

# SACKED FOR PASSING D&A TEST

**P**aul Bailey, a driver at Leytonstone, was sacked last Thursday (22<sup>nd</sup> March) after passing a random drug and alcohol test. This is simply one of LU's most bizarre miscarriages of justice ever.

Following the test, Paul was returned to train operating for a few days before being stood down and sent to LUOH. LUOH told him he had tested positive for cannabis but refused to provide him with the results. He was then suspended.

At a subsequent medical review, Paul explained that he takes protein shakes and other health shop supplements which are freely sold at Holland & Barrett and which are acceptable in the workplace.

## CDI but no test results

Despite failing to provide the test results, management decided to refer Paul to a CDI. However, with the help of his RMT branch, Paul had his 'B' sample tested at an LU-approved laboratory which returned a result of 19ng/ml of cannabis – way under the failure level of 50ng/ml.

## New evidence ignored

Presented with this new evidence, management refused to back off, instead telling Paul to raise it at the CDI.

## Sham CDI

At the CDI, the panel completely ignored the new evidence of the 'B' sample while still refusing to provide the result of the 'A'. Not only that, but the evidence they were relying on was inconsistent, legal documents such as the testing paperwork and results were not present in the CDI pack, and the Return to Work paperwork had been forged.



## Sacked

Despite the glaring inconsistencies in the CDI pack, management's arrogant refusal to produce the supposed evidence of a positive D&A result, and the evidence in support of Paul, the CDI panel reached the inexplicable decision to summarily dismiss him.

## Fight back

This scandalous outcome will obviously be appealed. However, if the appeal fails then we have some serious matters to discuss, not least how to respond to this and other current miscarriages of justice being meted out by an aggressive management against our members across the combine.

We should be prepared to fight back with industrial action if necessary. *Otherwise every agreement we have with the company will soon be worthless and every one of us will face an uncertain future.*