-side door enable (CSDE) to their trains, a safety system found on every other line on the combine.

Solid Strike

So far, Carl has lost his appeals but a superb 24-hour strike on 22nd April, which completely shut the Victoria line for the first time ever, helped to raise the profile of

his case. Carl was due to attend an Employment Tribunal (ET) on 26th October but this was postponed for reasons unknown; he now has to wait until April to have his case heard, by which time he will have been out of work for over a year. This is a disgraceful state of affairs and LUL managers should be ashamed of themselves for inflicting this on Carl.

Jamie Witchell also remains sacked after being accused of trying to steal a customer's laptop computer in January, an

accusation which even the CDI panel admitted was not proved. Upon reaching their decision to sack Jamie, the panel gave the following reason:

“Based on probability, we believe you were the most likely person to have tried to steal the laptop.”

This is a complete travesty of justice.

The truth is that Jamie reunited



SOLID: Carl, Glenroy Watson and Jamie on picket duty

an item of lost property, a rucksack, with its owner in good faith. That is a good deed, not a crime. It's true that, between leaving the rucksack on Jamie's train and being reunited with it, the customer's laptop was removed from the bag and hidden in the mess room at Brixton. However, the rucksack was handled by at least three other members of staff including the DMT and could also have been tampered with by others with access to the mess room.

Stitch-up

The subsequent 'investigation' was pathetic: only one of the cleaners was interviewed; interviewees were allowed to keep changing their stories (although Jamie's statements remained consistent); CCTV images were 'not accessible'; and the laptop itself was not even tested for fingerprints. What can we deduce from this? How about:

“Based on probability, we believe that managers assumed Jamie's guilt from the start and stitched him up accordingly.”

Jamie still faces a court case over the issue, but his solicitors believe he will be cleared. If and when he is cleared, will London Underground

accept that they went too far and reinstate Jamie? Howard Collins(COO) gave this commitment at talks at ACAS in the summer when the case was raised there so we expect this to be honoured. Until then, we need to give Jamie's case a high profile and remind members to be vigilant out there. *What happened to Jamie, Carl and Mercy could happen to any of us.*

Merry Christmas, LUL.

Zak Khan Returns to Arnos Grove

Sacked Piccadilly driver, Zak Khan, has returned to Arnos Grove as a driver as a result of the successful Directors' Appeal against his dismissal. Zak wishes to thank the union, all the reps at Arnos and Acton Town depots who worked to gain his reinstatement and also the members at both depots who voted overwhelmingly for strike action in support of his appeal at the start of this year. Without this powerful show of solidarity, Zak and his family might well have been facing a second consecutive Christmas of uncertainty and hardship.

Zak's case shows why it pays to be in the RMT and also demonstrates clearly how injustice can be overcome by a membership which is prepared to stick together and fight for each other. Well done to everyone. **However, we still have unfinished business – three more of our members remain dismissed without sufficient justification and they now need our support more than ever.**

Vic Line Striker Shows the Way

Brian Hughes, a driver on the Victoria Line, showed true commitment to our cause during the two-day pay and conditions strike back in June. As he was rostered to rest on one of the strike days, he swapped his rest day with a would-be scab in order to be able to strike on both days. Of course, this act of principled selflessness cost Brian a day's pay, but he was quite unconcerned about that – winning the battle for jobs, decent conditions and a proper pay rise was of much greater importance to him.



Brian receives collection and thanks from grateful colleagues

In recognition of Brian's act, his local rep, Tracy Fitzpatrick, started a collection amongst members at Seven Sisters depot to which £80 was donated. In an RMT version of LUL's

'Thanks to You' awards, the collection was

presented to Brian as a reimbursement for a lost day's pay and, more importantly, as an appreciation of his efforts to make our strike as solid as possible. **If we all show half this level of commitment, victory will surely be ours!**

VOTE YES FOR PAY JUSTICE!

RMT is sending members on London Underground (including Metronet) a ballot paper for industrial action to achieve a better pay deal. **Your union urges you to vote YES to strikes and YES to action short of strikes.**

Voting YES to both will enable

the union to use a variety of tactics - such as overtime bans or work-to-rule as well as strikes - to win a better deal than the pay-cutting 'offer' from management.

LUL's pay offer remains 1.5% from 1 April 2009 and RPI+0.5% (minimum 0.5%) from 1 April 2010. Despite

strong representations from your union, LUL has not changed the amount of money on offer since it tabled these figures on 1 July 2009.

Senior TfL bosses have given themselves a 50% increase in bonus payments over the past two years from £3.6 million in 2007 to £5.3 million this year.

And yet LUL pretends that it can not afford to reward you for your hard work and increased productivity with a decent pay rise.

Inflation is rising again, and the latest figures show:

* an all-time record rise in the price of second-hand cars (annual rate of increase 13.2%)

* furniture and household goods up 3.3%

* communication up 2.6%, mainly due to landline phone bills increasing

* food and non-alcoholic drink up 2.2%, with significant increases in the prices of meat, bread, cereals and vegetables.

So how far is 1.5% this year and 0.5% next year going to get you?! Your pay "rise" will not even keep up with your rising bills, so is not a pay rise at all but a real-terms pay cut!

London Underground has made a revised offer on medical redeployment that only applies to 25 drivers and 25 staff from

other grades. You can read the offer here:

<http://www.rmtlondoncalling.org.uk/node/1093>. You will see that it does not actually *guarantee* an alternative job to those who become unfit to do their current one.

RMT's National Executive continues to discuss London Underground's offer, and in the meantime urges you strongly to...

Vote YES and YES!

Carolyn Siddall – Rest in Peace

It is with sadness that we report the passing away of RMT organizer, Carolyn Siddall, on 5th December, following a long illness. Carolyn will be remembered by RMT members as a tireless and committed worker for our union. Carolyn was well known to Finsbury Park branch for her hard work in helping recruit and organise the cleaner grade members for whom our branch is responsible. She will be missed. Funeral details are still to be arranged.

January	7th and 14th	(12 th)	28 th
February	4th and 11th	(9 th)	25 th (AGM)
March	4th, 11th and 18th	(9 th)	25 th
April	1st and 8th	(13 th)	29 th
May	Saturday 1st May Mayday 6th and 13th	(11 th)	27 th
June	3rd, 10th and 17th	(8 th)	24 th
July	1st and 8th	(13 th)	29 th

August **5th and 12th** (10th) 26th

September **2nd, 9th and 16th** (14th) 30th

October **7th and 14th** (12th) 28th

November **4th, 11th and 18th** (9th) 25th

Branch Annual General Meeting 19th November

December **2nd 9th and 16th** (14th) 30th

Next Branch Meetings

1600hrs, Twelve Pins Public House (near Finsbury Park Stn)



Thursday 17th December

Thursday 7th January

Thursday 14th January

Christmas Social

Friday 18th December after branch

Twelve Pins Public House

Music buffet and limited free bar