



# ***INFO BOOK***

***2015***



**for  
RMT Train Operators**



# REFUSAL TO WORK



## THE GROUNDS OF HEALTH & SAFETY

*(Extract from the Policy)*

### Refusal to work – initial review and response

3.1.1 Where an employee believes that to start/continue work would place themselves or others in serious and imminent danger, they shall stop work and report the matter immediately to their manager.

3.1.2 The manager shall inform the local Health and Safety Representative as soon as practicable.

3.1.3 If the manager, in consultation with an SQE Adviser, determines that there is no serious or imminent danger, the reported issue and the reasons why the risks are considered to be as low as reasonably practicable shall be recorded and communicated to the employee and the relevant Health and Safety Representative.

Following this the employee shall be requested to work normally

### 3.2 Potential dangers affecting more than one location

3.2.1 This section of the standard shall apply where a potential danger affects more than one location.

3.2.2 Where employees believe that to start/continue work would place themselves or others in serious and imminent danger across more than one location, they shall stop work and report the matter at once to their respective managers and local Health and Safety Representatives.

3.2.3 The relevant Health and Safety Council shall be informed as soon as practicable.

3.2.4 A senior LU manager shall be appointed to co-ordinate the actions required below.

3.2.5 If the LU senior manager, in consultation with a SQE Adviser, determines that there is no serious and imminent danger, the reported issue and the reasons why the risks are considered to be as low as reasonably practicable shall be recorded and communicated to the employee(s) and the relevant Health and Safety Representative(s). Following this the employees shall be requested to work normally

*"Where employees believe that to start/continue work would place themselves or others in serious and imminent danger across more than one location, they shall stop work and report the matter at once to their respective managers and local Health and Safety Representatives."*

Under the Employment Rights Act 1996, employees have the right to formally protest, free from fear of reprisal, where they are genuinely concerned for their safety or the safety of others because of any aspect of their work. They have the right to stop work or ask for alternative work where they have reasonable grounds to believe that serious and imminent danger exists.



## **SPADS ADVICE**



If you get tripped, or pass a signal at danger – STOP! **Your job is at risk** if you panic or follow your instinct to do things quickly.

Do not move without authority. Assume the signal is a semi and take every safety measure you were taught. Make everyone wait while you play it safe.

Nobody loses their job for taking their time, but many have lost it through rushing, so try to clear your mind and think through the correct procedures.

Afterwards, take advice as soon as possible from your RMT rep. If you can't get hold of them at the time, speak to an experienced train operator or instructor operator.



## **ANNUAL LEAVE**



*(Extracts from the Professional Train Operators Agreement)*

Annual leave will be rostered in fortnights throughout 52 weeks, starting in March each year.

Upon request, staff may apply in writing for any remaining days annual leave to be booked up in advance, if requested in writing a minimum of 28 days in advance, applications will be processed and agreed in date of application order. At certain times e.g. bank / public holidays or special events this facility may not be able to be met. Any failure to grant properly applied for leave must be justifiable. *(Note: TFC have agreed that staff should be informed in writing no later than 7 days after the request.)*

Staff transferred or promoted into a depot will be allocated to a vacant position within the leave rosters for the following year for the depot. Existing annual leave arrangements will be honoured. Direct recruit train operators will be allocated pro rata leave during the year of entry and then be allocated to a vacant position on the leave roster for the following year.

Staff requiring continuous leave over two weeks in duration, not in accordance with the above arrangements, may apply in writing to their Train Operations Manager. Applications must be received by 30 June for such leave in January – June of the following year, and by 30 November for such leave in July – December of the following year. Those who have made use of it most recently will be given the lowest priority.

Mutual exchanges of leave periods within a depot must be notified in advance and approved by the Train Operations Manager. All leave will be interchangeable in one-week blocks. Staff may apply for vacant leave periods at least 4 weeks in advance. Applications will be processed in date of application order and be agreed by the Train Operations Manager.



## ***GETTING TO YOUR DEPOT***



*Extracts from TOPRA, the Train Operator Resourcing Agreement*

### **Existing Train Operators**

3.1 Established T/Ops may apply to transfer to one other depot and additionally to other depots which are deemed Geographical moves. Applicants must submit a transfer application form to their TOM stating the depot they wish to work at. T/Ops may cancel or change their nomination by written submission to Operations Resourcing subject to the arrangements within section 3 of the TOPRA.

3.2 Where there are foreseen vacancies, T/Ops should be called with sufficient time, prior to the vacancy occurring, to enable them to be effective from the date that the vacancy occurs.

3.3 Where it is expected that a vacancy or vacancies may occur at a depot, Operations Resourcing will write to T/Ops on a waiting list informing them that they should expect to be called within 6 months to their nominated depot.

3.4 On identifying the need to transfer a T/Op to a depot a letter from Operations Resourcing stating that a move may take place, within the following 6 months (but not during the 28-day cancellation period), will be sent to the T/Op. The T/Op has 28 days to cancel their nomination after which time they forfeit this right to cancel.

3.5 If Operations Resourcing does not receive notification of a cancellation then the T/Op should expect to be moved to their nominated depot during the following 5 months. This move may take place immediately after the 28-day cancellation period and / or with very short notice.

3.6 If at the end of the 6 months the transfer has not taken place then the process can be repeated one more time. Should a second letter be sent then the T/Op will be moved within the 6 months (but not during the 28-day cancellation period) if the nomination has not been cancelled.

3.12 Applicants may apply through the use of the 'Geographical Transfer Form' to move closer to their nominated depot without losing their place on their nominated depot waiting list. All geographical transfer requests will be reviewed by the Movements Committee prior to being accepted. More than one geographical transfer nomination is permitted.

3.14 Where any T/Op transfer takes place they can be held at that depot location for a minimum period of 12 months if required to do so by Operations Resourcing (see 15.5).

3.15 Where any project pool T/Op placement / transfer takes place they can be held at that depot location for a minimum period of 18 months if required to do so by Operations Resourcing.

3.16 The above 18-month minimum period only applies on for the first placement / transfer for project pool T/Ops.

3.17 However if a project pool T/Op approaches the top of a waiting list for their nominated depot, near or after 12 months, then they are eligible to write to the Movements Committee requesting that the 18-month restriction be waived in order for them to transfer.

3.18 Where a T/Op has transferred, and has reached the top of another waiting list and 3.14 or 3.15 applies, they will be 'leap-frogged' by the next eligible T/Op on the waiting list.

3.19 When a 'leap-frogged' T/Op moves to their nominated depot they will be given a depot seniority date 'ring-fenced' based on the order of the waiting list and take up a position in the pool based on this depot seniority.

### **Filling of Rostered Positions**

3.28 When a position becomes available on the depot roster the senior T/Op (depot seniority) for the depot concerned will be transferred from the pool into the roster.

3.29 Subject to satisfying establishment numbers under the 2009 Agreement, the T/Op from the top of the transfer waiting list for the depot concerned will then be transferred by Operations Resourcing to the pool. These moves are subject to 3.14 and 3.15.

### **Pool Coverage**

6.9 Where a T/Op(s) is unable to carry out their rostered duties for 28 – days or more, the senior pool operator(s) for the depot concerned should be used to cover their position. On return of the substantive T/Op, the pool operator will return to their position in the pool.

### **Maternity / Parental / Adoption Leave**

6.1 A T/Op taking Maternity / Parental Leave will maintain their position on the roster.

### **Mutual Change Over of Depots**

5.1 A T/Op may apply for a MCO with another T/Op. They will exchange depots, but they will take up their position at the bottom of the pool at their new depot. (*For more details, read TOPRA*)

### **Extreme Hardship Moves**

9.1 T/Ops may apply for an extreme hardship transfer. Where such an application is made, the applied for extreme hardship transfer must be such that the quoted circumstances will be improved or completely relieved by the transfer requested.

9.3 Applications should be submitted on the appropriate form with supporting evidence to the TOM. The TOM will do a fact-finding interview with the applicant and their chosen representative. The TOM will submit a full report to Operations Resourcing for consideration by the Movements Committee. (*For more details, read TOPRA*)

### **Medical Transfers**

10.1 T/Ops who become medically unfit to work on their line but are able to do so on another line must submit appropriate supporting medical evidence via the TOM and LUOH to the Movements Committee. The Movement Committee, and not the T/Op, will decide which is the most suitable line and depot to transfer the T/Op to, taking into account their personal geographical circumstances. On transfer to the depot they will take up their position in the pool based on their previous depot seniority.

### **New Train Operators**

4.4 Staff will be recruited to the grade of T/Op not to a specific depot.

4.4.5 Each individual will make a single nomination for the depot of their preferred choice.

4.4.6 Should this nominated depot have a waiting list of 5 years or more, at the time of nominating (there is at least one T/Op on a respective waiting list for at least 5 years), then a

second nomination will be offered. Waiting lists are reviewed, updated and agreed regularly at the Movements Committee.

4.4.7 When a new T/Op is called to their nominated depot (this does not require a notice period) then they are not able to cancel their nomination and must move.

4.4.8 Where two nominations are taken and the T/Op is called for the first nominated depot ahead of the second nominated depot then the second nominated depot is cancelled.

4.4.9 Where two nominations are permitted and taken, and the T/Op is called to their second choice nominated depot (this does not require a notice period) then they are not able to cancel their nomination and must move. Following this transfer the normal transfer arrangements apply.

4.4.10 Where two nominations are permitted and taken, and one of them is cancelled, then the remaining nomination is unaffected.

4.4.11 Under this process, if an individual wishes to change their nominated depot, they must fill out another new depot nomination form with a new nomination date. The previous nomination will be cancelled.

4.4.12 Where two nominations are permitted and taken, and the T/Op is transferred to their second choice nominated depot then they will still retain their position on the first choice nominated depot waiting list.

4.4.13 Under this process until a T/Op has attained a position at their nominated depot(s) they are not permitted to complete a MCO.

4.4.14 Under this process until a T/Op has attained a position at their nominated depot(s) they are not permitted to apply for a geographical nomination move.

4.4.15 Under this process a T/Op must have at least one nominated depot.

4.5 As a result the following avenues are open to recruited individuals:

4.5.1 To be placed, if there is a vacancy, at a nominated depot.

4.5.2 To be placed at a vacancy at another depot.

4.5.3 To be placed in a project pool at a depot.

4.6 If not allocated to their nominated depot the applicant would then be put on the respective waiting list(s), on Consolidation, effective from the date of application.

4.7 T/Ops that form part of the T/Op Staff on Books at a depot cannot apply to work as part of a project pool.

4.8 While awaiting transfer to a vacancy at a nominated depot T/Ops will be allocated to another train crew depot or will work as part of a project pool. These moves are subject to 3.14 and 3.15.

4.8.1 Whilst on a project pool they will sit outside the establishment.

4.8.2 Upon completion of a given project, T/Ops on a project pool could be transferred onto the project pool of another project, or to work at another train crew depot on any line if none of their choices of nominated depots are available.

4.8.3 No special travelling arrangements will be afforded to these T/Ops.

4.8.4 Placement of T/Ops on any project pool is solely a Management activity but consultation would occur on this matter at the Movements Committee where geographical moves will be considered in relation to where they live.

4.8.5 T/Ops would continue under this arrangement until such time as they reach the top of the waiting list for their nominated depot(s).





## HELP FOR CARERS



*(Extracts from Family Leave Guidelines)*

**Parental Leave** Parental leave is an entitlement to be absent from work for the purpose of caring for a child. The full entitlement is thirteen weeks' unpaid leave in respect of each child\*, to be taken in blocks of one or more weeks at a time, subject to a maximum of four weeks' leave per year. This rises to eighteen weeks for parents with a disabled child (parents of disabled children have the flexibility to take leave a day at a time or longer if they wish).

Entitlement extends to those employees who have, or expect to have, parental responsibility for a child, and who have at least one year of continuous service at the time parental leave is taken. Entitlement continues to apply up to and including the child's fifth birthday and up to and including a disabled child's eighteenth birthday.

**Time Off for Dependents:** Employees are entitled to reasonable time off work, without pay, in order to deal with unforeseen circumstances regarding dependants. Such leave covers such a period as may be deemed reasonable in the circumstances (not usually more than two days).



A 'dependant' is defined for these purposes as a spouse, child or parent of the employee, or any person who lives in the same household as the employee other than by reason of being his or her employee, tenant, lodger or boarder. In some instances this definition is widened to include anybody who can reasonably be said to rely upon the employee for assistance.

In view of the emergency nature of the circumstances in which this time off is likely to be required, a notice period is not appropriate. However, the employee must tell his or her manager the reason for the absence, preferably in advance but in any case as soon as is reasonably practicable, and how long he or she expects to be absent. The employee must confirm this in writing where required, in accordance with normal practice regarding absence from work for any reason.

**Illness or Death of a Near Relative:** As an alternative to time off for dependants, a statutory right for employees who qualify, Employees having to deal with the illness or death of a near relative may apply for the discretionary benefit of special leave with pay to cover the situation. Managers may grant up to 3 day's leave with pay.

\* *RMT Note: in the first 5 years of the child's life*



## ***ROSTERING PARAMETERS***



*(Extract from the Framework Agreement for Train Staffing)*

- Minimum Duty Length 4 hours
- Maximum Duty Length (including meal relief) 8 hours 30 min
- Meal Relief (not including walking time) 30 min
- Maximum Rostered Time Before/After A Break 5 hours 15 min
- Maximum Rostered Aggregate Driving Time 4 hours 15 min
- Duties Early Shift Rostered Start From 04:45 hours
- Duties Late Shift Rostered Book Off By 01:30 hours
- Minimum Rest Period (including training) 12 hours
- Booking On Time (Minimum) 7 min
- Booking Off Time Nil
- Minimum Terminus Reverse 4 min
- Two rest days each week, except on nights, where no rest day will be rostered until after completing nights



## ***OVERTIME***



*(Extract from the Framework Agreement for Train Staffing)*

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- Where staff are required to work compulsory overtime on any particular shift for engineering or other special working they will qualify for payment for the whole of the overtime worked.
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- **No Voluntary overtime.**
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- Where a Train Operator has been continuously operating a train and cannot be relieved due to a service emergency they have to continue operating for up to two hours. They must not exceed the Line maximum ( e.g. 4 hours 15 minutes or 8 hours 30 minutes ) and once this is reached they must take the train as far as the first available siding or stabling point.
- A service requirement does not constitute a service emergency, so when the normal duty length has finished and they cannot be relieved and there is no service emergency, they must take the train as far as the first available siding or stabling point.





## ***ATTENDANCE POLICY***



*(Extracts from the LUL Attendance Procedure)*

Standards of satisfactory Attendance have not been met when:

- In any 13 weeks there are two or more items of non-attendance;
- In any 26 weeks, there are 2 or more items of non-attendance totalling 5 or more shifts/working days
- A pattern of non-attendance may have developed over a period of time that is a cause for concern.



## ***ATTENDANCE AND DISCIPLINE***



Following a legal victory by the RMT in 2002, all members are entitled to have an RMT rep with them if discipline is being discussed. **All members should insist on a rep for Attendance Warning interviews or any interview where disciplinary action of some sort is under discussion.** If in doubt – insist on a rep being present. If you are still refused representation, give the manager a memo to say you need a rep and keep a copy.

If you are facing a disciplinary, you are entitled to the rep of your choice.

You are also entitled to a rep if you have a long term sickness interview.



**Don't get screwed – take a rep!**



# ***TAKING OUT A GRIEVANCE***



*(Extracts from the LUL Individual Grievance Procedure)*

When a concern or problem cannot be resolved informally and has been raised in writing then the grievance procedure set out below must be followed. This is not to be used for concerns relating to a decision made at one of the following:

A disciplinary hearing, an attendance at work hearing or harassment / bullying investigation or any other procedure where there is an existing complaints/appeals process already in place.

Any concerns around these issues should be raised and dealt with as part of the relevant process or at the appeal stage, where relevant. A grievance can still be raised with regard to a failure to comply with the above processes.

If during the grievance process the parties agree to temporarily suspend the process to facilitate mediation or some other resolution route then this should be recorded and a time frame for completion agreed with the support of the PMA.

## **5.0 FORMAL PROCEDURE – STAGE 1**

5.1 Any employee who wishes to raise a personal grievance should submit the matter in writing to his or her immediate manager.

5.2 Employees are encouraged to seek help from a trade union representative or work place colleague if they have any difficulty in formulating their written statement.

5.3 If the grievance is against the immediate or employing manager (and remains unresolved after informal approaches to that manager) it should be addressed to the next level manager. Where the grievance relates to the application of HR procedures it may need to be considered by the relevant senior HR manager.

5.4 Employees should set out the details of the grievance, attaching any relevant documentation and state what outcome is sought, identifying anything that may help resolve their concern.

5.5 The manager must inform the PMA of the grievance, for recording purposes and so that where applicable they can provide support, to help resolve the matter.

5.6 The manager should write to the employee to arrange to meet them as soon as practically possible, ideally within 7 calendar days of the grievance being received. The purpose of this meeting is to enable the manager to fully understand the grievance and consider how it can be resolved.

5.7 As this is a formal meeting the employee is entitled to be accompanied by a trade union representative or a workplace colleague and the letter inviting the employee to the meeting needs to detail this right.

5.8 If the employee, trade union representative or work place colleague cannot attend on the proposed date, the employee can suggest another date so long as it is reasonable and is not more than 7 calendar days after the date originally proposed. The PMA should be informed and can assist in arranging an alternative date as soon as possible.

5.9 If an employee is absent from work due to sickness, it may be appropriate to continue with any arranged meeting in order to facilitate a rapid resolution of any issues. The employee must take all reasonable steps to attend these meetings. In such cases, advice should be sought from the PMA.

5.10 Where it is not possible for this meeting to occur within a reasonable period due to management availability the meeting will be rearranged.

## **6.0 AT THE GRIEVANCE MEETING**

6.1 The employee will be asked to explain their grievance, how they think it should be resolved and what outcome is sought.

6.2 The manager may ask questions to clarify matters.

6.3 The trade union representative or workplace colleague can address the meeting to put and sum up the employee's case, respond on behalf of the employee to any views expressed at the meeting and confer with the employee during the meeting. The trade union representative or workplace colleague cannot answer questions on the employee's behalf.

6.4 Once the manager chairing the meeting has given the grievance careful consideration, which will normally require an adjournment, they will then advise the employee of their decision, and where necessary set out how they propose to address the employee's concern. This must be confirmed in writing.

6.5 Any further delays will also be fully explained and confirmed in writing.

6.6 If during the meeting it becomes evident that the nature of the grievance involves harassment or bullying the matter will then be referred to the harassment and bullying procedure.

## **7.0 FURTHER INVESTIGATION**

7.1 If the manager believes there is a need for further investigation they will outline what other steps (including necessary time frames) need to be taken before reaching a conclusion. This will be confirmed in writing to the employee, with a copy sent to the PMA within 7 calendar days of the meeting. Delays are to be avoided, but where matters cannot proceed within the proposed timescales, the reasons for this will be confirmed in writing.

7.2 Should the manager need to meet with and interview other employees as part of this process then this should be done as quickly as possible.

7.3 Employees are not entitled to be accompanied at these meetings. Notes summarising the content of the meeting will be taken and shared with the employee interviewed.

## **8.0 OUTCOME – STAGE 1**

8.1 Although there is not a requirement for the outcome to be given in person LU expects managers to deliver prompt responses without undue delay. Therefore the manager should always advise the employee at the end of the grievance meeting of the outcome or next steps (including timescales) that will enable them to give an outcome.

8.2 The manager, having taken advice from the PMA, may decide to invite the employee to a further meeting to confirm their conclusions, outlining any steps that they will be taking in relation to the matter.

8.3 The manager's findings, conclusions and recommendations must always be confirmed in writing to the employee and the employee must be given a right of appeal.

## **9.0 FORMAL PROCEDURE – STAGE 2 (APPEAL)**

9.1 If the employee feels that the grievance remains unresolved, or is not satisfied with the outcome, they may appeal.

9.2 An appeal must be submitted in writing to the next level manager within 7 calendar days of the employee receiving the written decision from the manager who chaired the grievance meeting. This must clearly state why the employee is not satisfied with the outcome at stage one.

9.3 An appeal meeting will normally be chaired by the manager's manager, however the PMA may be the same, as the decision is made entirely by the manager chairing the meeting.

9.4 The stage two appeal meeting should normally be arranged within a maximum of 7 calendar days of receiving the appeal. The same arrangements, as at stage one, apply to the right for the employee to be accompanied and the ability to suggest a reasonable alternative date.

9.5 At the appeal meeting the employee will be asked to explain the reason why they have appealed and the outcome they are seeking.

9.6 The manager chairing the appeal, will review the information already available and make further enquiries as appropriate. If new information comes to light during the meeting, further investigation may be necessary.

## **10.0 OUTCOME – STAGE 2**

10.1 The manager's findings, conclusions and recommendations must always be confirmed in writing to the employee and they should be informed that the grievance process is now at an end. This is the end of the process.





## ***RMT BENEFITS***



Belonging to the RMT means you are fully represented and protected at work and the RMT will negotiate to improve pay and conditions of service on our behalf, as the union has done for many years. Benefits include: -

**Legal services** covering all your work related employment and personal injury matters and providing advice and cost effective assistance to you and your family. You can also save legal fees bill by taking advantage of RMT's free will service.

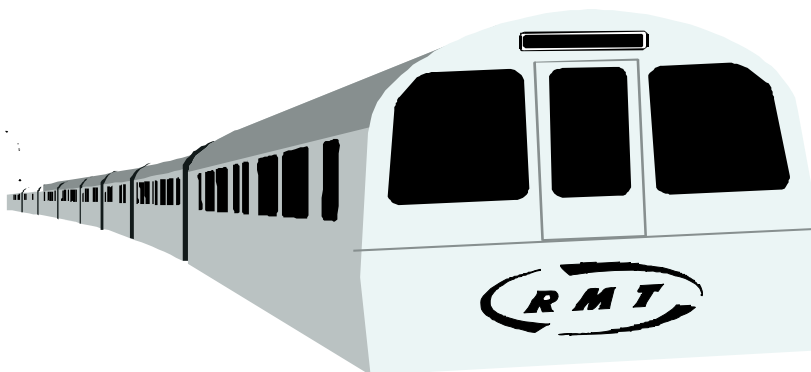
**Accident benefit** of up to ten times weekly contributions for up to 26 weeks - that's £1027 based on 2011 rates.

**Orphan benefit** of £12 a week for each child until they reach the age of 16, then £12.75 per week until the age of 22 if he/she is in full time education

**Death benefit** of £600 to your nearest relative if death occurs prior to retirement

**Credit Union:** Our Credit Union is an excellent scheme for RMT members. It is not-for-profit and members are encouraged to save with the Credit Union and can apply for low interest loans. [www.rmt.org.uk/credit-union/](http://www.rmt.org.uk/credit-union/)

For further information on these benefits see your RMT Diary or [www.rmt.org.uk](http://www.rmt.org.uk) or contact your rep or RMT Head Office on 0800 376 3706.





***[www.rmt.org.uk](http://www.rmt.org.uk)***



**Visit RMT online for news and updates direct from the union. Train Drivers, visit [www.rmtupfront.org.uk](http://www.rmtupfront.org.uk)**

If you know someone who is not a member – remind them they can **join online**.

For information on LUL, visit **[www.rmtlondoncalling.org.uk](http://www.rmtlondoncalling.org.uk)**

### **RMT TRAINS COUNCIL REPS**

- Dean O'Hanlon      07956 342235
- Will Reid              07983 958429
- Vaughan Thomas   07720 297657

### **RMT TRAINS SAFETY COUNCIL REPS**

- Jim McDaid              07917 131692
- Nigel Eivers             07961 141924
- Derek Bishop          07772 429802
- Adam Evans(Upgrades) 07890 056868



## *Help and Info for members*



### **Your Local Rep**

For problems at work, contact your RMT rep. Find their name and contact details on the RMT notice board. You should always get a rep for attendance warnings or any disciplinary or grievance issues. If you have concerns over safe working, contact your RMT **Health and Safety** Representative.

### **Membership Issues**

For membership issues or general enquiries such as change of address or diaries, ring the RMT freephone Helpline on 0800 376 3706. Have your RMT membership number or national insurance number ready when you ring.

### **Harassment Reps**

Vaughan Thomas 07720 297657 Bjorn Bradshaw-Murray 07951 724271

### **Legal Issues**

For advice on work related and union matters ring the help line on 0800376 3706. Lines are open (though usually busy) between 08.00 and 18.00 hours on Monday to Friday and 09.30 to 16.00 at weekends.

For accidents at work or personal injury for yourself or your family, ring **Thompsons Solicitors** on 08457 125495. The line is open 8am-8pm Monday-Friday, 9am-5pm Saturday and Sunday.

The RMT now has a free wills service, which can be contacted via the RMT freephone Helpline on 0800 376 3706

### **Criminal Cases**

If you are arrested or interviewed by police under caution ring **Powell Spencer Solicitors** on 07659 118 181 (24 hours)

### **Your Branch Meeting**

Your local branch meets at least once a month. It's for you to go along and take part. You can get advice, talk to other members and find out what's going on. Details are on your RMT notice board or from your rep.

### **Train Grades Meeting**

All RMT train operators are welcome to attend to discuss trains issues and hear reports from Trains Council and Safety Council. It meets at 14.30 hours on the last Thursday of each month, in Unity House, 39 Chalton Street, near Euston.

### **RMT London and South East Regional Office**

Tel 020 7529 8862 or 020 7529 8853. The Regional Organiser is **John Leach**.





Produced by **RMT London Transport Regional Council**

Secretary: John Reid

President: Linda Wiles

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

***IN UNITY IS STRENGTH***