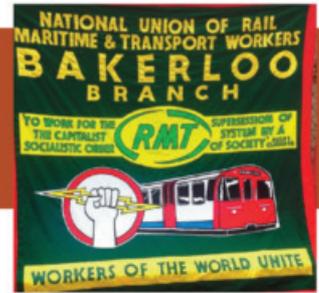




# Bakerloo news



May 2018: Victory Special

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## Threat of strikes forces reinstatement: union demands answers Unjust sacking reversed!



London Underground have agreed to reinstate sacked driver Luis Vigo, after the threat of strikes following an Employment Tribunal forced them to reverse this unjust decision.

Luis was sacked after leaving his cab for 30 seconds to get a drink of water. He left his keys in the cab - a staff error that any reasonable employer would treat as a performance/coaching issue. Instead, Luis was dismissed at a CDI, a decision later upheld at appeal.

When the case reached Employment Tribunal, four of the six charges against Luis were mysteriously dropped. The judge found overwhelmingly in Luis' favour, ruling that he had been unfairly dismissed.

However, even though the judge recommended reinstatement, Tribunal courts have no power to compel an employer to reinstate a sacked worker. Additional pressure was needed, so, after a democratic vote at our April branch meeting, RMT Bakerloo decided to ballot driver members for strikes to demand Luis' reinstatement.

**Make no mistake: the prospect of a strike that would shut down the service on the line was key in winning justice.**

Although we have secured our desired result in Luis' case, RMT Bakerloo has no intention of shaking hands with the bosses and drawing a line under the issue. This entire process raises serious questions about whether management can be trusted to fairly follow and implement LU's own procedures.

RMT has written to senior Bakerloo Line management to demand:

- A full investigation into how this calumnious decision was arrived at, and then upheld at appeal
- A proper process of accountability for the managers who made the decision
- Commitments that the arbitrary and authoritarian management style that seems to have developed will be brought to an end before another worker is unjustly sacked

**If satisfactory responses to these demands are not forthcoming, the branch will discuss the matter again and consider all options available to us, including industrial action.**

### Justice for Paul Bailey!

Luis is not the only driver to have faced unjust sacking recently.

Central Line driver Paul Bailey was dismissed after being told that he was positive on a D&A test, despite passing the test confirmed by the B sample being tested independently through the union.

**RMT will fight for justice for Paul. Read more at [bit.ly/paul-b](http://bit.ly/paul-b)**

### UNFAIR DISMISSAL: HOW THEY DO IT



#### Local Manager:

- Choose a victim
- Pick on a minor staff error and start a disciplinary investigation into it
- Fabricate a few more charges
- Compile a CDI brief for gross misconduct for the staff error and the baseless allegations

#### CDI Panel:

- Ignore all evidence offered by the member and his rep
- Ignore the company's own procedure for dealing with performance issues
- Summarily dismiss the member

#### At the Employment Tribunal:

- Struggle lamely to defend the indefensible
- Squirm under cross-examination from the member's barrister

# Fight LU's austerity cuts

As a result of Tory austerity policies, TfL/LU has had its central government subsidy slashed to zero, making it the only major metropolitan transport system in the world not to receive government funding.



This equates to a funding gap of several billion pounds, which LU bosses are attempting to make up by making cuts wherever they can.

The context of these cuts makes the flagrant waste involved in this case even more shocking.

Fighting this case has cost London Underground hundreds of thousands of pounds in legal fees. They were fined £3,000 by the judge for walking out of the initial Tribunal rather than agreeing to a remedy hearing there and then. They are paying Luis full back pay and annual leave entitlement, as well as giving

him two weeks' additional paid leave while they arrange his reinstatement.

All of this at a time when the company is penny-pinching, slashing jobs in admin and other areas, and clamping down on attendance to try and save on its sick pay bill. The senior managers who made and upheld the decision to sack Luis are all on inflated salaries.

Members must also understand that the very decision to sack Luis was an indirect product of the austerity measures. The cuts mean that management culture has become more authoritarian, as management turn the screws on attendance and try to sack people management may see as "problem cases".

RMT will fight every case of individual injustice: we will also fight collectively for a change in management culture and politically to demand the reinstatement of funding.

## THE DISPUTE IN NUMBERS

**£3,000:** Amount LU was fined by the Employment Tribunal judge for walking out of the initial hearing and failing to agree a remedy

**30:** Number of seconds Luis was gone from his cab in the initial incident

**85%:** The eventual ruling in Luis' favour. Tribunal judges award a percentage to show culpability. Luis was found only 15% culpable. 85% is unprecedentedly high and shows LU is overwhelmingly to blame.

**£250,000:** Approximate amount it has cost LU to fight this case, at a time when they're making cuts.

## A View From The Tribunal

*By Paul Shannon, RMT rep, LU Trains Functional Council*

In over 20 years, I've never come across a Tribunal hearing like Mr Vigo's.

After giving their evidence on day two of the hearing, the management team left and never returned to hear the judgement. LU's legal team was left to defend the indefensible on its own. This is unheard of, even when management are on the back foot as they were in this case.

It was clear to the judge that four of the six charges were absurd fabrications, and these were soon dropped. This meant that the case against Mr Vigo was that he left his cab for 30 seconds to get water. Management tried, but failed miserably, to defend their decision

to dismiss Mr Vigo.

On the final day of the hearing, after both legal teams had finished summing up, the ET judge immediately announced that Mr Vigo had been unfairly dismissed. To make a ruling in this way, without first taking an adjournment, is without precedent and shows how dishonest and weak the company's case was.

The judge also recommended that Mr Vigo should be re-employed and said he could see no reason why this would be an issue to a company of LU's size.

**He allowed both legal teams time to communicate with each other but, as no managers were present after day two of the hearing, LU's legal team requested more time to discuss further with the company's HR Director.**

**Your branch meets on the FIRST TUESDAY of every month, 16.00, upstairs at The Royal Exchange, 26 Sale Place, W2 1PU (Edgware Road H&C). All members welcome.**

The Regional Council meets on the **LAST THURSDAY** of every month, 16.30, at the 12 Pins, next to Finsbury Park station.

*Bakerloo News* is a monthly newsletter from the Bakerloo branch of the RMT union. This is a special edition for our train driver members. To submit a story for *Bakerloo News*, or to contact the branch, please email [jimmcdaid36@gmail.com](mailto:jimmcdaid36@gmail.com), or ring Branch Secretary Jim McDaid on 07917 131692