



MORDEN & OVAL Branch News

JUSTICE for ALEX!

Alex McGuigan, a popular and long standing member from Morden depot recently fell foul of a random breathalyser test and was summarily dismissed. There the story might end, but in Alex's case however, there is a lot more to it. Alex is a type two diabetic, a condition which can quite often result in a false positive test result for alcohol. This is well documented medically and there is also legal precedent supporting his case. Because of this his test ought to have been followed by a confirmation urine test to ascertain whether his illness had in fact influenced the test, resulting in a false positive.

The breath test system in question does not actually measure the alcohol in the blood. Rather, they use infrared beams of light. The light beams are absorbed by any chemical compound in the breath sample (including ethyl alcohol) that contains the "methyl group" in its molecular structure. The more absorption, the higher the blood-alcohol reading. The machine is programmed to assume that the compound is "probably" alcohol.

Unfortunately, thousands of compounds containing the methyl group can register as alcohol. One of these is acetone. And a well-documented byproduct of hyperglycemia is a state called ketoacidosis, which causes the production of acetones in the breath. In other words, the Breathalyzer will read significant levels of alcohol on a diabetic's breath, where in fact there may be little or none at all.

Although LUL did take a urine sample,



they screened only for drugs and not alcohol and then discarded the remaining sample. Alex told the testers of his condition and that ought to have triggered a follow up test for alcohol in the urine sample. Even the advice from their own medical service states that his condition can trigger a false positive.

This case is not about a rejection of drugs and alcohol testing, far from it, we welcome and appreciate the need for such a measure. We are however, disgusted that such weighty mitigation

in Alex's defence was totally disregarded at his disciplinary hearing and that he was summarily dismissed after 29 years service.

LULs procedure for testing diabetics is fundamentally flawed. Type two diabetes is an illness which could affect any of us, meaning that there are potentially hundreds of staff that could find themselves subjected to a similar injustice.

For a procedure as important as Drugs and alcohol testing to be successful, it has to be totally accurate. In this case, and in potentially many more, it has proven itself to be less than reliable and that is why the RMT are now calling upon LUL to modify their testing regime so that no member of staff be treated as Alex has. So strongly does Morden and Oval branch feel about the disgraceful sacking of Alex, that we have called upon the council of executives to ballot all of our morden train operator members for industrial action. Should LUL not do the decent thing and reinstate Alex then strike action will be inevitable.

