

Written for train drivers, by train drivers



# upfront

January 2015 ☆ Defend Alex ☆ [www.rmtlondoncalling.org.uk/Alex](http://www.rmtlondoncalling.org.uk/Alex)

## Vote Yes For Strike To Defend Alex

- Alex McGuigan has diabetes which is known to affect breathalyser testing
- Guidelines were not followed when Alex was tested
- An LUOH doctor supported our concerns
- We demand Alex is reinstated or that LUL agree to abide by ET outcome
- LUL testing procedure must be made robust and fair for all workers

Alex McGuigan was a driver at Morden who had worked for LU for 29 years. He was dismissed in August for failing a random breathalyser test. We believe Alex failed because he has diabetes which affected the test resulting in a 'false positive' result. To make things worse the breathalyser test was not carried out within guidelines.

The RMT has decided to ballot members for industrial action to protect London Underground drivers from unfair dismissal due to London Underground's inexact testing process.

Diabetes affects many staff members within LU and could affect any of us at some point in our lives. It is therefore a risk



**At Morden Alex's RMT colleagues voted YES to strike by 75%**

to all of us that a breathalyser test could result in a 'false-positive' due to this condition, and that LUL do not ensure that their testing regime is fair.

We've seen scientific evidence that shows diabetics have blown high false-positive readings on a breathalyser when no alcohol has been consumed. It is our position that there is not sufficient evidence to say that Alex broke LUL's policy.

One person has already been unfairly sacked. If we do nothing it will happen again.

**Ballot papers will be sent out on Monday 26th January 2015 and must be returned for the closing date of Tuesday 10th February 2015. Vote Yes for Industrial action.**

# REINSTATE Alex McGuigan

*"Feedback from members presented a strong and clear desire to step up the fight against this unfair dismissal of your colleague and RMT activist with 29 years' unblemished service on the job. It is of no surprise that LU is pulling out all the stops to try to mitigate the impact of this campaign."*

- RMT General Secretary Mick Cash



## RMT Offer To Call Off Ballot If LUL Respect Employment Tribunal Decision. Tube Bosses Say No

Members are aware that your Union's Executive Committee has taken the decision to conduct a ballot of all Train Operator and Instructor Operator members over this issue. The ballot notice was sent to the Company yesterday.

You will also have received a communication from LUL trying to convince members not to participate in this ballot and any subsequent industrial action. As members are aware, the decision to escalate this issue was taken following a resolution from the London Transport Regional Council and Finsbury Park Branch and various meetings including all RMT Reps.

As always, RMT remains available for discussions to resolve any industrial dispute and as far as we

### Get in touch with trains council

#### Industrial reps:

Dean O'Hanlon

- 07956 342235

Will Reid

- 07983 958 429

Vaughan Thomas

- 07720 297657

#### H&S reps:

Jim McDaid

- 07917 131692

Nigel Eivers

- 07961 141924

Derek Bishop

- 07772 429 802

### Hendy Apologises

**Progress over this dispute was hampered by a statement made by TfL Commissioner Peter Hendy that Alex McGuigan was found to be drinking at work. This statement was quickly withdrawn along with a written apology and acceptance that the allegation is NOT TRUE.**

are concerned, this matter is no different and strike action will always be the last resort. We did go to talks at ACAS to try to reach a position where the previous industrial action could be suspended but these talks broke down due to a complete failure of the management side to engage with Union officials. Our offer to call off the action in return for a commitment that the company would honour any employment tribunal decision to reinstate Brother McGuigan was also rejected.

As we are all aware, London Underground has a well-known policy that you cannot drink anything during the 8 hours before you start a shift and Brother McGuigan abided by this rule and did not drink during the 8 hours before his shift started. He booked on for the shift as

normal but did not undertake any train driving duties.

Throughout this case, management has failed to listen to us and in turn, has failed to listen to the views and wishes of you and your colleagues as well. Instead of giving fair consideration to defence or mitigation, the Company is determined to sack effective trade union activists. This is becoming an issue across the whole of London Transport and must be resisted by all means at our disposal.

- RMT General Secretary Mick Cash