

LUL TRAIN OPERATORS AGREEMENTS



**Useful Agreements 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 the Train Operator Resourcing Agreement)

Transfers 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. Staff 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 it is expected that a vacancy or vacancies may occur at a depot, Operations Resourcing may write to the top four (maximum) train operators on a waiting list informing them that they should expect to be called within 6 months to their nominated depot.

3.3 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.

3.4 If Operations Resourcing does not receive notification of cancellation then the T/Op should expect to be moved to their nominated depot during the following 5 months.

3.5 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) of receiving the second letter if the nomination has not been cancelled.

3.6 In the event that Operations Resourcing need to call more than 4 T/Ops for a given location this will be put before the Movements Committee.

3.7 T/Ops will also receive written confirmation from Operations Resourcing of their application or cancellation within 14 days.

3.8 Operations Resourcing will keep waiting lists of T/Ops wishing to transfer to T/Op depots. This waiting list will be ordered by date of application. Where two or more applications are made on the same date then train grade seniority will determine priority.

3.9 Where required T/Ops will be called for nominated depots from waiting lists in the order as defined by 3.8 above.

3.10 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.

Filling of Rostered Positions 3.20 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.

3.21 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.

Train Operator Recruitment

4.3 With effect from the date of the 2009 Agreement individuals will now be recruited to the grade of T/Op not to a specific depot. These staff will not have a title separate to that of T/Op. These staff will be recruited according to the following process:

4.3.1 An advert will go out in the Traffic Circular for the position of T/Op.

4.3.2 This advert will not specify particular locations for recruitment.

4.3.3 Applications will be processed and assessments completed.

4.3.4 As part of the induction day successful applicants will meet with management and trade union representatives to go through the nomination process.

4.3.5 Each individual will make three depot nominations. Their first choice will be referred to as their Home depot and the other two Depots referred to as their second and third Nominated Depots.

4.3.6 If after this initial nomination process an individual wishes to change their nominations then only one nominated depot will be accepted.

4.3.7 Until an individual has attained a position at one of their nominated depots they are not permitted to complete a MCO.

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

4.5 To be placed, if there is a vacancy, at their nominated Home Depot.

4.6 If there is not a vacancy at the Home Depot then in priority order:

4.6.1 To be placed at a vacancy at either of their Nominated Depots.

4.6.2 To be placed at a vacancy at another Depot **or** project pool at a Depot.

4.7 If not allocated to their Home Depot the applicants names would then be put on the respective waiting lists on Consolidation effective from the date of application. They would be placed behind Train Operators already on those waiting lists.

4.8 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'.

4.9 While awaiting transfer to a vacancy at their nominated Home Depot by the Movements Committee these staff will be allocated to another train crew depot or will work as part of a 'project pool'. Whilst on a 'projects pool' they will sit outside the establishment. Upon completion of a given project staff 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 Home or Nominated Depots are available. No special travelling arrangements will be afforded to these members of staff. Placement of staff 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. Individuals would continue under this arrangement until such time as they reach the top of the waiting list at either of their Nominated Depots or Home Depot. Subsequently at such time as a vacancy arises this individual would be transferred to the Depot in question.

4.10 As part of this process any individual transferred to a Nominated Depot will still retain their position on any higher Nominated Depot (i.e. second choice if they have reached their third choice) and their Home Depot. They will be transferred to either of these Depots were a vacancy to arise, and could potentially be transferred again from their second choice Nominated Depot to their Home Depot were a vacancy to arise at the Home Depot.

Mutual Change Over of Home Depots 5.1 Any 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.

5.2 Any T/Op who applies for an MCO with a T/Op for a depot with fixed link rosters will take up their position at the bottom of the pool in the mixed link at their new depot. They will then be eligible to apply for the link of their preference under the normal arrangements for doing this.

Maternity / Parental / Adoption Leave 6.1 A T/Op taking Maternity / Parental Leave will maintain their position on the roster. To avoid any possible subsequent misunderstandings, prior to commencing leave, they will be informed of the above in writing. Their name will be retained along side the name of the person covering their position for the duration of the leave taken.

Secondments / Extended Periods of Promotional Training 6.2 T/Ops who are seconded (or must be covered for extended periods of promotional training) will be covered by the senior pool T/Op and will retain their rostered position upon their return.

Extreme Hardship Moves 8.1 Staff 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.

8.2 The Movements Committee and not the T/Op will decide which is the most suitable line and depot to transfer the T/Op, taking into account their personal geographical circumstances and staffing situation on the lines concerned. This must be balanced against the severity of the Extreme Hardship application.

8.3 Applications should be submitted on the appropriate form kept at the depot 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 joint consideration by the Movements Committee.

8.4 Approved applicants will be placed on the top of the relevant transfer list. On transfer to the depot they will be placed at the bottom of the pool.





HELP FOR CARERS

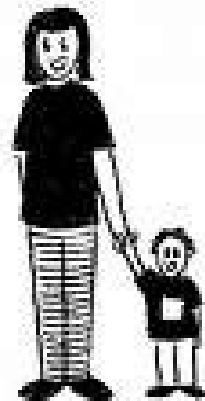


(Extracts from Family Leave Guidelines)

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.



OVERTIME BANDS



- 01 - 22 minutes pay 15 minutes overtime
- 23 - 38 minutes pay 30 minutes overtime
- 39 - 52 minutes pay 45 minutes overtime
- 53 - 68 minutes pay 60 minutes overtime

Night duties may be rostered 9 hours thirty minutes to cope with the end of British summertime only.



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 employees 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 work place 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.

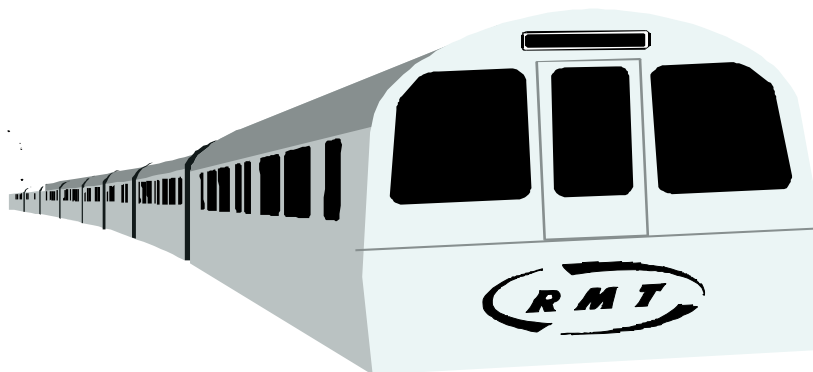
Accident benefit of up to ten times weekly contributions for up to 26 weeks - that's £1027 based on 2011 rates.

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 run by RMT members 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.

For further information on these benefits see your RMT Diary or ***www.rmt.org.uk*** (then 'getting Organised' and 'RMT benefits') or contact your rep or RMT Head Office on 0800 376 3706.





www.rmt.org.uk



Visit RMT online for news and updates direct from the union.

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

For information on LUL, visit ***www.rmflondoncalling.org.uk***

RMT TRAINS COUNCIL REPS

- Will Reid 07983 958429
- Glenroy Watson 07411 113098
- Bill O'Dowd 07773 984688

RMT TRAINS SAFETY COUNCIL REPS

- Neil Hodgson 07966 367195
- Nigel Eivers 07961 141924
- Dave Rayfield 07719 132161



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.

Free Wills

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

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 advice on non-work related legal queries ring **Thompsons Solicitors** on 0800 587 7516. The line is open 8am-8pm Monday-Friday, 9am-5pm Saturday and Sunday.

Criminal Cases

If you are arrested or interviewed by police under caution ring **Thompsons Solicitors** on 0800 587 7530 (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 senior reps. It meets at 14.00 hours on the last Thursday of each month, in Unity House, 39 Chalton Street, near Euston.

RMT London and South East Regional Office

Regional Organiser – Steve Hedley 020 7529 8862 or 020 7529 8853



Produced by **RMT London Transport Regional Council**

Secretary: John Kelly

President: Vaughan Thomas

www.rmtlondoncalling.org.uk

IN UNITY IS STRENGTH

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