



RMT LONDON CALLING

News and views from London Transport Regional Council
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ARE YOU PROTECTED AGAINST DISABILITY DISCRIMINATION IN THE WORKPLACE?

Disability Discrimination is rife on London Underground.



Roll on a few months and they are at it again.

Fingered in another discrimination case.

This time they have sacked a CSA on probation for having a disability.

Rachel from Bond St was diagnosed with type 1 diabetes in her teens, she has coped with the problems and issues that condition throws up well. LUL employed her some 9 months ago in full knowledge of this.

Fast forward to her probation review.

Sacked for having a disability

Her AMS, who clearly had taken a dislike to her, sent out an email to her managers asking for feedback - with the demand

"DONT HOLD BACK"

A friendly non prejudicial request for impartial feedback? Or an invitation to them to put the boot into poor Rachel?

Bang! I shot you
Bang! down

When one of these managers saw this invitation to kick her while she was down, he took full advantage and his was the defining evidence the dismissing manager relied on to sack Rachel.

Trouble is, that same manager was found to have been guilty of harassment of Rachel due to her disability.

The fact LUL have found fault in one of their own is staggering and highly unusual. His evidence was at best tainted and should have been disregarded. Not relied on as a reason to dismiss Rachel.

Following Karen Guyotts' dismissal because she had a disability - questions were asked in Parliament - MPs from all sides of the house were appalled that in 2015 London's biggest employer could sack one of its employees solely because she had a disability.

LUL cited that the reasonable adjustments in place for Karen were "unsustainable" and sacked her.

Karen was unable to "sustain" an industrial response due to her condition.

The medical advice we received was that the stress of the high profile campaign we had undertaken on Karen's behalf could cause a seizure that could kill her.

London Underground were lucky on that occasion.

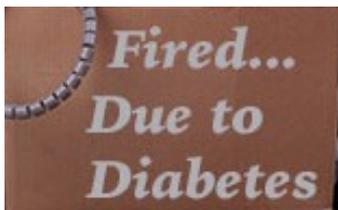


When asked to provide documentary records of these performance failures, times, dates, locations ect. LUL were unable to. Performance so poor it warranted dismissal? But not recorded. Anywhere. No issue raised under CMS In fact Rachel had sailed through all the CMS assessments during her probation.

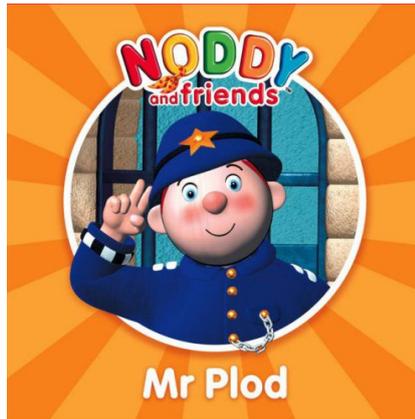
As LUL regularly tell me at CDIs -if it's not recorded - it's likely not to have happened. Hardly consistent with their core values is it?

"I find in your favour the complaint you have raised for harassment due to a disability"

LUL manager September 2015



They have now introduced a further discriminatory element. Text messages between Rachel and a member of staff have been used as a reason not to employ Rachel in the TfL family



as there were swear words in them.

British Transport Police and Scotland Yards finest have been deployed to tackle this. The appeal manager states he has investigated them and finds Rachel guilty of harassment under LULs own Harassment and Bullying procedure.

The appeal manager has threatened police involvement. I kid you not.

Problem here is that:

1. Rachel was not employed at LUL at the time of these allegations.
2. It was the "harassed employee" who started the swearing in the texts. The tone in the texts was full of deprecatory language aimed at unnamed people.

Can't quite see the harassment. Can't see a fact find to determine guilt.

Can't see the hearing that handed down the DONT darken our doorstep sanction either. Also, does anyone actually believe that plod would, even in the most maladroit fashion, could or should be remotely interested in texts between adults?



Accused of H&B. Same investigating manager concludes guilt and sanction.

The reason we don't allow this type of justice is because it is inherently unfair. Discriminatory.



Ballot on Central Line is coming Employment Tribunal is also in the offing.

Perhaps we will have more questions in the House.

The one question we have is - when will this discrimination stop?

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