

# RMT up front



The newsletter for London Underground drivers

Issue 13, June 2011

## Unite for Arwyn Thomas

**Re-instate Arwyn and Eamonn**  
**Stop victimisation of union reps**



An injury to one is an injury to all



**JOB HALF DONE**

Once again, London Underground management have proved that they do not deserve our faith or trust. Following a bold programme of industrial action which shook the establishment and kept the copywriters at the Evening Standard busy for days and caused politicians and commentators to bay for Boris' blood, an agreement was reached which allowed us to suspend previous action.

The company agreed to reinstate Eamonn Lynch with fully protected earnings and to open discussions which we were led to believe would lead to the reinstatement of Arwyn, following his clearly unlawful sacking. Having suspended our strike plans in good faith, we then discovered that management were flatly refusing to discuss Arwyn's reinstatement. Instead, they tried to buy off his job and, in effect, put a price on the head of every RMT rep.

Arwyn's tribunal took place recently and, again, LU rolled out the big guns at huge expense in order to defend the indefensible. The Chair of Arwyn's Appeal had the audacity to claim that he was not aware of any campaign to victimise reps. Yeah right! Strangely that just a few weeks before LU were dammed in a court of law for lying, colluding and covering up their unlawful victimisation of health and safety rep Eamonn Lynch. To give examples of LU's victimisation strategy the Tribunal was informed by the RMT legal team of how a union member and striker



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was sacked for sending an innocuous text message (he was reinstated on appeal) while a scab who sent a sexist and homophobic text message was considered a 'joke' by senior management and no action was taken.

This is the latest example of LU's callous disregard for justice, a disregard which has seen it victimise a growing number of our reps over the recent period. RCI rep, Tony Rowntree, was recently stitched up for saying something to which there were no credible witnesses and which he himself denied. Tony's CDI was chaired by the same manager who sacked Eamonn at his CDI and who was then accused of lying on oath by Eamonn's tribunal panel! To use a company phrase, I think we have identified a pattern!

Management clearly want to continue their policy of anti trade unionism and victimisation. They want to avoid

another climb down in reinstating Arwyn and that will include abiding by any decision of the Employment Tribunal decision. This is why we have been forced to show them we will fight to get Arwyn back at work. To this end, we have named two strikes as follows: on Sunday 19th June, night turns only do not book on (this strike is mainly for the purpose of keeping our strike mandate live under employment law, and strikers will be reimbursed for lost pay); from the evening of Monday 27th, four days of strikes, alternate earlies and lates (meaning a maximum loss of only two days' pay each). Clear instructions will follow.

During this week unions around the country are likely to be taking action to defend their basic terms and conditions including pensions, and against cuts to services. Let's not forget that Arwyn was sacked for fighting against cuts to station staff jobs, cuts which are already having a negative safety impact on the running of the railway.

Finally, we issue this challenge to the leadership of ASLEF: unite with us to defend a clear attack on trade unionism on the underground; an attack which, if left unanswered, will give LUL the signal to attack all our terms and conditions. Rather than encouraging their members to cross picket lines and trying to sign up RMT members, they should be joining us in this fight. **Remember it is not about what union you are in; it is about whose side you are on.**



# TRAIN DRIVERS COALITION OF SOLIDARITY

## £250,000+ : the financial cost of injustice

RMT's legal team has estimated that LU's legal costs alone will have run to six figures. Add in the time spent by senior managers (some paid over £600 a day) preparing for and attending six days of tribunal hearings, the resources wasted trying to spin the LU line, and the wages and pension contributions paid to our colleagues since their unfair dismissals, and what have you got? £250,000 and rising, by our reckoning. That's a quarter of a million pounds of taxpayers' money down the

drain. Remember that the next time they tell you there is no money for improvements to train staff's terms and conditions. £250,000 could employ six drivers for a year at your depot, drivers who could be used to allow you take your outstanding annual leave and make sure you don't get hammered every time you are spare or need to get away early for a domestic issue. It is outrageous that LU would rather spend such a sum on attacking our elected reps.

## Messages of support

To keep up to date on this dispute and all regional council matters go to [www.rmtlondon-calling.org.uk](http://www.rmtlondon-calling.org.uk). Messages of support from the public can also be seen there. Here's one from a former building worker:



Hello,  
Just read about the Arwyn Thomas issue.

**I'm no left winger - far from it - but I applaud your stand on the issue. There's far too much of this sort of manipulative bullying going on just now - I'm sure LU would have just loved for him to accept the financial bribe and quietly go away.**

**That he has refused to be bought off and has chosen to stand up to them is something that he can be proud of. I admire his guts and his integrity.**

**All the best in your endeavours to get him re-instated.**

Regards  
**Keith Rigby**  
(Ex construction tradesman, UCATT member)



## Poor Performance or Misconduct?

This is the question that has exercised the minds of trade union reps and managers for decades; the ACAS guidelines include whole chapters querying the difference and Industrial Relations experts are divided about the correct interpretation. Congratulations are due, then, to LUL for nailing this tricky problem. Let's look at some examples:

- A manager on the Bakerloo Line lies down on the cab floor, leans out of the "M" door of a moving train and sweeps the snow off the juice rails. He gets a corrective action plan and some re-training. A Bakerloo Line driver tips out his train because he has become unfit to continue in passenger service. He is suspended and

sent to CDi for gross misconduct for maliciously delaying the service and endangering the safety of passengers through overcrowding.

- A Central Line manager who unlawfully dismissed Eamonn Lynch is accused by the Employment Judge of "dissembling" (that's lying to you and me) and he goes on to describe her as an unreliable witness in court. The manager is still sitting on CDi panels. A Central Line driver misreads his duty book and picks up his train 3 minutes late; he is told this is a case of misconduct not performance and a repeat will lead to disciplinary action. So, there you have it – if it's a manager it's a performance issue; if it's a driver it's misconduct. Simples.

## You are covered

Remember you can sign up to RMT membership and take part in the action right up to the day of the action and be legally covered to take action. You don't have to have received a ballot paper to do the right thing. LU management recently confirmed at Company Council that if you strike, all

you have to do is tell them that you are a member of the union taking official strike action (in this case, RMT), and you will NOT get an attendance item or have any disciplinary action taken against you. This applies even if your membership is temporary.

## Five days of action for workplace justice

**To maximize the impact of our action on services whilst minimizing the cost to drivers, our plan of action is to have strikes as follows:**

**between 21.01 hours on Sunday 19th June 2011 and 03.00 hours on Monday 20th June 2011.**

**Between 21.01 hours on Monday 27th June 2011 and 11.59 Hours on Tuesday 28th June 2011**

**Between 12.00 hours on Friday 1st July 2011 and 21.00 hours on Friday 1st July 2011**

**Or, to put it more simply: the first strike on the 19th will be for night turns only, then from the 27th - night turns will strike on Monday and Wednesday; earlies (before noon) will be out on Tuesday and Thursday; and lates (from 1200 onwards) will strike on Wednesday and Friday. No driver should lose more than two days' pay. If you are in any doubt about these instructions, please speak to one of your local reps.**