

Employee bulletin



A response to the employee bulletin written by Nigel Holness, Operations Director - Jubilee, Northern and Piccadilly lines.

Colleagues

Last week Nigel Holness sent out a letter to all members of staff about dismissed train operator Alex McGuigan. It contained a number of what politicians refer to as “terminological inexactitudes”. As the person who represented Alex at all stages of the procedure I am in a better position than Nigel to tell you the truth about what has happened to Alex.

- Firstly, and most importantly Nigel claims that Alex “conceded” that he breached the LUL Drugs and Alcohol Policy by consuming alcohol before booking on for work. **This is completely untrue.** Alex has consistently stated that he complied with the policy and the guidelines. His narrative has been clear and consistent throughout – knowing that he was starting work at about 12.20 pm Alex shared some cans of lager with his son while they watched the World Cup on TV **the previous evening.** His consumption was under 6 units of alcohol, and he allowed himself 12 hours clear before starting work. Nigel should be aware that the guidelines say operational staff are allowed up to 7 units with just 8 hours clear before signing on for duty.
- Nigel says that he “will not enter into union negotiations that put Londoner’s lives at risk.” This outrageous statement implies that the RMT has asked him to do so – **this is completely untrue.** The RMT fully supports the zero-tolerance policy and takes seriously our obligations to protect the safety of passengers and staff. We are actually asking for further testing when a hand held breathalyser gives a positive result; this makes the process more robust and also complies with the Equalities Act in protecting members of staff with medical conditions. The current system is unfair because it doesn’t offer safeguards to those with disabilities or who are on certain diets. One of LUOH’s own doctors conceded that type 2 diabetes, liver disease and even fasting can give false positives on hand held machines.
- The one thing Nigel gets right is that the protocol was created 20 years ago. But after 20 years of use the Company still fails to follow its own guidelines correctly. There is a requirement under 10.2.3 of their guidelines to conduct a medical review before any test is declared positive; LUL failed to do this, but sacked Alex anyway. After 20 years of technological advances it’s time for LUL to acknowledge that their policy needs updating, and once it’s updated it needs to be adhered to with the highest probity because people’s lives – and livelihoods – depend on it.
- Nigel says that LU train operators are being asked to defend the indefensible. No they are not. They are being asked to recognise that LUL breached their own protocols in dealing with D&A testing, and sacked Alex unfairly. LUL seem more concerned with defending their flawed policy than they are in treating fairly someone with an unblemished 29 year record. The type of machine used to test LUL employees has been known to fail, indeed a failure was recorded last year at Acton depot when a manager tested positive, but the machine was deemed to be faulty. It is LUL directors who are defending the indefensible.

Last year at ACAS, the RMT offered to call off any strike action if LUL agreed to reinstate Alex following an Employment Tribunal ruling that he was dismissed unfairly. LUL refused even this most reasonable of offers, and were unable to give a cogent reason for their refusal. This offer is still on the table – the RMT, as always, is willing to talk to LUL. But the RMT, as always, is prepared to take industrial action in defence of our members when they are wrongly dismissed. I urge you to take part in this very necessary ballot.

Vaughan Thomas – RMT Trains Functional Council