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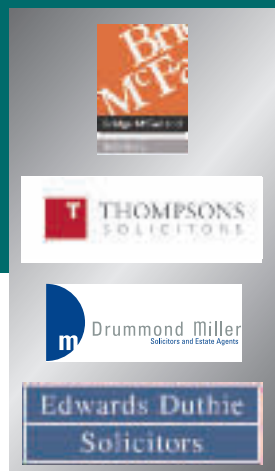
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PROTECTING AND PROMOTING OUR MEMBERS' INTERESTS



contents

Page 4

**SIGNAL WORKERS IN SCOTLAND
SHOW THE WAY**

Page 5

WIN AT WIGHTLINK

Page 6

**UNLEARNED LESSONS OF LADBROKE
GROVE**

Page 7

**METRONET AGAINST FORCED
TRANSFERS SUSPENDED**

Page 8

**END 'SHAMEFUL' RIGHT
OF SHIPOWNERS TO DISCRIMINATE**

Page 9

PARLIAMENTARY REPORT

Page 10

**RMT FORGES CLOSER LINKS WITH
OFFSHORE WORKERS**

Page 11

DYING FOR A REST

Page 12

ALL CHANGE IN THE BUS INDUSTRY?

Page 14

RAILING AGAINST RUNAWAYS

Page 16

ORGANISING EDEN

Page 18

STATION STAFF CHARTER LAUNCHED

Page 20

**BALFOUR BEATTY TRACKED ON
TUPE**

Page 22

**HEALTH AND LEARNING IN THE
WORKPLACE**

Page 24

**WORLD'S LARGEST CHARITY
HOSPITAL SHIP SETS SAIL FOR
AFRICA**

Page 25

PRESIDENT'S COLUMN

Page 26

FIGHTING BACK DOWN UNDER

Page 29

CROSSWORD/CLASSIFIED ADS

Page 30

CREDIT UNION

EDITORIAL

SIGNALLERS SHOW THE WAY



It is a shocking indictment of Network Rail's management style in Scotland that signallers had to take three days of strike action to get an agreement implemented on a 35-hour week.

Following an undertaking from Network Rail to implement the deal in full, RMT suspended further action and now expects this matter to be concluded swiftly and in line with the UK-wide agreement. Any further attempt to undermine or renege on the agreement and the executive will consider strike action.

The £4 million fine handed down to Network Rail for Railtrack's role in the 1999 Ladbroke Grove tragedy, which left 31 people dead and 400 injured, has also shown that key lessons have not been learned.

Ultimately, the wrong people were in front of the judge as the Railtrack executives whose negligence led to the Ladbroke Grove crash walked quietly away a long time ago.

The fines that have been dished out will be paid for by the taxpayer through subsidies.

What is clearly required are effective corporate manslaughter laws that puts bosses whose negligence leads to unnecessary death and injury in the dock and facing the prospect of prison. Real justice will not be done until then, no matter how big the fines.

The real crime here is privatisation, fragmentation, the absence of train protection and the lack of corporate accountability.

After Clapham in 1988 we were promised automatic train protection, which would have prevented Ladbroke Grove and saved 31 lives, but we are still no nearer getting it because it is deemed too expensive.

The Cullen inquiry into Ladbroke Grove also insisted that the regulation of rail safety should be in independent hands, but that process has been thrown into reverse and key safety areas have been handed back to the commercial interests that will always put profit first.

Lord Cullen also pointed to the crucial role played by the guard, but only this month we learn of plans by Transport for London and train operating companies to do away with guards on busy commuter lines.

This month is the fourth anniversary of private infrastructure consortium Metronet being handed maintenance contracts on London Underground and it has been again

criticised by the PPP Arbiter for poor performance.

However, there is now disagreement over who is liable for the £750 cost overruns under the contract, highlighting the crazy nature of the PPP set-up.

The consortium has sought to off-load costs by outsourcing work and staff. Yet the threat of industrial action by RMT members has forced them back round the table. We cannot allow these companies to make our members pay for their problems.

I am pleased that delegates to our special general meeting last month voted overwhelmingly to move towards a transfer of undertakings with the offshore union OILC.

This course makes industrial and political sense. We share the same passion for independent and democratic trade unionism and it follows from the magnificent pay victory last year for our diving and support staff members working in the North Sea.

It also fits into our campaigning for an end to discrimination in the offshore and shipping sector.

To that end, our Parliamentary group held a seminar in the House of Commons highlighting the disgraceful right of shipowners to openly discriminate against foreign crew due to an outrageous opt-out from the Race Relation Act.

Our Parliamentary group, ably led by John McDonnell MP, is also lobbying on behalf of bus workers following government plans to develop new policies for bus services.

You can see in this issue that RMT is consulting bus worker members and the results will be unveiled at our bus grades conference in Lincoln later this month.

Readers will also notice on our front page that RMT has been winning above-inflation pay rises for members. This is part of the union's unceasing campaign to defend and improve your pay and conditions at work.

Finally, RMT's annual garden party in aid of medical aid for Cuba will take place on June 19, you are more than welcome to buy a ticket and join the festivities.

Best wishes

Bob Crow

Signal workers in Scotland show the way



Following solid strike action by signallers in Scotland, Network Rail finally agrees to implement the 35-hour week

Network Rail finally gave an undertaking to enter meaningful talks to implement the 35-hour week and resolve other issues following solid 48-hour strike action in Scotland last month.

RMT suspended further planned strike action by more than 400 signallers and supervisory staff following the progress made in talks with Network Rail over the 35-hour week and other issues including Cognisco testing and safety briefing days.

The union also warned that action would be re-instated if any further attempt was made to renege on the 35-hour week agreement.

"We now have an undertaking from Network Rail that they will implement the 35-hour week deal in full and, after consulting our members, the executive has agreed to suspend the strikes," RMT general secretary Bob Crow said.

He said that details of rosters will now be concluded in local talks, which are expected to be concluded swiftly and in line with the UK-wide agreement, which envisages

banked hours to be converted into extra rest days.

"We obviously now hope that the matter can be put behind us, but the union has warned that any further attempt to undermine or renege on the agreement will be met with the re-instatement of strike action," Bob said.

Despite attempts by Network Rail to run services with a small band of scabs and managers, many brought in from as far away as Humberside and Kent, the service was decimated.

"If RMT had sent pickets from Kent to Scotland the company could have launched a legal challenge using Tory anti-trade union laws.

"So much for an even playing field," he said.

35-HOUR WEEK

The main sticking point of the dispute was over the implementation of the 35 hour week agreed in the 2006 pay deal and negotiated without problems in the rest of the country.

Management had been seeking to shave off minutes on the roster instead of the agreed deal of adding additional rest days.

Despite numerous meetings with management to attempt to resolve the matter, RMT was forced to use industrial action for the first time since 1994 following a two to one mandate in favour of industrial action.

RMT regional organiser for Scotland and Northern Ireland Phil McGarry said that it

appeared local management were prepared to test RMT members' resolve over this issue and were prepared to water down safety standards in an attempt to run scab services.

"I am pleased to say that our members stood shoulder-to-shoulder in a rock solid dispute and both signallers and supervisory grades told management that RMT members were not prepared to be bullied or intimidated over attempts to break a national agreement," he said.

DANGEROUS PRACTICES

Phil McGarry pointed out that, once again, the Railways Inspectorate had allowed Network Rail to run services with watered-down safety standards and less qualified staff with limited or no local route knowledge.

"Inevitably, there were instances of safety irregularities including a train signalled in both directions at Haymarket Station by a scab signaller which gives serious cause for concern.

"How can you have strict standards on one day and lesser standards for a strike day?," he said.

Phil warned that changes should be made in the way management is allowed to run the railway and the way it is policed before there is a serious accident.

Bob Crow congratulated signalling and Supervisory members in Scotland on their stand.

"It serves as a reminder that if you stand up to a bullying and intransigence, collective action can defeat it," he said. ■



WIN AT WIGHTLINK

Strike action planned for March 26 at Wightlink Guernsey Ltd on the Portsmouth to Isle of Wight ferry service was suspended by the union after the company agreed not to impose new rosters on staff as planned.

A ballot was held for strike action and action short of a strike following management's decision to impose a roster which would have increased

unsociable hours been detrimental to member's pay. The ballot returned an overwhelming vote in favour of action on both questions.

A revised roster has been accepted to commence for a four week period and will be further considered by the Roster Committee. In compensation for the new 0510 start times, management has agreed to make an additional £25

payment to all core staff working the new rostered turns.

Other matters were also resolved including clarification of the promotion process.

New staff will also be paid at time plus 25 per cent for hours worked outside local agreements. Where members are unable to use public transport to get to work, the company will now meet reasonable additional costs for taxis where proof is

provided.

General secretary Bob Crow congratulated the Wightlink membership for their strong stance and the magnificent yes vote in the strike ballot.

"This just goes to show how results can be achieved when members stand firm.

"I must also pay tribute to our local reps who have worked tirelessly to resolve the dispute," he said. ■



Sack South West Trains to stop the big squeeze

Rail passengers and workers on South West Trains are set to become the latest victims of the great railway squeeze as the privateer's new franchise gets under way, RMT has warned.

Private operator Stagecoach will have to squeeze more cash out of rail passengers and literally squeeze ever more people onto its trains if it is to meet franchise payments and satisfy its own shareholders' demands for profits.

SWT has already been ripping seats and toilets out to squeeze more passengers on, and those lucky enough to get a seat are likely to be jammed five abreast in suburban trains unsuited to longer journeys.

At the same time, passengers are suffering inflation-busting fare increases every year and SWT wants to remove the guard's responsibility for opening doors to pave the way for removing more staff. The £1.3 billion GNER franchise was a spectacular failure and First Great Western had to apologise for provoking its passengers into open revolt, yet the government is sticking to a franchising system that has failed by every measure.

Now SWT is expected to cough up more than £1.5 billion in premiums over the next decade – and Stagecoach's shareholders also expect to squeeze up to £200 million in profits out of it. RMT general secretary Bob Crow said that it means passengers are being squeezed ever harder and staff at the sharp end suffering more and more from stress, abuse and assaults. "The economy and the environment both demand a transport policy that encourages people out of their cars and onto trains, but the only way to achieve that is to create more rail capacity, not cattle trucks," Bob Crow said.

UNLEARNED LESSONS OF LADBROKE GROVE



CRASH: Following health and safety blunders by privateers Railtrack, the First Great Western Trains' 6.30am Cheltenham Flyer crashed into a Thames Trains local service, which left 31 dead and 400 injured in 1999.

Key lessons from the 1999 Ladbroke Grove tragedy have not been learned, RMT said after a £4 million fine was handed down to Network Rail for Railtrack's role in the crash which left 31 people dead and 400 injured.

Privatisation, fragmentation, the absence of train protection and the lack of corporate accountability were at the heart of the Ladbroke Grove tragedy, and each problem remained to be dealt with, RMT general secretary Bob Crow said.

"It is only right that the survivors and the families of those killed have heard the catalogue of failings that led to

the disaster aired in court, but it was the wrong people in front of the judge.

"The Railtrack executives whose negligence led to the Ladbroke Grove crash walked quietly away a long time ago.

"Until we have an effective corporate manslaughter law that puts bosses whose negligence leads to unnecessary death and injury in the dock and facing the prospect of prison, justice will not be done, no matter how big the fines," Bob said.

After Clapham in 1988, automatic train protection was promised which would have prevented Ladbroke Grove and

saved 31 lives, but it is still no nearer to being fitted because it is deemed too expensive.

The Cullen inquiry into Ladbroke Grove also insisted that the regulation of rail safety should be in independent hands, but that process has been thrown into reverse and key safety areas have been handed back to the commercial interests that put profit first.

Cullen also pointed to the crucial role played by the guard in the aftermath of Ladbroke Grove, but South West Trains is planning to do away with guards on busy commuter lines in and out of London. ■

METRONET ACTION SUSPENDED AFTER PROGRESS AGAINST FORCED TRANSFERS



More than 2,000 Metronet Tube maintenance staff suspended a seven-day overtime ban this month against the forced transfer of staff to other companies, which include Bombardier, Balfour Beatty, WS Atkins and EDF.

However, RMT warned that if the company failed to resolve the dispute strike days would follow.

"There was significant movement from the company during talks which may form the basis of an agreement," RMT general secretary Bob Crow said.

RMT members at the private consortium overwhelmingly backed industrial action after the company refused to withdraw plans to transfer staff despite agreeing a year ago that this would not happen.

"This dispute is about honouring agreements and defending our members' pay, conditions and resisting dangerous fragmentation that our members already have too much bitter experience of," Bob said.

OUTSOURCING

The union also demanded that Metronet must not be allowed to scale down Tube renewals to claw back up to £750 million in cost over-runs.

After the PPP arbiter indicated that over-run costs would have to be met by Metronet, RMT warned that the consortium would seek to cut costs by slashing refurbishment projects and outsourcing work on the cheap.

Bob said that taxpayers should not foot the bill for such failings and the consortium should not be allowed to skimp on the work it is supposed to deliver.

"Metronet has already indicated that if it cannot squeeze more cash out of the public it will cut back on station renewals and is looking to fragment the network even further by outsourcing contracts, undermining safety even more.

"Failure and fragmentation are built into the very fabric of the PPP contracts, and the solution is to bring the work back in-house," Bob said. ■

RMT TO FIGHT TFL PLAN TO REMOVE TRAIN GUARDS

Secret plans to remove guards from busy commuter trains across London just before the 2012 Olympics will be fought "all the way", RMT has pledged.

Privateers bidding to run the 'London Rail Concession' from 2010 have been told by Transport for London that driver-only trains could be operated on the North London and West London lines from December 2011. Trains on both lines are currently guarded.

The invitation to tender, obtained by RMT under freedom of information law, tells bidders: "TfL anticipates the implementation of a system that will support DOO [driver-

only operation] operations on the NLL and WLL by December 2011," and adds: "Bidders can set out proposals to broaden the scope of DOO or bring forward its implementation".

TfL intends that the proposed new franchise will include the privatised operations of the East London Line when it re-opens after extension in 2010 – the first privatisation of a London Underground line.

"It will be bad enough if the privateers get their hands on the East London Line, but it beggars belief that they will be given a free hand to remove nearly 100 guards from busy commuter trains just in time for the

Olympics," general secretary Bob Crow said.

He said that the North and West London lines are heavily overcrowded at the best of times, and removing a key safety-critical member of train crew is the opposite of what is needed.

"Just about everyone who uses and works on the railways agrees that there is a pressing need for more staff on stations and trains, for security and safety reasons.

"TfL should be planning the return of guards on London Underground and everywhere else they have been removed, not undermining safety even further by taking away those that remain," he said. ■

END 'SHAMEFUL' RIGHT OF SHIPOWNERS TO DISCRIMINATE

RMT demands an end to legal loophole that allows UK shipowners to discriminate against foreign national seafarers

RMT's Parliamentary group convened a maritime seminar last month in the House of Commons to discuss employment and social standards on UK ships and other ships trading in UK territorial waters.

The seminar coincided with the publication of the long-awaited consultation on the seafarers' exemption from the 1976 Race Relations Act.

"In the 21st century it is grotesque that legislation aimed at ending discrimination should still contain clauses that allow it," RMT general secretary Bob Crow said.

"The government has already amended Section 9 once, in 2003, when it banned discrimination on grounds of race, colour or ethnic origin, but continued to allow it on grounds of nationality.

"That change made no difference to the discrimination that has ensured the continued super-exploitation of overseas ratings and hastened the decline in the number of UK ratings employed in the maritime industry.

"RMT believes that only the full repeal of Section 9 will help to end once and for all a practice that brings shame on Britain's maritime industry," he said.

RMT National Officer Steve Todd welcomed the publication of the consultation on the Race Relations Act and stated that RMT would continue to fight

discrimination wherever it arose.

Unfortunately, the seminar – attended by RMT activists, MPs, industry representatives and journalists, – then heard Shipping Minister Stephen Ladyman repeating the propaganda of the Chamber of Shipping regarding the threat to the UK registered fleet of the proposed repeal of the exemption from the 1976 Act.

The minister stated that "at the stroke of a pen, they can become Liberian registered, they can become Panamanian registered, they can go to Singapore, along with those tens of thousands of jobs and all those billions of pounds".

He said in response to representations that he was giving a longer period of time for consultation on the proposed Department of Transport changes to the Race Relations Act which will now be six months as opposed to three.

The consultation gives three options – a complete end to all discrimination, partial repeal so that discrimination for EU seafarers is no longer allowed and no change from the present situation.

Not surprisingly, the minister faced a number of questions from RMT members who questioned his commitment to UK ratings.

TUC deputy general secretary Frances O'Grady also called on the government to end the shame of discrimination permitted on UK waters and for

the full implementation of the national minimum wage.

As expected, Chamber of Shipping Director General Mark Brownrigg defended the shipowners whilst accepting that the ratings position was difficult. He claimed the officer's age profile was a reason for their projected decline and parts of the international fleet which had recently switched to the UK Register but who did not employ UK seafarers.

Nautilus deputy general secretary Peter McEwen acknowledged that the right balance had to be struck but stated that action should be taken to regulate social standards on UK ships.

He pointed to the situation on the *Napoli* where seafarers of multiple nationalities were employed and stated that in these circumstances it was hardly surprising that problems occurred.

IRISH SEA

ITF co-ordinator Norrie McVicar stated that the government should be working with the Irish government to improve standards and he advised the audience that the reputation of the UK flag was deteriorating rapidly.

The situation in the Irish Sea was particularly grave. A new company which had recently entered the market, Celtic Link, were paying rates of pay significantly below the national minimum wage and it was looking to expand their operations, placing yet more jobs under threat.

He stated that if necessary, and in order to secure a deal with the shipowners, the repeal of the exemption from the Race Relations Act could be



undertaken in sectors where UK seafarers had a realistic expectation of being employed, this would exclude the deep sea.

Gwyn Prosser MP said that his initial optimism for UK seafarers' jobs had not materialised. He was pleased with the growth of the fleet but, on jobs, the tonnage tax had been a major disappointment for ratings and the best endeavours of the Chamber of Shipping had been lousy. He urged RMT to keep up the pressure.

Bob Crow said that EU rules were allowing employers to exploit eastern European labour on lower wages and for higher profits.

"The only winner is the employer and workers need strong trade union representation and effective Parliamentary representation," he said.

John McDonnell MP concluded by stating that it had been a good exercise in exchanging views and putting further pressure on the government for positive change.

CAMPAIGNING FOR WORKPLACE ENVIRONMENTAL REPS

RMT parliamentary group chair John McDonnell MP put down Early Day Motion 1125 in the House of Commons calling on the government to give trade union environmental representatives the same rights at work as other trade union representatives.

The EDM follows warnings set out in the Stern Report about the potential economic effects of climate change and the Department of Trade and Industry's review of facility time made available for workplace representatives.

Early Day Motions can be signed by MPs to show their support for a campaign or issue. Ask your MP to sign Early Day Motion 1125 below.

EDM 1125

"That this House notes the warnings set out in the Stern Report about the potential economic effects of climate change; strongly welcomes the fact that the Climate Change Bill will legislate to reduce carbon emissions by 60 per cent. by 2050; believes that trades unions and their 6.7 million members have a vital role to play in this task by working for best environmental practice in the workplace by negotiating sustainable workplace agreements with employers; notes that the Department of Trade and Industry is currently reviewing facilities and facility time for workplace representatives; and urges the Government to use this review to respond positively to the campaign for trade union environmental representatives to be given the same rights at work as other trade union representatives".

Parliamentary column

PARLIAMENTARY REPORT



- Following the Grayrigg derailment, the union has written to the Secretary of State seeking a public enquiry into the similar circumstances that led to both the Grayrigg and Potters Bar Derailments. RMT's Parliamentary group is actively supporting this call.
- The rail unions and the TUC are meeting rail minister Tom Harris this month to discuss plans for a long-term rail strategy which the government is expected to publish in June or July. The union's executive will be discussing proposals for a national rail campaign and an RMT Parliamentary rail seminar is being arranged for May or June.
- Following the crisis surrounding First Great Western's performance running the franchise, a meeting between the Parliamentary group, interested Great Western MPs and minister Tom Harris has been arranged for April 24. The group has also put down Early Day Motion 311 calling for the franchise to be returned to public ownership.
- Despite protests from passengers, councillors, London Assembly members, MPs and others, the Rail Passenger Council and London TravelWatch have approved cuts in ticket office opening hours.
- The Department for Transport is reviewing whether to allow trials of Longer Heavy Goods Vehicles (LHVs). The two types of applications undergoing research, which is due to report back in summer 2007, are for maximum weights of 60 and 84 tonnes. Early Day Motion 730 has been put down against the plans.
- RMT's Parliamentary working group, supported by senior communities and Local government civil servants, has reached agreement to retain the regulations introduced after the 1987 Kings Cross Fire, which are not covered by the 2005 Fire Safety Order. The working group's recommendations are being sent to the minister Angela Smith. Unions and the TUC have met the Minister and she stated she wished to achieve a consensus on the issue. EDM 133 has been put down in support of the campaign.
- Private companies MTR Laing and Govia have been short-listed to run the London Rail concession which will include the East London Line, with a decision expected in the summer. At least eight different companies will be involved in the operations, maintenance and renewals of the concession. Using the Freedom of Information Act, RMT has obtained the Invitation to Tender Documents and minutes showing that it was originally the intention to keep the service in the public sector. EDM 286 has been put down in support of the campaign.
- The government is set to produce a draft bill to make it easier for local authorities to regulate buses and a final bill will be published in November. The union is seeking to ensure terms and conditions are protected under any new arrangements. The union and the Parliamentary group are meeting Bus Minister Gillian Merron soon on the issue (see page 12/13).
- The union will be holding a week-long political school on October 15 to 19 at the new RMT education centre in Doncaster. This will include a day in the House of Commons introducing the work of RMT's Parliamentary group and a discussion on how Parliament can be used to support RMT campaigns.

RMT FORGES CLOSER LINKS WITH OFFSHORE WORKERS



SOLIDARITY: Bob Crow with OILC general secretary Jake Molloy and RMT president John Leach

Special General Meeting agrees to proceed with the transfer of undertakings for the Offshore Industry Liaison Committee (OILC) to join RMT

A Special General Meeting in Doncaster last month overwhelmingly gave authority for the union to proceed with a transfer of undertakings to take OILC into RMT.

Addressing conference, OILC general secretary Jake Molloy explained that the organisation was set up in the aftermath of the Piper Alpha disaster in 1988 which killing 167 men.

Today, OILC is an independent trade union, receiving a certificate of independence from the Certification Officer for Trade Unions in 1992.

"OILC represents a vigorous and dynamic self-help organisation, run by offshore workers for offshore workers," he said.

OILC organises over 2,000 construction and engineering workers, caterers, drilling workers and support workers under very difficult conditions against often very hostile employers.

He welcomed the fact that RMT had the same determined and militant approach to defending its members and advancing their pay, terms and

conditions of employment.

"We do not do 'sweetheart deals' and we do not believe that 'social partnership' with our employers will improve safety or pay.

"However, we do believe in democratic and independent trade unionism," he said.

Backing the proposal, RMT delegate Jimmy McAulay, Glasgow shipping said that people in OILC were in it because they want to be in an effective union.

"That's the sort of people we want in our union," he said.

Tony McGovern, Ipswich said that he had two questions about OILC joining: Why RMT? – he said that it had been answered in the debate – and is there anything to 'bite us on the bum'? He accepted that answer was no after following the discussion and backed the proposal.

John Stewart, Leeds City said that he had also had reservations and had been given free hand by his branch but now supported OILC joining RMT.

"When I hear that all members are activists it is music

to my ears," he said.

He said that 'partnership' with the employers had not worked elsewhere and would not be in the best interests of offshore workers either.

Brendan Kelly, Bristol described the move as a "tremendous and historic step forward".

OILC have taken on some of the biggest and wealthiest multinational companies in the world and stood their ground, so we want them on our side.

"Just from the material they publish you can tell they mean business," he said.

Linda Wiles, Transport for London said that her branch supported OILC coming into membership.

"We at TfL know what it's like to deal with a hostile employer," she said.

Danny Drury, Orpington said that some members were worried about the speed of the process and questioned what would happen if OILC members failed to vote for it.

Chris Fuller, Dover Shipping said that OILC and RMT members were in a common fight over section 9 of Race Relations Act, the Working Time Directive and against 'sweetheart deals' and on that basis the two organisations should come together.

RMT general secretary Bob Crow said that OILC had the same industrial outlook as RMT and the two organisations should be one.

He recalled how RMT had already won a tremendous 45 per cent pay increase for diving members working in the North Sea last year following ten days of strike action.

"OILC and RMT coming together makes industrial and political sense," he said.

The motion was carried by 50 delegates voting for, two against and one abstention.

The transfer of undertakings will now be considered by a joint RMT/OILC working party and the Council of Executives.



DYING FOR A REST

Executive member Peter Gale reports on the union's campaign to reduce continuous driving time for bus drivers

I was pleased to see a resolution from Exeter branch at this year's Health and Safety Conference at Blackpool regarding continuous driving time for bus drivers.

I am pleased to report that this resolution, calling for a reduction from the current maximum of five and a half hours behind the wheel without a break, was passed unanimously.

It is one thing to pass a resolution at a conference, and another to actually get the legislation changed so that it

has a beneficial effect on our members' health and safety at work.

It is hard to believe that in this day and age, drivers of Public Service Vehicles are expected to safely control a vehicle with dozens of passengers on board, with total concentration, when they are not leaving the drivers seat for periods as long as 330 minutes at a stretch.

LONG HOURS

The culture of long driving hours, coupled with excessive

lengths of duty hours in many bus companies, is causing problems ranging from fatigue and lack of concentration, to illnesses ranging from high blood pressure to bowel and urinary disorders.

This is coupled with domestic pressures and marital difficulties caused by so little time at home.

Many bus companies are forcing drivers to undertake duties of over ten hours a day, for five days a week, and still expecting staff to undertake additional work on their rest days. Some drivers are working 13 days out of 14 with total hours worked over a week totalling 70 plus. When these people do get to spend time at home, they are only capable of grabbing a few hours sleep before starting again.

Work/Life balance is a concept that has no meaning to these bus companies, who view their staff as a disposable commodity, who are worked to the point of exhaustion and then disposed of through the Attendance at Work Procedure, when they are unable to carry on working these long hours.

LOW PAY

Some people may ask why are drivers prepared to work these long hours. This brings me to the other part of the equation.

The basic pay of bus drivers is well below the national average, even though they are expected to work unsocial hours, including Bank Holidays, Saturdays and Sundays, with shifts starting as early as 4am, and finishing as late as 2am.

The financial reward for undertaking these arduous shifts over a basic week is paltry to say the least, even though a basic rostered duty is sometimes as high as 50 hours.

Drivers need to earn a living wage, and many are forced through financial necessity to undertake even longer hours of overtime to make the money up.

It is now time to put a stop to this long hour's culture, both behind the wheel, and the total length of time spent at work. Members need to get organised in the workplace and fight for better rates of pay and conditions, to enable them to stop having to spend an unacceptable length of time at work.

Local representatives must work hard at depot level to force down the length of duties, and nationally, the union must campaign to get the legislation amended to bring down the maximum time spent behind the wheel to no more than four and a half hours.

We have talked about this matter for as long as I can remember. It is now time to stop fantasising about the issue, and start taking the required action.

Some companies have already seen the light, and reduced the hours expected of their staff.

This must be extended to all locations where we have members. No longer should we be dying for a break, but we should be having a better quality of life. ■



ALL CHANGE IN THE BUS INDUSTRY?

RMT is currently consulting bus members on government proposals for the future of the bus industry



There could be significant changes ahead in the bus industry.

The government is developing new policies to give towns and cities a bigger say over the provision of bus services.

Government proposals, known as 'Putting Passengers First', apply to the bus industry in England outside of London. However, the Wales Assembly is expected to pursue similar policies and Scotland has its own arrangements.

'Putting Passengers First' will then form part of the draft Road Transport Bill which will also include plans for pilot schemes for local authorities to be able to introduce road pricing.

It is expected that the draft Road Transport Bill will be published shortly and will itself be put out for further consultation until a final Bill is published, probably in November.

TRAVEL CONCESSIONS

The government has also published a Concessionary Bus Travel Bill, with a promise of extra funding which will entitle pensioners and disabled people in England to receive free off-peak bus travel anywhere in the country.

Prior to the publication of 'Putting Passengers First', RMT met with the Bus Minister to make its views known and the RMT Parliamentary Group has also arranged to meet the Minister.

In summary 'Putting Passengers First' proposes the following:

- Voluntary and statutory partnerships between bus operators and local authorities will now allow for those partnerships to have greater control over fares, service frequency and coordination.
- Local authorities currently have the power to propose 'Quality Contract' Schemes or regulation in similar terms to that employed on the London Bus network, but only under strict criteria and with the approval of the Secretary of State for Transport. This criteria has meant that no schemes have actually been introduced under the current arrangements. The new proposals will seek to relax the criteria and make it easier for local authorities to introduce Quality Contracts, i.e. bus regulation. The government proposals also open the way for Quality Contract schemes to last longer than the current ten years.
- The Government's proposals will also remove the Secretary of State role in approving Quality Contracts and this

power will instead be passed to a Traffic Commissioner. Any appeals against the decision of the Traffic Commissioner would be made to the Transport Tribunal which is already used for lorry and bus licensing appeals.

- The proposal also allow for the greater involvement of "community" (i.e. voluntary) transport provision in rural areas which are "not attractive to commercial operators". This would be achieved by allowing drivers to be paid by community organisations and allowing for vehicles of more than 16 seats to be used on those services.
- The proposals will give more power to Traffic Commissioners to ensure local authorities and operators reach agreed performance and punctuality targets.
- Finally, the proposals will mean that government subsidy for the bus industry (currently £2 billion a year) is changed from being linked to fuel use, as is currently the case, to be related instead to increasing bus patronage, tackling congestion, improving punctuality, accessibility and environmental performance.

The proposals are still being consulted upon by the government but initially the union has made the following observations:

- RMT is disappointed that the government are still wedded to a public/ private model of bus provision when a publicly owned and accountable bus industry is the best way of protecting the interests of passengers and the workforce. It is obvious that increased bus use not only requires new regulatory arrangements but increased government investment that does not go straight into the pockets of shareholders. The proposals do not mention how improved bus services can link with improved and expanded rail services to create the much heralded integrated transport system.
- It is union policy that a first step towards public ownership of the bus industry could be through regulation and in this respect the proposals could be a step forward as they may increase the ability of local authorities to regulate buses. What is of concern, however, is that regulation will be a matter for local authorities which could see the creation of a two - tier bus system where buses are regulated in some areas and not in others.
- There is a concern that the proposed new procedures could result in protracted

timescales for introducing Quality Contracts, with some independent experts estimating it could be well over five years before the first contract could be put in place. This is because first the Traffic Commissioner and then Transport Tribunal will have a veto over a Quality Contract.

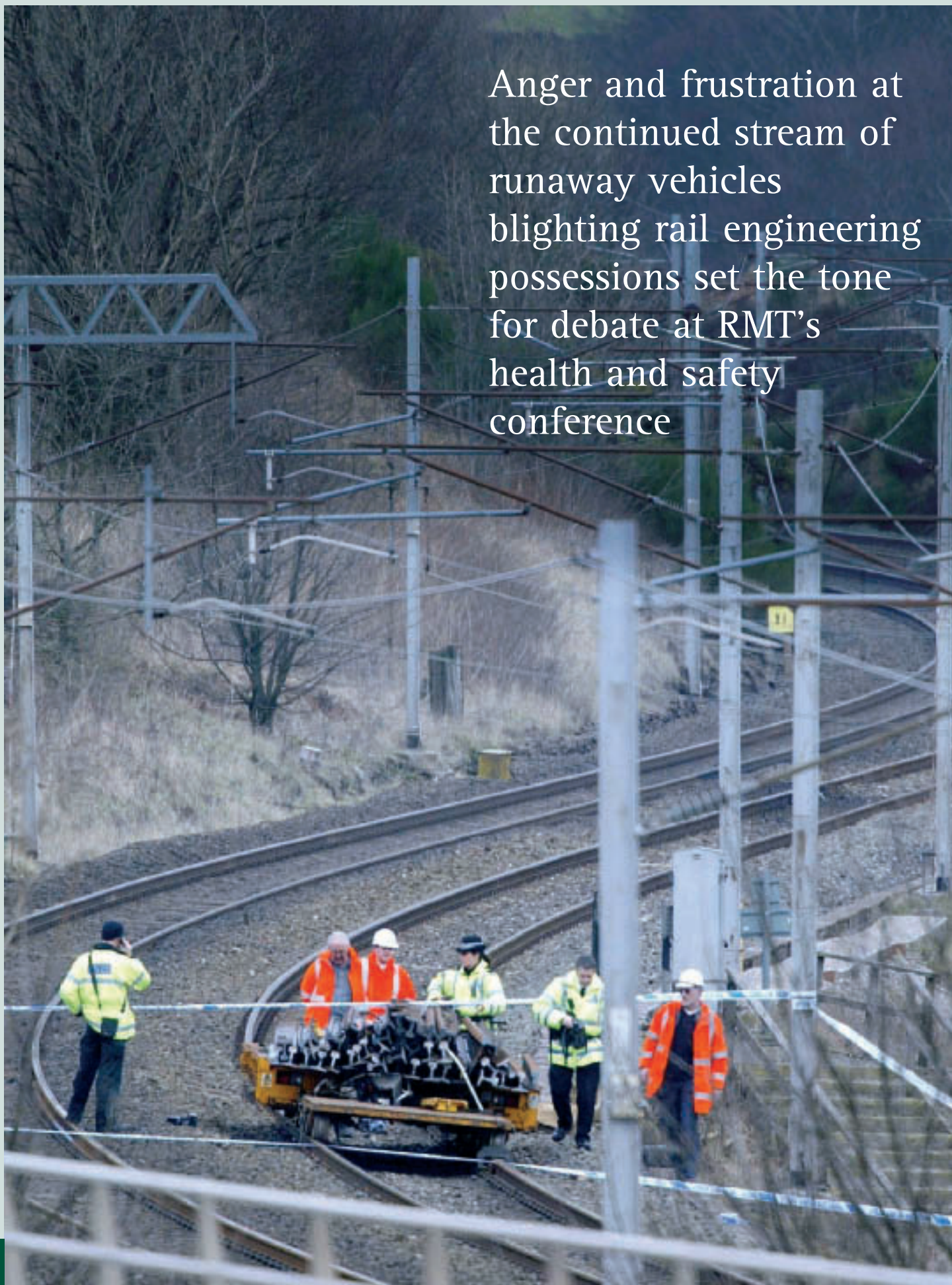
- RMT wants to ensure that the new arrangements protect and advance bus workers conditions. Proposals to increase bus use will, in turn, increase the demand for bus workers and as a result increase jobs and improve conditions. The fact is bus operators can afford to make improvements. Last year, the big five operators alone pocketed nearly £275 million in profits between them. In contrast, bus workers have seen their incomes steadily eroded, with the average pay for a driver now just £7.71 an hour, only 57 per cent of the all-occupations average of £12.12.
- With this in mind, the union will looking to ensure the full application of TUPE in the new arrangements and provisions that stipulate that voluntary / partnerships or Quality Contracts cannot be put in place unless these arrangements have protections built in to ensure that pensions and terms and conditions are fully protected for the duration of any partnership or Quality Contract.
- RMT is deeply concerned at the proposals to allow the extension of community transport provision in rural areas. The union is alarmed that this could be used to undermine professional bus provision and as well as jobs and conditions. RMT argues that all bus services should be the responsibility of and provided by local authorities and it will be seeking clarification on this issue and protections where necessary.
- RMT welcome the fact that government grant will not be linked to fuel use but instead to actually improving bus services. It is astonishing that such proposals have not been brought forward at an earlier date. RMT will be lobbying to ensure that grants are directed in a way to encourage regulation and protect conditions.

SURVEY

The results of the RMT survey of bus members will be launched at the forthcoming bus workers conference later this month. All of the information provided will be used to assist in RMT lobbying of the government and the union's work with RMT Parliamentary group. ■

RAILING AGAIN

Anger and frustration at the continued stream of runaway vehicles blighting rail engineering possessions set the tone for debate at RMT's health and safety conference



ST RUNAWAYS

As delegates gathered in Blackpool on the third anniversary of the Tebay tragedy, in which four RMT members died, the union renewed its call for an end to sub-contracting of renewals work.

Delegates deplored the failure to implement safe working systems and the lack of public inquiry into Tebay, and called for renewed campaigning for effective safety controls.

The 'answer' from Network Rail had been to fill in more forms, said Leslie Houghton,

Lancaster and District.

"No paperwork in the world, whether correctly filled in or not, will stop runaways," he said. "What we need is safe working practices."

He urged action "to take on the faceless cowards who sit behind desks watering down the rules to accommodate profit."

"The culprits are the government agencies and employers that have failed to act and we owe it to our four dead colleagues to work together to force them to act," said Paul Hooper, West

Midlands,

"We know that runaways can be prevented, but it's all about money," said Paul, adding that the movement had to unite around the call for effective corporate manslaughter legislation.

WELFARE – THE POOR RELATION OF HEALTH AND SAFETY

The importance of workplace welfare was emphasised by guest speakers – and its all-too-frequent absence lamented by delegates.

Hilda Palmer of Greater

Manchester Hazards Centre highlighted the common problem of "pigsty toilets" and lack of opportunity to take a toilet break to illustrate welfare's status as the poor relation of health and safety.

Jill Moore from the Railways Inspectorate outlined the legislative framework that employers are supposed to observe, and TfL occupational health head Dr Olivia Carlton gave an insight into the role of mental health support, counselling and stress reduction.

SAFE WORKING ENVIRONMENT

It should not be too much to ask that when you go to work your loved ones should expect to see you come safely home again, general secretary Bob Crow told delegates.

Yet there had been at least eleven more possible Tebays since the 2003 tragedy.

"The chilling fact is none of these vehicles is owned directly by Network Rail or operated by Network Rail personnel, and that is the crux of the problem," Bob said.

"It is only when Network Rail takes proper control of the assets and skills needed for renewals that we can begin to ensure that these vehicles are in working order and operated safely.

"Transport workers are under enormous pressure, employers are raising medical standards, yet failing to put in place mechanisms to deal with the reasons people become ill in the first place.

In the shipping industry, standards under the UK flag were being attacked, bus workers were expected to work longer hours, and the enhanced pension for London Underground workers retired on ill-health grounds was under attack.

Private transport bosses were in business to maximise their profits, and that meant inevitable corner- and cost-cutting.

Health and safety reps should have the best possible training, and specialised courses would be developed for the union's new national education centre in Doncaster, Bob said.

So-called 'independent' risk assessments are a Trojan horse through which management seek to dictate outcomes by using third-party commercial concerns, delegates agreed. The union should ask its parliamentary group to bring about a situation in which all risk assessments are commissioned by the relevant regulatory body.

"Independent risk assessments are simply not independent," said Paul Cox, South London Rail. "If the employer pays out £20,000 they'll get the outcome they want."

The union should ensure that health and safety reps in the shipping industry are able to function effectively, with the right to training and paid release, delegates agreed.

"We are governed by the Marine and Coastguard Agency, which has an uncanny ability to dance to the shipping employers' tune," noted Fred Potter, Glasgow Shipping. "Just to get a safety rep we have to have two crew visit the skipper, and many crew are reluctant to approach 'god' who doesn't like being visited.

"To my knowledge there has never been a maritime health and safety course run in Britain, and Captain Bligh is alive and well – I've worked under him," said Fred.

Conference called for guidelines to ensure that station staff were not injured as a result of abuses of the disabled assistance scheme. Chris Cuomo, Deptford, complained that the scheme was sometimes used simply to get assistance with excessive baggage. However, Bob Watson, Barrow in Furness, warned that disable people often needed to travel with extra baggage and equipment, and that it was important that their right to travel was not curtailed.

Transport staff have the right to work without the constant fear of assault, and all assaults, physical and verbal, should be dealt with with the full force of the law, delegates agreed, yet front-line staff were left isolated and vulnerable. A clear message should be sent to employers that failure in their duty of care would not be tolerated, conference agreed.

Delegates called for a campaign to reduce the current maximum of five-and-a-half hours' continuous driving time on buses.

Conference expressed concern over the design of some security screens which could create blind spots and obstruct a bus driver's view, particularly when not fitted as original equipment.

Delegates called for a comprehensive and independent industry-wide occupational health service, whose role would be to help workers remain in work. Occupational health services had for too long been used as a tool against workers by rail industry managements, conference agreed.

The union should produce a badge for RMT health and safety reps, to make them instantly recognisable, delegates agreed.

Branch secretaries should receive early feedback on resolutions from future health and safety conferences, to allow monitoring of progress and publicising of key health and safety victories to enhance recruitment, conference agreed.

Conference overwhelmingly rejected a call for the union to back private health care.

ORGANISING EDEN

RMT News talks to RMT organising co-ordinator Alan Pottage following union recognition at Truronian bus company in Cornwall which services the Eden Project at St Austell

RMT has won a recognition agreement for 150 bus workers at Truronian bus company after a two year campaign, which RMT organising co-ordinator Alan Pottage described as a "success story".

"There were a few things we've learned we need to inform the rest of the membership to encourage them to carry out similar campaigning," he said.

The campaign began when St Austell number two branch secretary Neil Hooper reported at several Regional Council meetings that workers at an unorganised bus company in Truro, Truronian, had approached him about joining RMT.

This is the company that runs the shuttle service to and from the famous environmental Eden Project at St Austell.

CAMPAIGN

An initial campaign was eventually launched two years ago and the union asked for volunteers to help at a Regional

Council meeting in Exeter. RMT is grateful to both Keith Erskine and Ray "Topper" Brown, who travelled from Southampton, to help Neil and the Organising Unit kick start the campaign.

Alan said that the union received a good response from the outset and local follow-up meetings were quickly planned. "Unfortunately, this didn't quite happen and several months went by without any developments and it is one lesson we have re-learned.

"The union should respond immediately a potential target has been identified.

"A delay of a couple of months could have been fatal and it is a sobering thought that this 'greenfield' bus company had been unorganised since 1987," he said.

Neil kept pushing the issue of Truronian and a proper strategy was put together including a regular presence at the bus station and holding many local meetings.

Bob Crow made a personal

visit, which had a huge impact, and over 40 workers attended and a volunteer organising committee was set up.

ORGANISING COMMITTEE

The committee focussed on recruitment and retention of members. This meant going through staff lists and comparing them to membership lists. A recruitment and retention strategy was then worked out that does not miss a single worker. "It's also a good way of developing issue-based propaganda and it is a methodical way of doing things and is tried and tested," said Alan.

The committee made sure everyone had been asked and encouraged to join the union. The committee was also sent recruitment material and the union soon found that over 50 per cent of bus drivers were in the union.

"Without doubt the best recruiters for the union are the men and women who work for

the company and 'member-centred' campaigning remains a pillar in our strategy," he said.

Alan said that the union had to prepare a case using complex legislation that can bind recognition to an employer for at least three years.

"We had to work out an appropriate group of workers, called the bargaining unit, to represent the workforce collectively.

"We can't just choose a group that has lots of members – we need to sustain an argument to show that they are a definable group for the purposes of complying with the legislation and that 'is compatible with effective management'," he said.

Alan pointed out that the union never wrote the legislation and this type of wording revealed that employer groups such as the CBI had some influence over the legislation.

However, the union's work showed that RMT membership



ORGANISE: Allan Pottage outside the Truro Bus depot

had now reached over 70 per cent density in the proposed bargaining unit.

As a result the union could approach the employer from a position of strength and with confidence to ask for voluntary recognition.

Alan points out that the legal route was a costly exercise for both sides and is time consuming.

It also means there is a good chance of growing hostility and mistrust building up between the union and the company.

More importantly, the legislation insists that the union must do it.

RESPONSE

Initially, like most employers who have never dealt with a union before, the company weren't too keen on the idea of recognition.

"Some employers act with hostility and threaten their workforce, but to be fair to Truronian they were never in this category.

"We felt it was best not to launch into a hard hitting, high octane campaign.

"It is best to save those for

the employers who resist workplace democracy at every turn and Truronian were never what you would call hostile.

"Hostile is when they start threatening workers, intimidating staff and whacking union organisers, believe me, it happens," Alan said.

Meetings were arranged so RMT could come face to face to hold discussion and get the message across.

"RMT matches its campaign to the responses coming from the company and, at all times, we need to ensure what we do is what the members want," Alan said.

ACAS

It was at this point that the independent conciliation service ACAS got involved.

Truronian had agreed to start looking at doing a membership check and this is only ever done through an independent third party, such as ACAS.

This is to ensure that the company never sees the names of union members and it is important that confidentiality is always maintained.

RMT also managed to agree a

bargaining unit which added about another 40 coach drivers.

"The coach drivers were on the same pay and conditions more or less and we felt it made sense.

"Although membership density would reduce as a result, we were in a voluntary setting and RMT only had to prove a 'significant' membership without having to meet the 50 per cent plus one – which we would have had to do if we went down the legal route," he said.

The check showed 46 per cent membership density in the new increased bargaining unit which was certainly 'significant'.

RECOGNITION

Recognition was agreed on March 1 after six hours of talks. These talks included RMT relief organiser Brian Whitehead, who was covering for regional organiser Phil Bialyk, and the final wording was finally signed.

"We are now concentrating on the workers electing shop stewards and then getting them trained as quickly as possible.

"Thanks to our organising strategy, RMT can now

guarantee at least three days local training within a few weeks of their election," said Alan.

These new reps will eventually be sent on the union's five-day residential training centre in Doncaster.

"This is another example of a successful strategy that has not only resulted in RMT growing in numbers but more importantly the strength of the union's being built through the training and back up we are now giving to our elected representatives," he said.

Following this important recognition victory, the union is now planning how to make it work to the advantage of the membership. This cannot be done without reps and activists on the ground.

"We are moving into another phase and I hope that in twenty years time the workforce can look back to a time when men and women stood together and achieved something that the future workforce can benefit from," said Alan. ■



STATION STAFF CH

A station staff charter was launched at the supervisory, clerical and other salaried grades conference at Newport

Conference welcomed the launch of a station staff charter which calls for improved pay conditions of service, an end to lone working, zero tolerance to staff assaults and for station staff duties to be carried out by rail staff.

Assistant general secretary Pat Sikorski said that both clerical and station staff grades conferences had called for such a charter.

"There has been a lot of input from rank-and-file activists about what should go into this charter," he said.

He said that it was designed to be a recruitment tool and contained a membership form on the back page.

"Organisation and recruitment should be an ongoing process for all members.

"We need to get the message out that you should be in RMT," he said.

Pat said that the union's campaign for a better deal for station staff was already paying off.

"RMT has recently struck a deal with GNER to end lone working and ending the contracting out of station cleaning work," he said.

Carolyn Siddall of the organising unit also said that RMT reps should represent all transport workers, whatever their grade.

"Station staff reps and members are the best recruiters for station staff," she said.

Copies of the station staff charter are available from head office and on the RMT website.

ASSAULTS

Conference agreed that in order to combat the rise in physical and verbal assaults members should be encouraged to report such attacks.

Ally Jane, Bristol Rail said

that it was crucial that members log all incidents.

"The union should alert members to the procedures to record these incidents so the TOC's can see level of the problem," she said.

Peter March, Hull Rail said that one of the problems was the large and complicated forms staff were required to fill out.

Stuart Hurdle, Portsmouth said that not enough was being done to inform the travelling public that abuse of staff would not be tolerated.

Conference also called for an end to the compulsory wearing of name badges.

Chris Smart, Cardiff Rail said that the wearing of name badges provided an opportunity for employers and passengers to undermine staff and makes them a target for abuse.

Mark Steel, Waterloo said that the wearing of badges was a security risk and the stealing

of identities.

"Pseudonyms have been introduced at my work on these very grounds," he said.

Robin White said that TOC's should provide assertive training to deal with aggressive passengers.

"Often young staff are thrown in at the deep end to deal with these situations and employers should be given training," he said.

OUTSOURCING AND INDIVIDUAL CONTRACTS

Conference called for an end to the introduction of individual contracts which represent a direct attack on collective bargaining.

Chris Smart, Cardiff Rail said that he was a roster clerk yet his fellow workers doing the same job were on different rates of pay.

"This has been introduced by Network Rail under the guise of 'role clarity'.

"This has to end and the same rates should be paid for the same jobs," he said.

Gary Hassell, Brighton Joint said that in his area were

TRANSPORT: Delegates visited Newport's famous Transporter bridge



ARTER LAUNCHED

introducing personal contracts.

"Many of these people on personal contracts are now facing compulsory redundancies.

"We need to preserve unity and collective action by resisting these kinds of contracts," he said.

Conference called on the union to survey the membership to find out how many staff were on individual contracts and not covered by collective bargaining.

DEFENDING TICKET OFFICE OPENING HOURS

Conference backed the campaign to defend ticket office opening hours and called on the union's parliamentary group to put pressure on the Department of Transport to stop this process.

Mike Sargeant said that Southeastern were attempting to reduce ticket opening hours, riding roughshod over staff and the travelling public.

Brian Woods said that the TOCs were using the process to cut jobs and save money.

Robin White, Bristol Rail said that a growing number of ticket types and booking through the internet had also led to problems regarding retrieving pre-purchased tickets.

"Booking office staff are bearing the brunt of this by having to sort out these problems," he said.

Conference also called on the union to write to the TOCs to resolve this major contributor to workplace stress.

DEFENDING REVENUE PROTECTION JOBS

Conference called for the defence of revenue protection jobs.

Mark Steel, Waterloo said that the present grade of revenue protection inspectors was being undermined by not employing enough staff.

"The introduction of RP officers and RP assistant and

gate line assistants on much lower rates of pay is threatening the existence of the grade.

"We should protect our members and our future members against the erosion of senior grades and the introduction of minimum wage on the network," he said.

Charlie Cicirello, Waltham Cross said that the introduction of low pay was now a real possibility unless the union protected revenue protection grades as it had done in the past.

Mike Sargeant also said that TOCs were also intimidating revenue protection staff into lone working or working with conductors to issue penalty fares.

"Lone working threatens safety and is divisive and the union should instruct the TOCs to stop it," he said.

Conference also agreed to oppose threats made by TOCs to outsource revenue protection to agency staff which caused friction with conductors and undermined collective bargaining.

NO TO COGNISCO RULES TESTING

Conference called for a policy of opposition to Cognisco, the computer-based programme for rules-testing for Network Rail employees.

Paul Burton, for the EC said that the introduction of the system had caused a lot of problems and stress for signallers and directly led to the signallers despite in Scotland.

"If these issues are not resolved the union will be balloting throughout the UK on the issue," he said.

Albert Lingard, Waltham Cross said that the complicated and ambiguous nature of the questions put staff at a disadvantage.

"If you get one question wrong you are not told so, yet your manager is informed and he can decide what action to

take.

"This undermines the confidence of staff and increases levels of stress," he said.

Mike Sargeant, Cinque Ports, said that in his experience Cognisco was "universally loathed".

Chris Smart, Cardiff Rail said that members were being forced to use computers during Cognisco testing for which they have received no training.

HARMONISE PAY NEGOTIATIONS

Conference called for the harmonisation of all supervisory, clerical and other salaried grades annual pay and conditions of service negotiations.

Chris Smart, Cardiff Rail said that the association of train operating companies (ATOC) met frequently to decide what was good for them.

"ATOC stick together so we should be campaigning for the harmonisation of annual pay and conditions," he said.

Mike Sargeant said that the staggering of pay negotiation rates was a method of 'divide and rule' and driving down rates of pay.

Mark Steel said that the source of fragmented pay structures was the disastrous privatisation of the rail network.

However, Brian Woods,

Feltham opposed harmonisation on the basis that ASLEF would use the process to cut their own deals.

Pat Sikorski outlined the problems of harmonisation following refranchising such as the creation of the new 'one' Railway.

"This new franchise took in three former franchises with staff employed on massively different rates.

"It was a long difficult process to harmonise pay and conditions and highlights the problems we face," he said.

PAID BREAKS

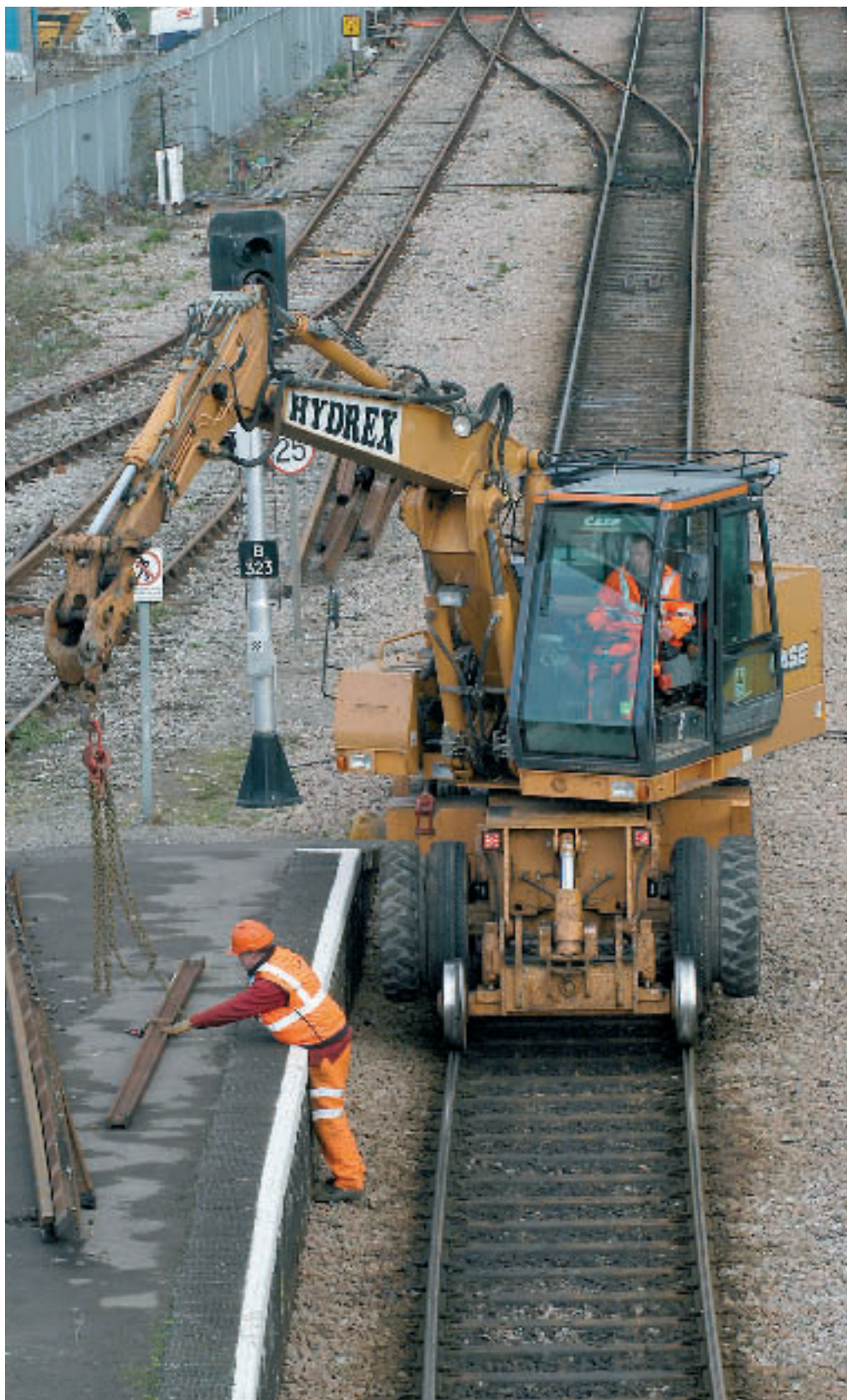
Conference called on the union to campaign for all staff to take their legal right to take a twenty minute paid break if they work more than six hours.

Sam Addo, Waltham Cross said that a survey he carried out in his area showed that many members did not take the breaks they were entitled to.

"There are no guidelines from the company on the issue and the union must campaign to ensure breaks are taken," he said. ■



BALFOUR BEATTY TRACKED ON TUPE



Employment tribunal rules Balfour Beatty broke employment law when it transferred a group of workers out of a depot

Four RMT members were each awarded 10 weeks pay as compensation recently for the serious breach by Balfour Beatty of its duty to inform and consult with their union representatives.

This failure, an employment tribunal said, resulted in “disruption and aggravation” for the four members.

The Transfer of Undertakings (Protection of Employment) Regulations require an employer to inform the appropriate representatives of employees who are affected by a planned transfer.

This must include informing them that the transfer is to take place, the date or proposed date of the transfer and the reasons for it. The information given by the employer must also be given “long enough” before the transfer in order that the employee representatives can be properly consulted with.

But when Balfour Beatty decided to transfer four workers who were operating a piece of machinery on tracks in the Midlands to Fastline (a subsidiary of Jarvis) it allowed just 14 days consultation.

REPRESENTATION

While the transfer appeared straightforward, involving only four employees who would continue to work on the same tracks as before, it did involve them being relocated to another depot – Eastcroft in Nottingham, where the provision of vehicles that travelled to the location where the four would start their day’s work was a “hot issue”.

This, the tribunal said, should

have made Balfour Beatty anticipate that a more extensive consultation would be needed in order to resolve the “potential difficulties and complications”.

Yet not only did Balfour Beatty leave it to late to send RMT reps a consultation document, but it initially sent it only to the line manager of one of the employees, who was not an RMT official of any kind. This delayed the time for the union reps to be consulted even further.

Therefore, the tribunal said, Balfour Beatty was in breach of its duty to allow “long enough” to consult the “appropriate representatives of the affected employees”.

The TUPE regulations also require employers to tell the employees’ representatives about the legal, economic and social implications of a transfer.

Yet despite the four members facing transfer to a different depot, no information about these implications was given to RMT in time to allow for adequate consultation.

Employers are also required to inform appropriate representatives of the “measures” it intends to take in connection with the transfer, even if none are envisaged.

Balfour Beatty conceded at the tribunal hearing that, while it did not envisage taking any measures, it did not tell RMT reps.

The firm argued that the breach of the regulations in this respect was merely “technical” and that a voluntary consultation had taken place about the measures envisaged by Fastline.

However, the tribunal

disagreed saying that the information about measures should have been given to the employees’ representative and that the failure to do so left the union with an “uncertain programme of events”.

The tribunal also found that a voluntary consultation is not adequate and does not meet the detailed mandatory consultation requirements laid down in the TUPE regulations.

And it described the information given by Balfour Beatty about Fastline’s proposed measures as “incomplete and ambiguous” even though it had “significant potential consequences for the affected employees”.

Only at the voluntary consultation did the details about changed arrangements for reporting to depot and travel to and from work for the four affected workers emerge, and this was far too close to the transfer date.

RMT assistant general secretary Mick Cash said that it was an important victory for the union.

“Too often employers fail to follow the TUPE regulations when transferring employees to other employers,” he said.

Anu Kaura of Thompsons Solicitors, who represented RMT at the tribunal, said that while the regulations can be complex, any organisation with the capacity for transferring its workers should understand the duty it has to employees and their trade union before it embarks on the process.

“That a firm the size of Balfour Beatty did not do this is, frankly, a disgrace,” she said. ■

WHAT IS TUPE?

The Transfer of Undertakings (Protection of Employment) Regulations 2006, better known as TUPE, are regulations introduced in the early 1980s to protect workers in the event of their employer’s business being transferred to someone else.

There are two types of transfer. The first is the obvious one – when a business is transferred from one employer to another as a going concern. The second is when an employer engages a contractor to do work for them, or reassigns the contract to someone else in a “second generation” contract. This includes bringing the work back “in-house”. This is a particularly common occurrence in the transport industry.

The purpose of TUPE is to give employees protection from the excesses of even the worst cowboys. For starters, it says that the new employer has to hire everyone who worked in that bit of the business before it was transferred. If they don’t, the dismissals are automatically unfair if they relate to the transfer.

And staff cannot have the terms of their contracts changed by the new employer when they transfer over if the reason for the change has anything to do with the transfer. The same principle applies to an employer who wants to vary the contracts.

Employers often argue that they just want to “harmonise” the contracts of new staff with existing staff but, in reality, they want to reduce everyone’s terms and conditions to the lowest common denominator. They can’t do that if the reason has anything to do with the transfer.

The sting in the tail of all this, however, is that employers always try to argue that the reason for not hiring someone or for changing the contracts of the transferring employees had nothing to do with the transfer. If they can do that, then TUPE allows them to make the changes.

Sometimes, though, employers will agree that the changes were related to the transfer, but – and this is the second opt out – that they were for a good business reason.

This can include an economic reason, such as their profitability, or a technical reason, such as a production process, or for an organisational reason, such as changing a management structure.

These are known as the ETO reasons that are allowed under TUPE. It is then up to the courts to decide whether the employer is trying to pull a fast one or not.

The case of RMT v Balfour Beatty goes to show that TUPE can – and does – provide protection for workers when employers try to play fast and loose with the law. ■

LEGAL REPORT

SUMMARY OF FATAL AND NON-FATAL ACCIDENTS AND ASSAULTS TO MEMBERS FOR THE PERIOD OCTOBER 1 TO DECEMBER 31 2006

	<i>Fatal Accidents</i>	<i>Non-Fatal Accidents</i>	<i>Assaults</i>
Rail Operating Grades	1	64	16
Rail Engineering Grades	0	19	0
Workshops	0	0	0
Road Transport	0	6	0
Buses	0	18	0
L.U.L. and Metros	0	11	2
Shipping	0	7	0
Unknown	0	12	0

CLAIMS FOR DAMAGES AT COMMON LAW FOR THE PERIOD OCTOBER 1 TO DECEMBER 31 2006

Number of claims settled	53
Total amount recovered	£281,450.45

LEGAL ASSISTANCE GRANTED IN RESPECT OF CHARGES BROUGHT BY THE POLICE FOR THE PERIOD OCTOBER 1 TO 31st DECEMBER 31 2006

Road Traffic Act	2
Other police charges	4

Health and learning in the workplace



RMT's women's conference held in Doncaster called on the union to campaign for health and learning in the workplace



Conference called on the union to ensure employers were complying with legal requirements covering pregnancy and returning to work after the birth.

Mandy Evans, Swansea said that expectant mothers can be open to discrimination despite specific laws exist to prevent this happening.

"The Management of Health and Safety at Work regs (1999) include regulations that protect new and expectant mothers at work.

"The Sex Discrimination Act 1995 also states that if the employer fails to protect pregnant workers, it is automatically considered discrimination.

"Pregnant women can be exposed to dangerous chemicals, accidents and other risks, depending on your health during different stages of your pregnancy," she said.

Jackie Darby, LUL engineering called for risk assessments for pregnant women.

"Many companies do not address women's welfare at work and that has to be addressed," she said.

Janet Cassidy, Clydeside said that companies should facilitate the possibility of pregnant staff carrying out light duties.

Rossane Fong, Eurostar said that the possibility of working suitable shifts should also be explored.

OCCUPATIONAL HEALTH

Conference called on the union to take up the issue of the occupational health of women more vigorously.

Mandy Evans, Swansea said that most employers did not take into account the differences in gender when conducting a risk assessment.

"From personal experience, a recent risk assessment in my own workplace assessed the risks faced by customer hosts when lone-working on a late evening train which required the customer host to transfer from one station to another by themselves.

"The risk assessment came back as low risk despite the fact that most of the customer hosts involved are women and would be unaccompanied while carrying a significant amount of company money," she said.

Penny Calcutt, Sheffield said that a major problem during lone-working was the fact that staff very often failed to report assaults.

"If more assaults were reported then more action can be taken to stop them occurring," she said.

Paul Burton, for the EC said that all risk assessments should be carried out with the co-operation of health and safety reps in the workplace.

"Employers often carry out risk assessments without the union being involved.

"Risk assessments must be carried out jointly with the union," he said.

LEARNING IN THE WORKPLACE

Conference agreed that employers should facilitate the concept of bringing learning to the workplace.

Mandy Evans said there were around 6,500 union learning reps operating in many companies around Britain.

"Learning in the workplace can bring economic, personal and social benefits to our members.

"As a trade union we need to build upon the current infrastructure we have in place to address the needs and rights of our members to have access to learning in the workplace," she said.

Ruth Strong, East Midlands Central said that Central Trains had failed so far to sign a learning agreement.

"The company will not negotiate over shift flexibility to allow staff access to learning.

"The union should be putting pressure on companies to sign up to such agreements," she said.

ORGANISING WOMEN

Conference called for women stewards to be established by regional councils who would

have access to union resources to organise women.

Glen Burrows, Bristol Rail said that women are not yet playing a full part in the union.

"This is not about dividing the membership, it is about uniting men and women and building the union.

"We don't want favours and these posts should be seen as part of the work and structure of the union," she said.

Susan Marshall, East Midlands Central said that a women's committee had been set up in her area but it had proved difficult.

"The men and management take down notices of the meetings," she said.

Janine Booth, Stratford advised that if any official notice was taken down a complaint should be put in.

Nuala Campbell, Finsbury Park said that new technology should be used to organise women and called on the union to train activists in the use of computers.

"We can use blogs, texting and the union website to organise women," she said.

RECRUITING

Carolyn Siddall said that the union's organising unit existed to help members with recruitment and retention.

She encouraged women to get involved in organising weeks and utilise recruitment materials.

Organising weeks identify problem areas in terms of membership and working with local members who know the area.

"As a result we are the fastest growing union in Britain with over 75,000 members," she said.

Induction packs are being produced which include an induction DVD introducing the work of RMT.

"We need to ensure RMT remains a fighting, independent and democratic union," she said.

DEFENDING CLEANERS

Conference passed an emergency motion opposing plans by cleaning company ISS

to cut over 200 cleaning jobs on London Underground.

The redundancy threat was lifted following the threat of strike action by RMT.

Risikat Durodela, Finsbury Park said that cleaners were mostly women and underpaid and needed the help of the union.

Becky Crocker, Camden said that she was proud to be in an all-grades union that united station staff and cleaners.

"After station staff said they would refuse to work on dirty stations that the redundancy threat was lifted," she said.

Carolyn Siddall of the union's organising unit said that the union was also campaigning to improve the appalling conditions cleaners work in.

WOMEN AGAINST PIT CLOSURES SPEAK OUT

Anne Scargill and Betty Cook of Women Against Pit Closures movingly and comically recalled the role of women during the Great Miners Strike of 1984/5.

She recounted how the organisation was set up and how it is still going today, 22 years later.

"Early in that year-long strike thousands of miners' wives got together and marched through Barnsley and the police couldn't stop us.

"We realised our strength and started going on picket lines with the men.

"The police did not know what to do with us and no-one could sack us," she said.

Betty Cook said that the women were fighting alongside the miners in defence of their industries and their communities.

"We are proud of what we did and we learnt how to resist," she said.

Anne and Betty finished with a stirring rendition of a song written for WAPC, 'we are women, we are strong'.

The full riveting story, complete with amusing stories, can be viewed on the RMT website through the members' area as the whole conference was recorded as a webcast. ■

WORLD'S LARGEST CHARITY HOSPITAL SHIP SETS SAIL FOR AFRICA

The world's largest non-governmental hospital ship, the Africa Mercy, sets sail this month on its inaugural trip to Africa.

The former Danish rail ferry has been converted into a state-of-the-art hospital ship at a cost of over £30 million and will provide free healthcare and community development services to the poorest people of Africa.

The Africa Mercy will set sail from Blyth loaded with hospital supplies and materials for its first field service in Africa where more than 400 volunteer crew will provide free medical care, capacity building, relief aid and community

development programmes to the people of war-torn Liberia.

The Africa Mercy is the fourth ship to be operated by the international charity, Mercy Ships, which has provided more than £350 million worth of services since its inception in 1978.

It has treated more than 200,000 people in village medical clinics, performed more than 26,000 surgeries and 162,000 dental treatments and completed more than 800 construction, agriculture and water development projects.

Don Stephens, Founder of Mercy Ships, said: "Every ship has life savers, but this ship is a life saver in itself to thousands

who wait for her arrival in Africa. Without this ship so many of the poorest of the poor face lives without hope. This huge white hospital ship docked in an African port is a strong symbol of hope".

All the crew on board the Africa Mercy will be volunteer professionals from around the world. Doctors, dentists, nurses, community developers, teachers, builders, cooks, seamen, engineers, and many others will donate their time and skills to the effort. ■

For further information on Mercy Ships, please visit our website at www.mercyships.org.uk



TAKE THE 24 PEAKS CHALLENGE

The Railway Children charity is offering the opportunity to climb 24 peaks in the Lake District in 24 hours

The Railway Children charity is organising an event for participants to climb 24 peaks over 2,400 feet in the Lake District in 24 hours in September 8/9 to raise funds for their work.

Teams of four to seven, plus a support driver, will start on the Saturday and summit 10 peaks. That night teams will be accommodated in Ambleside Youth Hostel.

Early on Sunday morning teams will climb the remaining 14 peaks and the weekend finishes with a meal and presentations in the Low Wood Hotel, Ambleside.

Minimum sponsorship per

team is £4,000.

Railway Children is a registered charity, No. 1058991 that works worldwide giving a point of contact for homeless children at railway stations, providing shelter, food, healthcare, education and above all, friendship.

The countries in which support is provided includes India, Mexico, Guatemala, Russia, Tanzania, Kenya and the UK. ■

For further information or details phone 01270 757596, or e mail events@railwaychildren.org.uk

Or write to Railway Children, 1st Floor, 1, the Commons, Sandbach, Cheshire, CW11 1EG.





VOTE SOLIDARITY

Dear editor,

As the elections for the Scottish Parliament and the Local Councils approach, the mouthpieces of big business, the main political parties, all of whom offer the continuation of a system which acts in the interests of the wealthy and privileged, are avidly seeking our votes.

Their smoke and mirrors trickery promotes the pretence of acting "for the many and not the few" and only the delusional would believe that a change in the Labour Party leadership would mean anything different.

Last year's divisions within the Scottish Socialist Party, which resulted in Tommy Sheridan and others forming a new party – Solidarity, have resulted in the predicted dilemma facing our members and other voters viz two socialist parties claiming the same political ground.

Our union, faced with the split, had in my view no alternative but to disaffiliate from the SSP.

As an active member of the SSP – a candidate at the last election – I believed that it was an inclusive, democratic movement, but when I read that the faction instrumental in causing the split declare that they saw themselves as the "SSP- within-the-SSP" I ask myself – did they ever consider the value of RMT involvement?

Political parties, like trade unions, are not just about policies for change they are also about credible and accountable leaders. For me, the SSP failed in that basic tenet and that is why, after a considerable time of reflection, I resigned from the SSP.

I am not a member of any political party but this time round I will lend my vote for socialist change to Solidarity.

John Milligan



President's column

A democratic, fighting union

Since my last column our Network Rail members have been out on strike right across Scotland and I salute their solidarity and resolve.

As usual there were all the safety breaches, including scabs running signalling equipment. Every one of our members says the same thing when they see this happens. But where is the Railway Inspectorate when we need them?

Likewise we see all the stories in the media attacking our union and peddling lies about trains running. The truth is that our member's action and threatened further days has forced Network rail make concessions on the 35 hour week and Cognisco rules-testing that were not forthcoming before the strike action. Well done to those members, all of your union is proud of you.

I recently attended the maritime seminar that RMT organised in the House of Commons. Our seafarer members, who have sustained attack after attack over the years, were able to put questions shipping minister Stephen Ladyman.

The minister's approach was, to say the least, to grovel. After 10 years in power and after telling us that the industry now makes £10 Billion pound a year for the economy, we had to "get real" and accept the appalling treatment of our members in the industry because – and I use his words – "these employers have a gun to our heads, and they are not afraid to pull the trigger!"

As one experienced seafarer said to me on the way out: "You would think that he was the Minister for the Chamber of Shipping", ie the bosses.

He should be ashamed of

himself lecturing us about the "real world" when in fact we do live in it, unlike the ship owners.

Engineering members employed by Metronet, on the London Underground, have backed strike action and action short of strike action against the outsourcing of their jobs. Staff are being threatened with being transferred out of their current employment and face a very uncertain future working in a fragmented workforce.

It's as if all of the lessons of British Rail privatisation and worse safety and workers rights have not been learned by either the government, Metronet or anyone else. Well, one group of people do and RMT will resist this attack on our agreements and terms 100 per cent.

Last month I presided over a Special General Meeting (SGM) in Doncaster which voted overwhelmingly to take offshore workers presently organised in the Offshore Industry Liaison Committee (OILC) into the union.

Delegates from our union from throughout Britain voted on the issue of transfer of OILC members into RMT.

The quality of the debate at the SGM – which is the highest level of government of our union – was very high.

Delegates were clearly determined to set a course to build this union into a bigger, stronger organisation to defend workers.

They are determined to maintain our RMT traditions and identity of being a democratic, fighting union.

John Leach

FIGHTING BACK



RALLY: Some 300,000 Australian workers took to the streets last June to protest against repressive labour legislation implemented by a government they intend to unseat in national elections later this year.

Photo: Courtesy of RTBU



POOR MAINTENANCE: "It's all been very frustrating," says rail union member and track maintenance employee Tom Jones, pointing to the deterioration of safety and the widespread use of unskilled casual labour to increase profits.

Fred J. Solowey reports on how Australian transport workers are fighting back against privatisation and union-busting

RMT's sister union down under, the Australian Rail Tram and Bus Union (RTBU), has been retooling itself to defend the gains of the past and to keep alive the dream of a better future for working families.

At its peak, more than 55 per cent of Australian workers were in unions. Working through the Australian Labour Party, unions won an impressive range of rights and benefits written into law—including pension and health care for everyone.

The railways were generally publicly owned and operated by Australia's six states.

Most of the railways were taken over by the national government in the early 1990s and Railway unions responded to that and other changes with a sweeping merger: the formation of the RTBU combined Australia's major rail unions and the association representing bus and tram drivers.

PRIVATISATION

By 1993, Australian union membership was on the decline. The decimation of various industries due to unfair trade policies and massive technological change destroyed tens of thousands of good union jobs.

In 1996, a massive wave of privatisation and sub-contracting hit the rail industry—with virtually all freight put in private hands and parts of passenger service and infrastructure too—either through out-and-out sale or the

creation of state-owned corporations.

"We went from dealing with six rail operators a decade ago to over 60 today," explains RTBU's general secretary Robert Hayden.

"That alone meant the union had to change, and the members have to be mobilised because staff and officers no longer had enough eyes to watch over everything," recalls Sally Higgins, now an RTBU national organiser, and formerly a railway fireman.

UNDER ATTACK

Adding to the union's woes were the draconian laws implemented by the current right-wing government of Australia in two waves, beginning in 1996, when something called Australian Workplace Agreements (AWA) implemented.

The law allowed companies to void collective bargaining agreements and substitute weak individual agreements with each employee.

The 1996 law was replaced by a still worse series of laws in 2005 making it even easier and more profitable for employers to simply cancel existing contracts and implement AWA's.

In addition:

- It is now illegal for a contract (called an enterprise agreement) to contain a ban on hiring temporary workers. Even requesting such a ban means a \$33,000 fine against the union and \$6000 against its top officer. ■

K DOWN UNDER



Michael Brown saw his union destroyed, safety and health compromised, and much work turned over to contractors when the Tasmanian rail system was sold to a US company. "Every company wants profits but they wanted the same amount of work done and just as quickly will much fewer workers".

- The strong health and safety agency has been destroyed.
- Employers can unilaterally cut wages and hours and do away with overtime pay and fire employees in most situations without cause
- In order to call a strike during bargaining there are now a number of legal obstacles to overcome and there has to be a secret ballot of members—with the employer free to try to influence the outcome.
- With track maintenance workers considered to be in the construction sector under a new security law, they are now subject to interrogation at any time and may each be fined up to \$22,000 for participating in a job action.

TASMANIAN BATTLE

Late in 1997, Australia's right-wing national government sold the rail freight system in the state of Tasmania to a US company. What unfolded is a classic story of ultimately unsuccessful union-busting combined with the inevitable record of broken promises, rip-off and neglect inherent to privatisation schemes.

"When the railway was sold on a Friday, there were 320 people here in Hobart, working in the shop on track maintenance and on trains," recalls Rex Neil, a retired union officer who volunteers his time with the union in Tasmania.

"They were all fired and only 180 were hired back and they weeded out the stewards and delegates and made everyone they took back sign an AWA," he said.

"At first, those of us who were rehired were over the moon because we still had jobs," recalls John Appleby, who has worked in the rail maintenance shop for 23 years.

"The company wanted the same amount of work done and just as quickly with many fewer workers," adds 38-year union member Michael Brown.

Perhaps the worst impact was on track maintenance for which "little fly-by-night companies all over the place were hired to do track maintenance on the

cheap," Hayden continues.

"They often use untrained workers from labor hire firms," he explains.

The workers re-organised and a two-year campaign led to a new enterprise agreement in 2001.

And late last year, a successor owner was relieved to give the infrastructure back to the government for a token \$1.

The Federal government, Hayden explains, "will now have to spend \$200 million to fix the tracks. The name of this game is privatise the profits for the operators and socialise the losses".

FIGHTING BACK

Though the RTBU union faces enormous and difficult challenges, don't expect to find RTBU leaders and activists moaning about how bad things are. They're fighting back instead.

"This union has totally changed in the last five years," says Hayden who addressed an RMT annual general meeting in 2005.

The days of officers being able to fix problems by making deals are over and so is the era of members seeing the union not as them, but as an insurance company.

"I can honestly say that our membership is more active today than ever before," he says.

In fact, because of its historic strength and density in the industry, 95 per cent of RTBU members remain covered by enterprise agreements.

ORGANISING

By focusing on organising, the union grew 17 per cent in the past two years—despite the difficult climate.

"If we had not changed to become an organising union and continued just operating on the level of servicing agreements and handling disputes our union would be in its grave," argues national organiser Higgins.

RTBU members have come out in force for massive protests against the right-wing government's labour laws both in June and November of 2006.

And all eyes are on the national elections coming later this year when working Australians intend to oust the union-busting government and return the Labour Party to power.

Huge challenges confront the union, but the spirit is high.

"I truly believe that this is the best and most exciting time to be a union leader.

"Those unions making the necessary changes will survive and be stronger when our time comes again," says Hayden. ■

Fred J. Soloway is a US labour journalist and photographer



ORGANISING: RTBU National Organiser Sally Higgins says organising saved the union



ORGANISING

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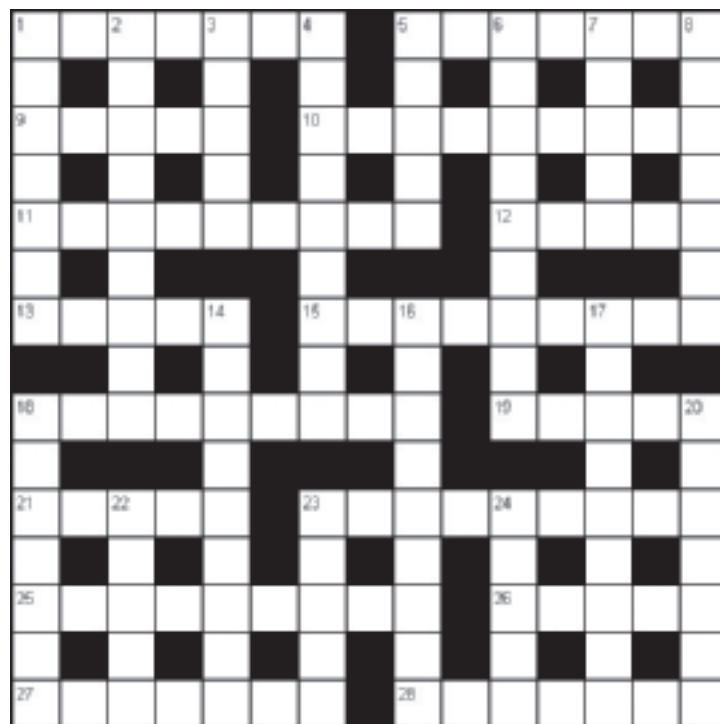
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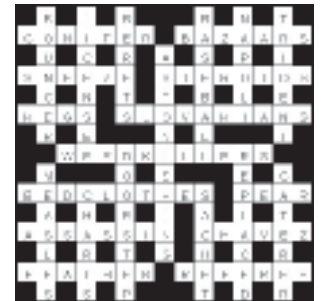
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RMT £25 PRIZE CROSSWORD

No. 34. Set by Elk



Last month's solution...



The winner of prize crossword no. 33 is Duncan Trickett of Dorset.

Send entries to Prize Crossword, RMT, Unity House, 39 Chalton Street, London NW1 1JD by April 30 with your name and address.

Winner and solution in next issue.

ACROSS

- 1 Sauce Anglaise (7)
- 5 Escape or evade legal process (7)
- 9 Sinn Fein's Gerry or Arsenal's former Tony (5)
- 10 Illicit passengers, especially at sea (9)
- 11 John, 4 leader! (9)
- 12 ...and who he aims to succeed (5)
- 13 Pub game (5)
- 15 Peopled (9)
- 18 Foot treatments (9)
- 19 Sea-going vessels (5)
- 21 Stroll slowly (5)
- 23 Order of proceedings, or TV or radio show (9)
- 25 Device controlling admission, especially at stadium (9)
- 26 One who escorts theatre-goers to their seats (5)
- 27 Gives up, or relieves of, weapons (7) 28 Thin (7)

DOWN

- 1 Demanded what was due; asserted (7)
- 2 Defamed, verbally (9)
- 3 Crime of setting fire (5)
- 4 Water-based paint, or doggy disease (9)
- 5 Coral island (5)
- 6 Vehicle restraints (9)
- 7 Largest Nebraska city; Normandy landing beach in Second World War (5)
- 8 Wanted (7)
- 14 12's will be elected soon! (9)
- 16 Easily defeated opponents (9)
- 17 Won, big-time! (9)
- 18 Set, in soil; Played one ball onto another (7)
- 20 Wool cutter, or Newcastle hero (7)
- 22 Robert, whose love was like a red, red rose (5)
- 23 Buckets (5)
- 24 Scheme of how to get from A to B (5)

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Our RMT Credit Union is a great new benefit for members. It exists, not to make a profit, but to provide help and support to all our members for their savings and credit needs. By saving together, and lending to each other, we take the profit motive out of savings and loans. All the surpluses created by the Credit Union are recycled as benefits to members through cheap loans, and the ability to pay dividends on savings.

The Right Balance

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1500	131.80	69.15	48.33	37.97	31.80
2000	175.74	92.20	64.44	50.63	42.40
3000	263.61	138.30	96.66	75.94	63.59
4000	351.48	184.40	128.88	101.26	84.79
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- Current UK full Photo Card Driving Licence
- Current UK provisional, Photo Card Driving Licence (Old styles not accepted)
- ID pass from Network Rail, Trans Pennine Express, Central Trains, Eurostar
- Discharge book (shippers)
- Inland Revenue Tax Notification (current year)

PROOF OF ADDRESS

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- Current UK provisional, driving licence Photo Card (if not used for Proof of Identity)
- A current [within last three months] Utility Bill (not mobile phone bill)
- Recent Bank, Building Society or Mortgage statement
- Current Council Tax bill
- Pension or benefits book
- Tenancy or rent book/agreement
- Recent Inland Revenue notice of coding or tax demand

The list above is not exhaustive and other documents will be considered.

You can get your branch secretary or regional office to verify and sign photocopies of the documents. As an alternative, you can also get another person of authority such as your employer, doctor, Solicitor etc to verify the forms of ID. The copies of the documents must have an official stamp and signature on them and a contact name and address. Or, you can send originals to us at the address below. Send completed verified copies of documents or originals to: RMT Credit Union, Unity House, FREEPOST NW3706, London NW1 3YD. If sending valuable documents by post you should send them recorded delivery. For assistance: Tel: 020 7529 8835

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Employer		RMT Branch														
Job Description																

4 Membership Status

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Your signature

Date _____



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