

Coronavirus Crisis: RMT Commitments made at Company Council undermined by ridiculous LUOH advice & LUL Change Assurance Plan

★Directors tell us no-one in vulnerable category will be forced to come to work

★There is no plan at present to ramp up the service towards BAU

RMT attended a conference call of the London Underground Company Council (LUCC) on Friday.

Some progress was made though several important issues remain unresolved.

We pressed management about their treatment of staff classified as vulnerable (rather than very vulnerable). We pointed out that it is impossible to comply with the government's advice for strict social distancing in most operational or engineering roles. It is our view that anyone in the vulnerable category who feels they are not able to socially distance themselves and remain safe should be able to remove themselves from the workplace.

LUL directors at LUCC agreed with us and said that in such cases efforts would be made to ensure social distancing and, where that cannot be done, the member of staff would not be forced to come to work.

See over for more on the issues raised at LUCC.

★But ridiculous advice from LUOH breaks Social Distancing guidance

★And CAP tries to abolish right to refuse unsafe work

"Medical advice from TfL's Head of Occupational Health & Wellbeing, Dr Sam Phillips, is that while people should make every effort to maintain a two-metre distance from others, the work that our teams do as part of their regular tasks can continue. Where people need to work closely to each other (within two-metres), they can continue"

This ridiculous advice was included in a bulletin sent to engineering staff.

LUOH is advising our members to ignore the advice of Public Health England and work in close proximity to each other with no additional protection from infection.

RMT has demanded this circular be withdrawn immediately. There should also be an investigation into how LUOH could issue such shocking advice.

The advice from your union is clear. Follow the advice of Public Health England. Maintain social distancing.

LUL has now produced a Change Assurance plan (CAP) for dealing with the coronavirus crisis. The plan states that no-one has the right to refuse to work on grounds of health and safety because of the measures put in place.

Those would be the same measures that LUOH has just trashed!

You have a legal right to refuse to work in a way which threatens your health and safety. NO LUL CAP can take it away. More over.

RMT is continuing to demand that TFL/LUL underwrites the full pay of any-one working within TFL, whether employed by a contractor or self-employed. RMT members are facing being laid off without pay in some areas, including Protection staff in the LU Engineering branch, where all but essential engineering has been cancelled. RMT will do everything possible to ensure these workers are not made to pay for this crisis.

RMT points & management responses - LUCC 27 3 20

Are there any plans to ramp the service back up as the PM and Health Secretary called for?

LUL told us there are no plans to do so and their strategy remains to provide a safe service for essential users by restricting usage.

Will LUL underwrite the pay of 3000 RMT members who work for contractors of LUL or are self-employed?

LUL is still considering this issue.

Staff who are vulnerable to serious illness are advised by LUL to strictly follow PHE guidelines and maintain social distancing but this is not compatible with most operational and engineering roles.

Management told us that no-one in one of the vulnerable groups will be forced to come to work. Efforts will be made to address any problems raised by vulnerable staff but in the event their concerns cannot be addressed they will not be forced to come to work.

If a member of staff has a vulnerable person in their household they are entitled to 5 days special leave paid according to LUL's latest guidance to managers. This is inadequate. It may be necessary for some people to remain at home for many weeks.

LUL will respond on this point.

We are yet to see additional cleaners on the ground and there are concerns about the amount of equipment they have. RMT urged LUL to take control of the situation by bringing cleaning back in-house.

Management assured us that additional cleaners are now being deployed.

Will LUL agree to extend limits on sick pay where someone has had their treatment delayed because of the crisis facing the NHS?

LUL is still considering this issue.

All disciplinary processes should be suspended.

LUL will make an announcement on this question next week (W/C 29 03 20)

RMT asked LUL to put in place similar arrangements to Network Rail, where staff have been insured by the employer to use their private vehicles to travel to work and move between work sites. Staff are also being allowed to take work vehicles home.

Managers can already allow employees to take work vehicles home. Employees have their own insurance for getting to and from work.

Coronavirus - Employment law update - the UK - Eversheds ...

<https://www.eversheds-sutherland.com/global/en/what/articles/index.page?ArticleID=en/...>

If an employer fails to implement appropriate measures then it will potentially leave itself exposed to employees asserting that they have grounds for refusing to attend work, on the basis that doing so would place them in "serious and imminent danger".

Even LUL's own solicitors, Eversheds, say that you would have the right to refuse to work on grounds of health and safety if the employer fails to implement appropriate measures. You may feel that tearing up the Public Health England advice and telling you to keep working within 2m of your colleagues is not an appropriate measure!

If you are asked to work in breach of social distancing guidelines you have the right to challenge this and if, you feel you are in danger, you have the right to refuse.

