

# RMT up front



*The newsletter for London Underground drivers*

Issue 10, April 2011

## Vote YES to stop the victimisations of LU drivers!

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**All that is necessary for the triumph of evil is for good men (and women) to do nothing**

RMT has served notice to London Underground that we are balloting all drivers on the combine over the victimisations of Eamonn Lynch and Arwyn Thomas.

Since Eamonn's and Arwyn's dismissals last year train drivers on the Bakerloo Line and at Morden depots have taken two days strike action for their reinstatement.

Both drivers won Interim Relief Tribunals when two judges ruled that our members were unfairly dismissed because of their trade union activities and LU were ordered to continue to pay their wages.

The standards set to win interim relief orders are very high and prove extremely rare and difficult to win. These rulings show that the tribunal judges were of the view that our members were sacked solely for their trade unionism.

To misquote Oscar Wilde, to lose one interim relief tribunal may be regarded as a misfortune; to lose two looks like vindictiveness.

Just as it is illegal to discriminate against a worker because they are a woman, black or gay; it is also illegal to sack someone because they are a trade union rep or activist.

LU's actions against Eamonn and Arwyn are unlawful and show the contempt management have for all

drivers on the combine.

If they can get away with these sackings when two drivers have rare legal judgments in their favour - what chances do the rest of us have up against a management who will stick two fingers up to the law?

RMT general secretary Bob Crow said that the fact that both members have won interim hearings at the Employment Tribunal showed that they were victimised "as a result LU has had to put them both back on wages and the time has come to get them back to work driving Tube trains."

The RMT has received parliamentary support in our campaign to stop LU bosses abusing the law and our drivers. Jeremy Corbyn, MP for Islington North, said that he was appalled that London Underground was refusing to reinstate the men when the tribunal has already ruled that their dismissal was because of their trade union activities.

Jeremy said "It is vital that we stand up for our local trade union reps who are in the frontline of protecting workers interests."

John McDonnell, MP for Hayes and Harlington, said that the London mayor and LU management were presiding over deteriorating industrial relations and a climate of fear. "It is essential that workers are free to act as trade union representatives without fear," he said.

Eamonn Lynch's full tribunal hearing was heard in early March and the union is awaiting the final judgement any day now. LU managers sent a delegation of 3 performance managers, two TOM's a PMA, some admin staff and a senior HR manager.

London Underground has invested a lot of money and resources

in these sackings and is clearly rattled at the consequences of tribunal rulings in our drivers favour. The managers taking the witness stand were so embarrassed of their case that they were afraid to look at Eamonn and his barrister in the eye. The manager who sacked Eamonn crumbled under cross examination and even disowned herself from her original reasons for the dismissal.

The union and our barrister are hopeful that the tribunal will make a reinstatement order in Eamonn's favour. But the law does not make this automatic. Unlike other countries, if the employer refuses to reinstate then it only means an extra payment in compensation.

It is down to the collective strength of our members to force management to reinstate our victimised reps. That is why the union is serving notice now - we will not accept the discrimination and unlawful sackings of our driver members.

As philosopher Edmund Burke said "All that is necessary for the triumph of evil is for good men (and women) to do nothing".

**Use your vote. Vote YES! Stop the illegal sackings of LU drivers!**

Ballot papers will be sent to members April 6th and must be returned by April 27th.



## If at first you don't succeed...



### Robert Maxwell is to pensions what Operational Standards is for safety

You have to hand it to those clever Operational Standards chaps up in their safety resistant ivory tower at Broadway. They bring you to mind of the now deceased, disgraced tycoon, Robert Maxwell. Cap'n Bob famously, on receiving legal advice he disliked, would sack the lawyers and hire a new firm. He'd repeat this process until he finally got the legal advice he wanted. The Operational Standards team went to great lengths last year to push through their unsafe Operational Effectiveness Programme, including the new DiSi, carrying passengers over shunt signals and reversing blind. Having failed miserably when the Unions, and even Mike Strzelecki, the LU director of safety, highlighted the fact that their proposals were unsafe, badly written and a general dog's dinner, they went back to the drawing board. Undeterred, they then came up with their cunning plan of bringing their proposals back, one by one, with no changes worth a jot and hoped that no one would notice!

Well we're sorry to spoil your fun, but we have noticed! They were unsafe back then and they are unsafe now.

First up was the new DiSi. There used to be a time when the driver was in charge of the train, that only happens now when it suits them, ie, when they want to sack you. The new DiSi proposes that Supervisors, Controllers and

fitters can all get involved in whether a train remains in service and when you can get a change over. With all due respect.... Even when the Unions had the argument at Safety Forum, management agreed to go away, sit down with the trade unions and come up with a form of wording that would suit all. They said they would do that then they done sweet Fanny Adams. Next thing we know the DiSi is in print and the driver might as well be a passenger on their own train.

As for carrying passengers over shunts, again, the Unions won the argument at Safety Forum that it was unsafe for the driver to take violent drunks into sidings, that it was unsafe to take passengers having heart attacks into sidings, etc. The Operational Standard's Team were told to go away and re-write this particular piece of nonsense. Six months later, they are back with the same proposal with little or no changes.

Yes, LU might make the concession that the 'driver will not have to do it they do not want to' but that is no use to us. It will be the same as with the new rule for loss of pilot light between stations: it will end up in the rule book and in a year or two everyone will have forgotten that we don't actually have to do it. These meaningless concessions should be avoided at all costs. If the driver does not have to do it then let the Rule Book say so!

Just before Robert Maxwell committed suicide after embezzling millions out of the Mirror Group pensions fund he famously claimed that, 'you are as safe with me as you are in the Bank of England'. That is what we are worried about: our rules, procedures and the travelling public's safety are just not safe with the fools in charge of them.

If you are not angry about these changes it's time you were.

## Duffy says - Get off my Land!



**LUL's contempt for the RMT and it's democracy holds no bounds when in it's latest anti RMT stunt tube bosses barred our elected regional Organiser, Steve Hedley from entering any LUL premises and even more remarkably asked Bob Crow to ensure he does not speak to any LUL staff!**

**This comes after a very minor conviction where Steve was defending passenger safety on a strike day by challenging a manager acting in an unsafe way. He tried to restrain him and this is assault under the law.**

**Steve is appealing this conviction and has a history of defending staff on picket lines as was witnessed a few years ago when he stopped a serious assault by a Metronet manager on an Evening Standard Photographer. This does not make as good news though as attacking the RMT!**

**This is an attempt to silence the RMT's elected representative at a crucial time of pay talks and the olympics and proves that LUL do not like any representative who stands up to them. It is the actions of a bully. Along with Arwyn's and Eamonn's victimisations this will not be tolerated and the RMT will always stand up to bullies!**

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### Join RMT

online at [www.rmt.org.uk/join](http://www.rmt.org.uk/join)  
phone 0800 376 3706

**Regional Council website:**

[www.rmtlondoncalling.org.uk](http://www.rmtlondoncalling.org.uk)

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# One union for drivers - All grades united