

BakerlooNews

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Newsletter of the Bakerloo Branch
national union of rail, maritime and transport workers

November 2010

Employment tribunal judge says Eamonn Lynch was victimised by LUL

Management refuse to give result of Appeal hearing

RMT to ballot members for strike action

RMT health & safety rep, Eamonn Lynch was sacked by London Underground following an operational error on Network Rail in early August. Eamonn has an unblemished 15 year record and yet was summarily dismissed for making one mistake. The RMT believes that the real reason Eamonn was sacked was because of his trade union activities.

While Eamonn made a mistake the signaller and the control room staff who compounded his error by giving him instructions in breach of the rules were given Corrective Action Plans, ie a few days retraining. Similarly another driver on another line who made the same mistake after Eamonn's incident, was given a 12 month caution at an LDI. The RMT's view is Eamonn's sacking was clear cut victimisation. A Tribunal Judge agreed.

Following Eamonn's sacking the RMT made an application to the Tribunal Service for "Interim relief". This is a very rare and unusual remedy in employment law cases. If a trade union considers that a rep has



Eamonn Lynch on the Elephant and Castle picket line 2009

been unfairly dismissed because of trade union activity **which would make dismissal automatically unfair** the union can make an application to a Tribunal for "interim relief". If you win the employer is simply ordered to carry on paying you in an arrangement rather like suspension on full pay. Eamonn won the "continuation order" which means London Underground is ordered to pay his wages until the full tribunal hearing scheduled for March next year. Despite the Tribunal order Eamonn still remains

sacked.

The standard set to win an interim relief order is much higher than a normal unfair dismissal claim and the ruling from the tribunal judge is saying that Eamonn has a very good chance of winning the full tribunal. The judge in making her ruling agrees with the RMT. Eamonn was victimised by London Underground bosses for his trade union activity.

Eamonn was represented at the Appeal hearing by Assistant General Secretary, Pat Sikorski. Pat and Eamonn were told they would get the result of the Appeal on October 29th. The point was made by the RMT's barrister at the tribunal that LUL were playing games with the tribunal and awaiting its decision. LUL's barrister said that Eamonn would get the result of the Appeal by Friday 12th of November.

Eamonn and the RMT still are still awaiting the result of the Appeal. As a result, General Secretary Bob Crow wrote to Gerry Duffy. Bob said he was extremely concerned that "your appeals officer in the above case Mr Chris Taggart has to date refused to convey to us the outcome of the appeal hearing... we strongly believe that the delay in conveying the outcome of the appeal is both

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Eamonn Lynch was victimised by LUL

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intolerable and also constitutes further discrimination against Mr Lynch for his Trade Union Activities... I would also take this opportunity to demand that you fully reinstate Mr Lynch to his substantive post as Train Driver at Elephant & Castle Depot, Bakerloo Line in order to comply with the findings of the Interim Relief hearing."

The order from the tribunal is clear - Eamonn was victimised by LUL. As one driver at Elephant & Castle said "this shows that LU are not above the law". But because LUL are stalling on reinstating Eamonn, the union has now served notice that we will be balloting our members for strike action on this issue. London Underground must now reverse this wrongful and illegal decision to sack Eamonn Lynch and reinstate him on Appeal. Even the judge said as much when making the order.

The union places on record our thanks to all staff - RMT and ASLEF alike - who have expressed their support for Eamonn and their willingness to take strike action to overturn this injustice.

We also record our thanks to the ASLEF Bakerloo Branch who formally wrote to Rob Smith, Trains Performance manager and said "there isn't a train operator on the Bakerloo Line that hasn't at sometime been in error, and on some occasions greatly so. More often than not commonsense prevails and the member of staff remains employed and all is well.

The (ASLEF) Branch would ask that with the case of Eamonn that the views of both the Branch and train operators on the Bakerloo Line are brought to the attention of the Appeal manager with a view of asking for his re-instatement as a train operator".

The RMT is also balloting all drivers on the Northern Line over longstanding activist, Arwyn Thomas, who the union believes is also being set up to be victimised.

Ballot papers will be sent out to all drivers, and all rostered and reserve station staff at Queens Park and Elephant on 22nd of November. The ballot closes on December 6th.

Bakerloo tube workers resist the cuts



The support for the joint RMT and TSSA strike against the job cuts on November 3rd was immense.

The Bakerloo Branch would like to congratulate all members for their solidarity and determination to resist the attacks on our job from the tube bosses. Once again management were stretched in their attempts to run a service. During the whole of the day and even during the peak hours only a pathetic shuttle service ran between Elephant & Castle and Queens Park. The most remarkable point to note is that during the peak Bakerloo trains were only stopping at 5 stations - Elephant & Castle, Waterloo, Oxford Circus, Baker Street and Queens Park, this when we should be providing a service to 26 stations across the whole of the line.

The 5 stations that were open were "staffed" by senior managers and office staff from TFL. The poor 'train operations manager' at Elephant had to put a shift in on the barriers to keep the station open. And one of the TFL managers had high heels on - don't they know this is against safety rules?

Once again the DMTs at Elephant came out en masse in support of the strike and management were

forced to use DMTs from elsewhere to book on those drivers (who use the cover of being members of another organisation) who shamed themselves by crossing picket lines.

The RMT would like to thank those drivers who respected our picket lines. Your solidarity will not be forgotten.

The Elephant & Castle afternoon pickets were delighted when a flag waving delegation to a London conference of youth delegates from the International Transport Federation marched to the picket to show their solidarity. 30 delegates from the Sudan, Australia, Bulgaria, Spain, Norway and elsewhere joined the pickets for a rally outside the station. The youth delegates heard from the pickets why London's tube workers were taking strike action and spoke themselves on why workers across the world should resist the austerity cuts across all nations.

Bakerloo management and the BTP were in a tizz on this expression of solidarity at the Elephant. All tube workers can take heart from this fantastic expression of solidarity from these young trade unionists.

Victory to the RMT/TSSA fight against the cuts!

Branch Annual General Meeting

Thursday December 2nd

16:00 Hours

Upstairs in the Clachan Kingly Street

near Oxford Circus tube

All members welcome