

# SACK THE AGENCIES, NOT THE WORKERS



Agency working on London Underground threatens the job security and working conditions of directly-employed staff, ie. you!

Agency working:

- enables our employers to patch up coverage on the cheap
- undermines your opportunities to obtain and keep work
- disrupts our workplaces
- weakens your union
- means less money coming into the Pension Fund.

It is not just an issue for agency

staff – it is an issue for all of us. RMT has put this bulletin together to explain why we should all unite to demand secure, permanent jobs for all. Please take the time to read it.

Our argument is with the employers (both the agencies and LUL which hires them), not with the agency workers. They are working people like us, struggling to make ends meet. We want the agencies kicked off London's transport but not the agency workers – they should be offered permanent jobs.

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*"We believe that every railway worker is entitled to a permanent, secure job. We therefore demand an end to the use of agencies, with their employees offered direct employment with the railway company at which they work."*

RMT Executive

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# THE HARSH FACTS ABOUT AGENCIES



## *RMT gives the facts about agencies on the Underground*

### **WHAT IS AN AGENCY?**

It is a private company that supplies workers, usually temporarily, to cover work for a company which hires it.

### **WHAT CONDITIONS DO AGENCY STAFF WORK UNDER?**

Usually, significantly worse than those of directly-employed staff. Companies are taking advantage of the recession and high unemployment to recruit people into insecure jobs with poor pay and conditions.

Because of this, agency workforces often include higher-than-average proportions of black and ethnic minority workers and women. This reflects structural discrimination, and leaves these workers bottom of the league for job security, wages and conditions.

### **AREN'T THEY PROTECTED BY LAW?**

Yes, to a degree. The Agency Workers' Regulations give agency workers some rights, including to be told about internal vacancies and to use workplace facilities. The Regulations are supposed to give agency staff wages equal to direct employees', but companies and governments negotiated a conditional opt-out from this.

### **WHERE DOES LONDON UNDERGROUND USE AGENCIES NOW?**

London Underground uses agencies extensively across engineering. Until recently, the agency Trainpeople supplied staff on some Bakerloo and District line stations.

Agencies are also used by TfL and by several contractors, including cleaning companies.

### **WHY DO EMPLOYERS USE THEM?**

It is cheaper to pay a fee to an agency to supply someone for a few hours than to employ that person directly on guaranteed hours, whether full-time or part-time. It is also easier for them to get rid of an agency worker, even if that is for no good reason.

Employers can use agencies to undermine industrial action, taking advantage of anti-union laws which bar strikes in support of employees of another company.

### **HOW DOES THIS UNDERMINE PERMANENT WORKERS?**

By using agencies to plug gaps in coverage, employers can refuse to employ enough cover staff or fill vacancies.

Having people working alongside each other on different conditions is very divisive. It allows employers to play workers off against each other. The money paid to agencies (only a fraction of which goes to their workers) could be spent on decent wages and secure jobs for all.

### **WHY SHOULD WE SUPPORT PEOPLE WHO UNDERMINE OUR JOBS?**

Our argument is not with the agency workers, but with the cowboy agencies that recruit them, and with our companies which hire those cowboys. We want to get rid of agencies, but

without throwing already-mistreated agency workers on the dole. We want them to have permanent jobs, employed by the same company as the rest of us, on the same conditions.

### **WHAT ARE MANAGEMENT'S LONG-TERM PLANS?**

Our employers would love to run London's transport with a much-reduced core workforce, supplemented by casual labour. Through using agencies, employers can save money – at our expense. The more they use agencies, the fewer permanent staff they need.

### **WHERE ELSE IS THIS HAPPENING?**

Across the rail industry, employers are increasingly using agencies in order to casualise the workforce, prepare for job cuts, and undermine our union strength.

### **ISN'T THIS THE MODERN WAY OF WORKING?**

Until a century ago, railway workers did not have guaranteed hours of work each week. Employers gave their staff as little work as they wanted to. Then a strike by RMT's predecessor won the guaranteed week.

Agency working takes us back to the days before this. It is not a 'modern' working practice but a Victorian one.

### **WHAT IS RMT DEMANDING?**

RMT demands that all employers cease the use of agencies and offer permanent, secure employment to agency staff.

# JUSTICE FOR THE TRAINPEOPLE 33

*Same uniform, same work, lower wages,  
worse conditions ... and now, no job.  
An RMT stations' representative explains  
the situation.*

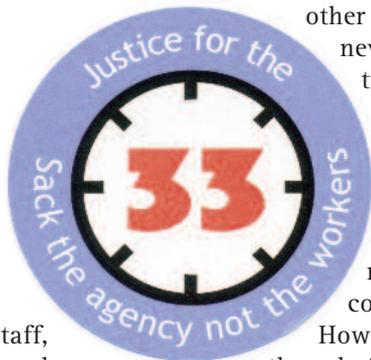
When a few stations transferred from the private Silverlink to London Underground in 2007, the agency Trainpeople came with them. RMT reached a deal with LUL in 2008 to stop using agencies on stations. But when LUL finally did this, on 16 January 2013, it left the workers without jobs.

The disgraceful way both London Underground and Trainpeople have treated the 33 agency workers shows how the bosses wish to run our railways. They see permanent staff as a barrier to their profits and bonuses. They view agency or temporary workers as a tool to destabilise permanent staff, set workers off against each other, use lower-paid staff to cover any overtime available, and undermine the strength of the union. Permanent staff's vital contribution to the safe running of the railway is lost on those who sit in boardrooms salivating at the lottery-winners' bonuses being bandied around. The 33 who joined RMT and exercised their statutory right to fair and equal treatment have suffered a detriment: dismissed from a job they

had been doing for over five years. Nearly all are ethnic minority, and a third are women.

The unfair treatment continued when they applied for LUL jobs only for LUL to fail them at an assessment which included a rigged 'roleplay'. We heard that if there were two possible journey routes, whichever one the applicant offered was the wrong way! 'We wanted to go the other way today', 'You never gave me a little tube map', 'You never told me your name', or 'You did not mention help points'. Rubbish excuses from a process that was never fair and consistent.

How can someone doing the role for over five years without any problems not pass an assessment based on what LUL wanted from new employees?! The flaws are not with the workers but with the assessment. Despite being handed over £750,000 in backpay from LUL/TfL, Trainpeople has refused to pay the 33 the backpay it owes them (an average £15,000 each). We must not allow employers to get away with treating our workmates like this.



## BRING ALL AGENCY TRACKWORKERS INTO PERMANENT DIRECT LU IN-HOUSE EMPLOYMENT!

*An RMT trackworkers'  
representative explains the  
effect of extensive agency  
working, and why we should  
all unite to stop this  
exploitation.*

The use of mainly self-employed agency workers on track started in the mid-90s with Finchpalm Ltd. This trend has grown ever since, involving more and more agencies and sub-agencies (and sub-sub-agencies!). Track agencies were given work traditionally done by in-house London Underground staff, and direct recruitment declined sharply. Whereas once hundreds of directly-employed LU staff worked on the track and regular recruitments took on large numbers, LU track staff are now a minority, with hundreds of self-employed agency trackworkers making up the bulk of the workforce. RMT tries to look after the agency trackworkers. They are super-exploited by their agencies and LU at every opportunity, with no regard for fair pay, regular work, dignity at work or basic health & safety. Agency workers have been degraded to the point of suffering near-Victorian working practices.

London Underground has intentionally brought us to this situation; with its desire for a non-unionised, exploitable, disposable and frightened agency workforce it can treat as it likes, used to undermine the directly-employed LU track staff by giving more work to the agencies and using them as an ever-threatening presence and ready-made strike-breaking tool. This has often backfired on LU, with agency trackworkers refusing to cross picket lines.

Either we uplift the agency trackworkers to the conditions of the LU track staff, or management will degrade the LU track staff to the level of the agency trackworkers.

## PROBLEMS AT WORK?

Members can call the helpline

Mon-Fri 0800-1800

Sat 09:30-16:00

email [info@rmt.org.uk](mailto:info@rmt.org.uk)

Legal helpline:

0800 587 7516 seven days a week



# HALTING THE SPREAD OF AGENCY WORK

## WHAT HAS RMT DONE ABOUT THIS SO FAR?

RMT has tried to halt the spread of agency track work, through numerous protests and meetings with management. In 2008, RMT threatened strikes and won an agreement that London Underground would stop using agencies on the ex-Silverlink stations. Since then, the union has repeatedly raised the issue in talks.

RMT has recruited agency workers, trying to improve their conditions and thus frustrate management's efforts to use them to drive down everyone else's.

We have produced a 'Know Your Rights' guide for agency workers.

This year, we have campaigned relentlessly for jobs for the sacked Trainpeople staff, with our Justice for the 33 (J33) campaign, including protests, demonstrations and an online campaign

([www.labourstartcampaigns.net/show\\_campaign.cgi?c=1713](http://www.labourstartcampaigns.net/show_campaign.cgi?c=1713)). RMT held a strike of the 33 Trainpeople workers, although it is hard to have an impact when you are out of work. The union is also providing legal support.

RMT has lobbied MPs and Greater London Assembly members, some of whom have pledged their support. Nationally, the union is campaigning and taking action on companies including Northern Rail, First Great Western, Arriva Trains Wales, South West Trains and Greater Anglia. Your union has done everything possible to resolve this issue without calling industrial action across the job. But management are not listening.

While the Mayor and TfL sit back and pretend it has nothing to do with them, we need to take action.

## WHAT IS RMT PROPOSING TO DO NEXT?

RMT has declared a dispute with London Underground, and

is preparing a ballot of all members on the company for industrial action.

We hope the companies will agree with RMT to stop using agencies and offer permanent jobs to their staff, and that it will not be necessary to proceed.

## ISN'T IT 'SECONDARY ACTION' TO STRIKE ABOUT AGENCY STAFF?

No. RMT's trade disputes with the company are about how the issue affects their own employees ie. you.

## IF WE ARE CONCERNED ABOUT LUL'S FUTURE PLANS, WHY NOT WAIT UNTIL THEY ANNOUNCE THAT BEFORE TAKING UP THE ISSUE?

Because agency working is already a big issue in our workplaces. And because if we leave it until it is an even bigger issue, it will be much harder to get the employers to reverse a strategy they are already committed to.

## WHAT IF I HAVE ANY QUESTIONS OR DOUBTS?

RMT representatives will be visiting your workplace to discuss the issues with you. If you miss the reps' visit, please speak to your local RMT representative or contact the union via the details given elsewhere in this leaflet.

## BUT I'VE HEARD [INSERT RANDOM RUMOUR ABOUT AGENCY STAFF] ...

Pretty much every time we have a dispute, some disingenuous 'argument' goes round the job about why people shouldn't support it. Usually, these are excuses put about by people who don't want to take a stand. If you hear a rumour, please speak with your RMT rep about it.

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