



Stations & Revenue Safety Council

OPEN LETTER TO ALL SAFETY REPS

Monday 01 June 2009

Dear brothers and sisters,

We write to inform you of recent inappropriate behaviour by LUL management that have implications for us all.

Two safety representatives from the Marylebone Group of stations, Jim Harrington and Clive Steadman, RMT and TSSA respectively (Clive also sits on the Tier 2 Safety Council) have had their email and LUL computer access suspended.

The suspension has taken place following a charge that they have abused LUL policies by "inappropriate" use of the email.

Management have failed to demonstrate which LU policies have been breached. Initially, management also refused to offer any 'evidence' of this abuse – they merely presented their case as "fact". Since then, they have presented 'evidence', including 'out of office messages', which would make any of us laugh out loud if the matter wasn't so serious.

Both representatives were called into meetings with Dave Proffitt, Performance Manager (Bakerloo Line), who thought he could intimidate our reps by accusing them of something they have not done and declare them guilty – a 'kangaroo court' if you will. The meetings were supposedly informal and no disciplinary action was to be taken. But despite assurances that it was an informal matter, that no disciplinary action was to be taken and despite the fact that Dave Proffitt is not their employing manager, the performance manager subsequently suspended both reps email accounts and computer access.

We offer you one example of management's 'damning evidence' against our reps:

"It has recently been communicated to me that I "appear to demonstrate an improper use of London Underground's electronic communications facilities". Until this issue is satisfactorily resolved I will not use the system to reply to any e-mails sent to me. I apologise for any inconvenience this may cause but I will be available for Health and Safety issues on my mobile phone, 07946 749494 or auto 41345."

This is Jim's 'out of office message' written *after* the meeting with Dave Proffitt. We are still waiting for management, indeed Gerry Duffy, Director of Employee Relations, who is backing his management team to the hilt on this issue, to demonstrate, which policy, where and how this 'out of office message' is an inappropriate, improper use of the email.

Immediate issues arise from this for us all:

- 1) Management believe they can accuse you of anything and declare you guilty and leave you no grounds to defend yourself to prove your innocence. A case of guilty before proven innocent – this barbaric, medieval form of justice is totally unacceptable.
- 2) Aside from the accusation of 'inappropriate' and 'improper' use of the email, both reps have been accused of their emails being 'aggressive' and 'intimidating' through the use of 'bold' font types, use of 'italics' and 'underlining' words!!

- 3) The withdrawal of email accounts and LU computer access is, we believe, a clear obstruction to the roles, responsibilities and functions of safety representatives as laid down in law (1974 Act, 1977 Regs). Management have a legal duty to consult and offer adequate facilities to all safety representatives. The two representatives concerned no longer have access to crucial documentation and data (IRF database, asbestos database, HSEMS etc) since LU moved from paper-based documentation to electronic.
- 4) If management get away with accusing, insulting and withdrawing the ability of safety representatives to perform their functions at such a whim then they can get away with doing it to us all.

The safety representatives concerned are following the grievance procedure and preparing cases for Employment Tribunal as well as seeking advice from the ORR (HMRI). We will inform you of the outcomes as soon as possible.

Meanwhile, given the contempt management have shown us all, the Stations and Revenue Safety Council, both RMT and TSSA, have also taken the following action:

We will continue to accept documentation from management via email pertaining to our member's safety and a safe railway as it is management's legal duty to consult. However, we will no longer accept email as a medium through which to consult, offer our comments or raise our concerns. We have instead requested that all matters requiring consultation will be dealt with through meetings with agreed agendas and agreed dates/times. All these meeting would need to be minuted for our records and our members to access. Final minutes will be agreed at a meeting with the appropriate persons from both sides.

We will not tolerate management's abuse and attempts to stitch up safety representatives and we advise that you too take the same course of action thereby protecting both yourselves and your members.

Both Jim and Clive are excellent examples of how safety representatives should conduct themselves and how to raise and pursue the safety concerns of our members. Management don't like them for that very reason and now seek to victimise them.

As safety representatives we have been crucial to the safe running of London Underground. We will not be intimidated by a management that is intent on undermining our roles and functions in order to cut corners and place our safety and that of the travelling public at risk. We believe that the recent actions by management are part of a deliberate policy not only to undermine safety representatives but representatives as a whole, in an agenda to undermine trade unionism on the job.

AN INJURY TO ONE IS AN INJURY TO ALL!

Unjum Mirza
Secretary (staff-side)
Stations and Revenue Safety Council