

BakerlooNews

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

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It pays to be a member of the RMT

RMT Assistant General Secretary Pat Sikorski, reports on the reinstatement of Issa Kanu, who was sacked by Bakerloo management 18 months ago in May 2010



I am pleased to report to all RMT members on the Bakerloo Line, the stunning tribunal success of former Elephant & Castle train driver, Issa Kanu.

Issa was sacked at a 'case conference' by London Underground 18 months ago in May 2010. It would be an understatement to say that our member was treated badly.

Issa has a history of depression. Following a short period of sickness, Issa resumed to work on 'Temporary Alternative Duties' (TADs) in November 2009. After only 6 weeks carrying out productive work in TADS, Issa was forced into redeployment by his employing manager, Train Operations Manager - Mr Rionda-Rodriguez. This extreme decision was appealed against by Issa and his representative but unfortunately senior management on the Bakerloo Line upheld this abuse of the procedures. Issa was given 13 weeks to find another job in redeployment or, as is the usual practice, if he was deemed fit for

duty would be able to return to his substantive position. With 5 days still left in redeployment, Issa had



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an appointment with Occupational Health. The board's doctor passed Issa 'fit for duty'; on the same afternoon, Issa was sacked by Mr Rionda-Rodriguez.

Again, despite appeals to senior Bakerloo management that this was a total breach of procedures, that 'no reasonable adjustments' under the terms of the 'Disability Discrimination Act' had been applied or that Issa was not offered one of the 25 CSA positions available to train drivers with medical issues, Rob Smith, the Trains Performance

Manager, upheld the atrocious sacking of our member.

With the support of his representative and the union, Issa lodged a Tribunal claim that he was unfairly dismissed and that he was discriminated against on the ground of his disability. The Tribunal was finally heard on Wednesday 14th of September 2011 and was scheduled for 3 days.

At the Tribunal it became clear very quickly that management, to be polite, were prepared to 'misinform' the panel to attempt to justify this sacking. Right from the onset the Judge in the case had to correct a statement from Mr Rionda-Rodriguez on what meetings Issa had attended when in redeployment (It is worth noting at this point that Issa had not one day off work since his return to duty in November 2010). Unfortunately, once started, Mr Rionda-Rodriguez couldn't stop himself from 'misinforming' the panel. In answer to a direct question from Issa's barrister of whether 'reasonable adjustments' had been applied in this case, and whether placing

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Issa in TADs would be in compliance with the Act, Mr Rionda-Rodriguez replied "In my mind that was a reasonable adjustment, though it was not minuted"! Further, in reply to a question of Issa's chance of success

the RMT and the hard work by the Bakerloo Branch in ensuring justice in the workplace for its members. This stunning success comes hot on the heels of the victory achieved by the Bakerloo Branch and the union



Issa Kanu (right) with Bakerloo Branch Secretary, Brian Munro, outside Victory House, the Central London Tribunal offices.

in finding a job while in redeployment Mr Rionda-Rodriguez stated that "I do not agree that London Underground were making job cuts". This was the time in 2009 that LU was cutting 1000 jobs across all management and admin grades. Indeed, at that time Elephant & Castle lost one full admin post while Mr Rionda-Rodriguez was the employing manager at the depot.

On the second scheduled day of the Tribunal when Issa and his representatives were due to take to the stand, London Underground management capitulated. A 'compromise agreement' was reached and signed off by the tribunal that Issa will be reinstated by LU on drivers' money – under the protected earnings agreement.

This result is testament to the importance of being a member of

as a whole for the reinstatement of Eamonn Lynch. At the same time on other parts of the combine the union's threat of industrial action has seen the reinstatements of Arwyn Thomas and Tunde Umanah. At the moment the RMT is also campaigning for the full reinstatement of Victoria Line driver, James Masango who was found unfairly dismissed by another Employment Tribunal and we are still seeking justice for victimised Queens Park driver Jayesh Patel.

All workers on LU can see that only the RMT will fight your corner when it comes to a management hell bent on abusing procedures, abusing the law and abusing individual members in the workplace.

If you are not already a member of the RMT, it is now time that you consider joining us.

Meet the manager

Escorted by BTP and an entourage of HR bods, Stations Performance Manager, Dave Proffitt has been going around the groups giving you the opportunity to meet him (answers on a postcard why he needs so many people to have a chat?). What brought this on you might ask. Could it be the ever dwindling morale on the stations? The lack of fairness & consistency on how management treat staff? The outrageous double standards overseen by Bakerloo management? Or is it because that the

last'speak up' results highlighted our lack of trust in management.

No, his main concern was that he could not understand why we weren't "biting LUL's hands off" to accept their latest pay offer. Mr Proffitt was duly told to stop taking the Michael out of us and stop trying to shackle us to a 5 year deal. Out of touch with reality we think. If you are lucky enough to see him let him know what you think, though after getting an earful of the truth you'll probably find him skulking in an office somewhere.

Olympic Stitch-Up

When reporting on Aslef's 'Olympic Agreement' it's difficult to know where to begin. Let's start by saying that this is one of the shabbiest deals ever cooked up between LU management and a trade union on London Underground. Aslef's high command seemed very proud of the deal they had struck with management, putting up posters and generally crowing about how they'd outflanked all and sundry. However, as the reality of the deal sunk in and as increasing numbers of Aslef members have expressed their misgivings Aslef have changed tack. Firstly by telling members that they have an opt out clause allowing drivers to simply inform their reps that they don't fancy doing 9 hour turns and they won't have to. And then informing anyone who'll listen that RMT signed up to the deal too. (check the branch website to nail this lie).

So what's wrong with this deal? Well if you're reading this newsletter while doing an 8 hour duty; remember that this time next year 8 hours will be a snip turn. Add to that the extra half a tunnel that you'll be expected to do and you're talking about a potential 19 hours of work on weekends and all this for the princely sum of £500 before tax. Were the Aslef full-time reps working from 1951 prices when they threw away the framework agreement for these crumbs? Of course there is more money to be earned over the 7 week Olympic period by doing compulsory overtime. This is known as the 'work more earn more' part of the deal. LU management must have had difficulty containing their laughter when Aslef sold this to their members as a significant victory. As anyone who has worked in Britain can confirm, overtime is normally paid - this is not an historic first for Aslef.

But this is just the tip of the iceberg. By agreeing to suspend the framework agreement for the duration of the Olympics Aslef have allowed management to set up the arguments that they will use to trash our conditions on the Underground once and for all. If it is safe and acceptable to work 9 hours for the Olympics then it must be safe full-stop. If 6 tunnels can be done safely for 7 weeks then 6 tunnels can be done permanently. And if our shifts can be changed at short notice today, then why not always? Of course Aslef's full-time reps have received a promise that the tearing up of the framework agreement will be a one off. A promise made by the same people who dissembled, colluded, lied and breached procedures in the sacking of Eamonn Lynch, Arwyn Thomas and Issa Kanu.

This grubby agreement by Aslef reps who will never have to drive one tunnel never mind six proves that Aslef full-time reps are out of touch. Let's fight for a proper Olympic deal.