

RMT

Essential reading for today's transport worker

news

NO TO DOO



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NATIONAL UNION OF RAIL, MARITIME & TRANSPORT WORKERS

Unity House, 39 Chalton Street, London NW1 1JD



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CROSSWORD

EDITORIAL



NO TO DOO

This union is committed to defending the safety-critical role of the guard and against the extension of Driver-Only Operation (DOO) on the rail network.

We will not be deflected from that fight regardless of what other organisations do because our main duty is to defend our members and not accommodate profit-hungry employers.

On Southern the company has refused point blank to give a guarantee on a second safety-critical member of staff.

RMT is balloting for industrial action on Merseyrail and Arriva Rail North after both companies also refused to give assurances on the future of the safety critical role of the guard and the introduction of DOO.

These disputes are entirely preventable if they had listened to the union's deep-seated safety concerns and taken them seriously by putting passenger safety before profit.

MPs are also coming round to the idea that the profit-led rail franchising model is broken as National Express sold off its C2C routes to the Italian state for £70 million.

The House of Commons Transport Committee admits that this model is not fit for purpose and RMT has put the case for a publicly-owned railway that puts people before profit.

Their report also confirms that the government has colluded with Southern as a smokescreen to let the company off the hook for its abysmal performance.

However the union is still

fighting and winning. On London Midland a ballot for strike action was enough for the company to drop plans to place security contractors on trains. On Network Rail your union secured a two-year inflation-proof pay deal with a 29 per cent rise in London allowance.

Following solid strike action by Tube station staff most of the jobs lost by the cuts have been re-instated and, significantly, after a long political battle by the union the Scottish government is taking the option of running lifeline ferry services in Scotland in the public sector seriously.

Political battles are also being fought for decent bus services and UK seafaring jobs.

These battles are part of a vision for a different kind of society broadly known as socialism. It has even been in our rule book since 1913: Rule 1. 4. (b) To work for the supersession of the capitalist system by a socialistic order of society. This means fighting for jobs and safety in the workplace, for decent housing for all as well as decent education and health services. It means fighting casualisation and zero-hour contracts and all of the things that prevent us living in a fairer and more peaceful society.

Campaigning to defend jobs and safety in this very hostile profit-led environment is very hard but that is exactly what RMT will continue to do because if you don't fight you will never win.

Mick Cash

FIGHTING DOO ON SOUTHERN



ASLEF members reject TUC-brokered deal to extend Driver-Only Operation

A deal agreed with Southern Rail bosses, ASLEF and the TUC which would have extended Driver-Only Operation (DOO) has been rejected by ASLEF members working for the company.

RMT had been barred from the TUC talks but when RMT entered direct talks with Southern it became clear that the company was bulldozing through DOO further and faster with safety and access to services not even on their agenda.

RMT general secretary Mick Cash said that Southern had refused point blank to give a guarantee on a second safety-critical member of staff and revealed that the deal negotiated by the TUC was even worse than first expected.

He said that it was a betrayal of not only the conductor grade and drivers, but also passengers,

including disabled passengers, who had lost the guarantee of a second member of staff on their trains.

"The ASLEF referendum rejecting this deal is entirely a matter for them and their members but RMT will remain focussed on the industrial and public campaign to protect the safety of the travelling public and to put access and safe operations before profits.

"RMT will now look to take that campaign into its next phase working with our sister rail unions, the wider trade union movement and the passengers who use the railway.

"RMT repeats the call to Southern to give the guarantee of a second, safety critical member of staff on their trains and to sit down with the unions in new talks around the issue of safe train dispatch," he said.

The union also discovered

that right in the middle of the TUC talks, Southern was stripping On-Board Supervisors's (OBSs) of their safety accreditation in a spiteful act designed to undermine and humiliate RMT members.

The union has written to GTR Chief Executive Charles Horton regarding stripping guards of their license/certification cards which detail their safety critical competencies.

"This sort of aggressive and provocative behaviour does nothing to resolve the disputes and RMT repeats the call for immediate inclusion in talks, a cessation to this hostile approach from the company and a genuine attempt to negotiate a settlement," said Mick Cash.

RMT also highlighted the fact that new figures show the equivalent of a thousand services per year continue to operate without a second

member of staff, despite promises made by GTR bosses.

RMT had already revealed that at least six times more Southern services were travelling without a second member of staff than was promised.

At that time the company dismissed the figures as exceptional by claiming last-minute changes to services caused by the industrial action and the drivers' overtime ban had displaced the on-board supervisor.

However, the new figures provided by rail workers and passengers when there wasn't any industrial action and show that at least 26 trains did not have a scheduled On Board Supervisor, maintaining the average of three services a day without an OBS, the equivalent of a 1000 a year.



VICTORY AT NETWORK RAIL

RMT secures inflation-proof Network Rail two-year pay deal with no job losses

RMT has secured a two-year pay deal for over 25,000 Network Rail staff which will protect members from future inflation, guarantee no compulsory redundancies and hike London Allowances by 29 per cent.

THE DETAILS OF THE DEAL ARE:

1. Network Rail commits to pay all employees in the bargaining groups a consolidated increase equal to: -
 - a. RPI as at November 2016 (published December

2016), on basic pay with effect from January 1 2017.

- b. RPI as at November 2017 (published December 2017), on basic pay with effect from January 1 2018. The November 2016 RPI figure was 2.2 per cent

LONDON ALLOWANCES

2. All those currently in receipt of inner and outer London Allowances will have these allowances increased by 29

per cent. The definitions of these allowances will be based on the mileages according to employees' terms and conditions of employment.

NO COMPULSORY REDUNDANCIES

3. Network Rail guaranteed no compulsory redundancies across all members of these bargaining groups until December 31 2018.

A meeting of all Area Council representatives on operations and maintenance

took place earlier this month which indicated a clear mandate to recommend the offer for acceptance.

RMT general secretary Mick Cash said that the deal showed that an organised and determined workforce can secure pay offers that protect both jobs and wages at a time of nationwide cuts and austerity.

"It is a tribute the solidarity of our members, the strength of RMT's organisation and the skill of our negotiators," he said.





TUBE DRIVERS' STRIKE

Solid support on Central, Waterloo and City Lines in all depots

Tube Central Line train operators took strike action last month following a ballot result strongly in favour of taking strike action and action short of a strike against the forced displacement staff,

RMT negotiators had made strenuous efforts through the ACAS machinery to resolve the dispute but LUL management refused to negotiate.

Pickets were out in force and support for the action was absolutely solid in all depots.

RMT general secretary Mick Cash said that the action had been provoked by a pointless and aggressive approach by London Underground that was entirely cash led and always going to spark an angry backlash.

Despite repeated warnings

from the union management have ploughed on regardless so let us be in no doubt, if LU are allowed to get away with this move on the Central Line they will start shunting drivers around the combine at the drop of a hat regardless of the consequences.

"Members will be sent out from pillar to post to plug gaps that are solely down to staffing

shortages and, with massive budget cuts in the pipeline at LUL, this is a straw in the wind as to how the company expects to operate in the future.

"Staff across London Underground are angry and prepared to stand up and be counted the company would be wise to recognise that," he said.



TUBE FLEET GRADE BALLOT

A ballot for industrial action is under way for London Underground Fleet members following numerous unresolved breaches of agreed machineries and agreements by management.

RMT reps have listed these breaches as including:-

- Not consulting or negotiating with this Union over reduced staffing levels within Fleet

- Breaching our agreement on Night Tube and failing to recruit adequate additional staff to cover this work
- Actively attacking RMT Reps for carrying out their trade union duties
- Not following the correct process when seeking to change rosters
- Removing a long and established practice of 'phone in days' throughout Fleet without agreement

RMT general secretary Mick Cash said that this list is not exhaustive.

"This level of flagrant abuse and ignorance of long-standing policies and procedures is unacceptable and, as a result, the union has taken the decision to ballot all RMT Fleet Grades members for strike action and action short of a strike," he said.





TAXI BANK ACCESS

RMT London Taxi drivers are locked in bitter dispute with the City of London, the scene of a week-long series of demonstrations by drivers around Bank Junction.

The City of London Corporation has approved an experimental traffic order that will restrict the use of Bank Junction to only buses and cycles excluding taxis from

7am and 7pm Monday to Friday.

The exclusion of licensed taxis will disrupt passenger journey times and fares and vehicles will be forced out onto surrounding streets, already failing under both TFL & CoL traffic management.

City of London has cited the main reason for taxis exclusion as one of public safety.

However this is despite licensed taxis being the lowest vehicle group surveyed involved in killed or seriously injured accidents over five years. In contrast Transport for London buses were three times higher.

Following the dispute in a meeting with City of London, RMT branch secretary Lewis Norton was told by officials that the scheme would be under

constant review, but they were unwilling to move from their position regarding the exclusion of taxis from Bank junction at the this moment in time.

“City of London will have to brace itself for a further round of driver demonstrations if a resolution cannot be found for the capital’s taxi drivers,” he said.



STEAMING OVER SETTLE

The romance of steam returned to Britain’s railways for Valentine’s Day as a traditional locomotive hauled passengers on a scheduled main line service for the first time in half a century.

The Peppercorn class A1 steam locomotive Tornado carved its way through the rugged Eden Valley in Cumbria, across the spectacular Ribbleshead Viaduct and over the Yorkshire Dales, the first for 50 years that a steam train has replaced regular train passenger services.

The initiative, organised by Northern Rail, Network Rail and the Friends of Settle and Carlisle ran two return journeys for two days between Appleby and Skipton.



RMT WINS MORE TUBE STATION STAFF



RMT suspended Tube station strike action scheduled to start earlier this month following talks which mean that nearly 60 per cent of the original job cuts planned by LU have now been reversed.

The union led a sustained solid campaign for three years after London Underground under direction from London Mayor Boris Johnson slashed station staff numbers by 953.

As a result of RMT's campaign, involving sustained industrial action, 533 of those jobs will be reinstated.

RMT particularly welcomes the agreement to reopen control rooms and the guarantee of promotion into safety-critical grades for Customer Service Assistants Grade Two positions.

RMT general secretary Mick Cash said that the fighting stance taken by RMT members since the jobs cull had reversed

nearly 60 per cent of those savage cuts.

"That is a tremendous victory and a reflection of the resilience and determination of our reps and the membership right across London Underground.

"We will now continue to work on implementation of the new staffing arrangements at the local level and as always RMT remains eternally vigilant," he said.

RMT had re-iterated the need for a reversal to the Tube station staffing cuts following a major fire-related incident at London Bridge reminiscent of Kings Cross tragedy 30 years ago this year.

The fire, underneath an escalator, prompted a full evacuation and only the vigilance and professionalism of the staff at the scene prevented tragedy.

RMT safety reps had reported that the initial cause of the fire appears to be a build-up of grease. It's not a co-incidence that maintenance regimes of major assets, including escalators, have been cut and this kind of incident was predicted by RMT safety reps as a consequence of cash-led attacks on the inspection and maintenance frequencies.

The union had repeatedly warned that with even London Underground management ruthlessly condemning the job cuts programme, it was only a matter of time before a tragedy due to a lack of staff.

Mick Cash said that the incident fully justified RMT's current dispute on safety on the tube.

"If this incident had happened at one of the stations that has seen staff cut to the bone the outcome may have

been very different.

"The fact that it occurred at London Bridge meant that on this occasion there was an adequate number of staff on hand to put in place a model evacuation procedure.

"With the cuts to maintenance regimes on escalators and other assets it is foolish in the extreme to run these kind of risks across the Tube network.

"The London Bridge incident reinforces the need for all stations to be fully staffed at all times by trained and equipped staff.

"As we prepare to mark the 30th anniversary of the Kings Cross fire in November, which began on the escalators, RMT repeats the call for eternal vigilance to prevent any repeat of that disaster," he said.

Parliamentary column

JOB FOR UK SEAFARERS!

RMT Parliamentary group members and cross-party MPs repeatedly pressed the Shipping Minister John Hayes to respond to the union's SOS2020 campaign demands, including legislation to end the shipping industry's shameful discrimination against seafarers, in a parliamentary debate last month.

The debate saw cross-party support in the House of Commons for RMT's campaign which incorporates our longstanding demands of reform to equality and employment law in order to reverse the decline in UK ratings over recent decades.

MPs lined up to repeat the statistics which chart the startling decline in UK seafarer numbers, especially the 25 per cent decline in Ratings since 2011. MPs also repeatedly echoed union evidence of sub-minimum wage pay, the dangerously low levels of trainee ratings and the shipping industry's discriminatory employment practices.

RMT group MPs Kelvin Hopkins and Karl Turner pressed the minister to tackle nationality-based pay discrimination through implementing the Carter

Report's recommendation of completely outlawing this form of discrimination in the UK shipping industry.

In response, the minister agreed to meet a cross-party group of MPs to discuss how to tackle pay discrimination in the shipping industry and its consequences for UK seafarers, particularly ratings.

Prior to the debate, the Shipping Minister had announced that the Legal Working Group on the National Minimum Wage and Seafarers would be reformed to improve application and enforcement on the NMW across the UK shipping industry. MPs also acknowledged that this was important in reviving UK seafarer numbers, with Kelvin hitting the nail on the head when he said: "Properly negotiated pay rights for UK seafarers would be higher than that, but the minimum wage would at least provide a basic wage for all seafarers."

The problems offshore workers have faced in transferring from the oil and gas sector to the renewable energy sector were also raised by Karl Turner, whose Hull East constituency is a major hub for wind energy in

the North Sea. Wind energy companies are introducing their own training standards and this can penalise those trained to existing standards for no good reason other than financial.

Labour MP for Holyhead Albert Owen also called on the government to ensure that the offshore wind and wider maritime industries are met by an increased supply of properly trained domestic seafarers, working in an industry governed by effective safety standards.

On the day of the debate, the Scottish government announced that the charter of the two Seatruck vessels on the Northern Isles contract would be changed to bring ratings pay up to the legal UK minimum required at least, a victory for the union. Lib Dem MP for Orkney and Shetland Alistair Carmichael who secured the debate noted the union's success in his opening remarks, as did SNP MP Chris Stephens who also called on the minister to ensure that such NMW protections are provided for seafarers working on vessels across the UK.

Labour's Shadow Transport Minister Pat Glass MP also welcomed the progress on

Seatruck and the NMW but underlined the demand that the government publish a timeframe for implementing the Carter review recommendation, as well as publishing the long overdue findings of the review of the existing legislation in Part 5 of the Equality Act.

"If we end the pay exploitation in shipping, we can help to reverse the decline of our merchant navy," she said.

In his response, the Shipping Minister admitted that more had to be done to increase the number of UK ratings and officers in training in order to avoid a skills deficit by the next decade, which is inevitable at this stage.

"We need to recruit and train more British seafarers. It is as simple as that," he said.

The union is meeting the Shipping Minister at the end of the month, when the union will make it clear that if the government really wants more British seafarers to be trained and employed then they must introduce legislation to end pay discrimination and produce a timetable for doing this by September. Anything less would be a disgraceful climb down.

MERSEYRAIL BALLOT OVER DOO



Company refuses to guarantee the future safety-critical role of the guard and claims driver-only operation is safer

RMT is balloting for industrial action on Merseyrail after the company refused to give assurances on the future of the guard and the introduction of Driver Only Operation.

RMT general secretary Mick Cash said that the union would not agree to any extension of DOO and would fight to retain the safety critical role of the guard and to keep a guard on the train.

"This dispute was entirely preventable if the company had listened and to the union's deep-seated safety concerns, had taken them seriously and had put passenger safety before profit.

"They are wholly responsible for this situation and we would call for to drop their proposals and get back round the table to negotiate a safe and secure way forward that protects the safety-critical role of the guard

on Merseyrail trains," he said.

The union also condemned highly misleading references to a Merseyside fatal rail-accident report as an effort to justify driver-only trains on Merseyrail.

The union expressed disappointment that the report by the Rail Accident Investigation Branch (RAIB) on the tragic 2011 James Street accident was being cited by Liverpool City Region leaders as a reason to remove 220 safety trained guards from Merseyrail trains.

Mick Cash said that the James Street report recommended that the person responsible for the train dispatch – currently the guard – should be able to 'observe the platform-train interface without interruption for as long as possible, ideally until the train has left the platform, and be able to stop the train directly

and quickly in an emergency'.

"The idea that this could be done by the driver of a DOO train is not only completely impractical, but reckless.

"No-one can seriously suggest that a train driver, when driving away from a station, instead of looking ahead at the signals and making sure the track is clear, should be watching a bank of CCTV screens instead.

"Train drivers are required by the railway safety rules to observe the railway signals and the track in front of them at all times when the train is moving," he said.

RMT regional organiser John Tilley – a signaller of 26 years' experience – said that to comply with the RAIB recommendation, either the new trains must have a drop-down window for the guard to physically observe the platform-train interface, or the

CCTV screens should be sited in the guard's compartment.

"This would enable the guard to monitor the dispatch throughout, without distraction, and to be able to activate an emergency stop should it be necessary.

"This can easily be done – and is already being done by Stadler, the very company that is building the Merseyrail trains, on similar trains it is making for another Abellio-run franchise, Greater Anglia.

"To misrepresent the RAIB recommendations and use the terrible tragedy at James Street in this way is a spin too far.

"And to spin the James Street report to suggest that the union is trying to reject trains that could save lives is beneath contempt. We welcome any new technology that can make rail travel safer – as an addition to a properly crewed train, not instead," he said. ■

SUPPORT MARTIN ZEE!

Show solidarity with the Merseyrail guard outside the court on Monday March 6

The union is organising a show of solidarity with Merseyrail guard Martin Zee and the legal process he finds himself in.

The next court date set for the hearing is on March 6 2017 and members are to be encouraged to show solidarity with Martin by attending the location of the court case, The Queen Elizabeth II Law Courts, Derby Square, Liverpool Merseyside L2 1XA with other RMT members.

Martin was involved in an incident at Hamilton Square last year in which an 89-year old

woman was injured when she fell between the train and the platform after the door closure procedure had commenced.

By following the training Martin received from the company, he was instrumental in assisting the train driver in isolating the electrical supply to the third rail by placing the short circuit bar on the running and conductor rail. Martin offered assistance to the woman until the emergency services arrived.

Merseyrail has taken no action against the RMT member

and all of the recommendations in the report are addressed to system risk issues rather than individual failings. However the Crown Prosecution Service commenced a prosecution case last year.

RMT general secretary Mick Cash said that if the CPS did not withdraw these charges it could result in grave consequences for the rail industry in general, leaving staff with no level of protection regardless if they even follow agreed company training procedures whilst carrying out door operating procedures.

"This could ultimately result in police prosecutions should a member of the travelling public choose to ignore warnings not to board a service whilst train doors are closing, potentially

resulting in injury," he said.

The union has raised the matter directly with the ORR, seeking clarification on approved power operated door training standards requesting information as to who is protected in circumstances such as these and whether the wider rail industry is aware that police charges may be brought against rail workers even in circumstances when procedures are carried out as per the agreed company standard.

The union has also raised the issue through the RMT Parliamentary group members to build a high profile political awareness around the case and to place pressure on the CPS to do the decent thing and withdraw the charges. ■

ARRIVA RAIL NORTH GUARDS FIGHT

RMT declares dispute on Arriva Rail North over failed assurances on guards

RMT is in formal dispute with Arriva Rail North and balloting for industrial action after the company refused to provide any assurances on the future of the safety critical role of the guard and driver-only operation.

Following a long meeting between the union and the company, RMT representatives asked two simple questions:

Are you prepared to guarantee a second person on all passenger services operated by Arriva Rail North? If the answer is yes, then will that second person retain full

operational responsibility, for train despatch, Platform Train Interface and current rule book requirements for dealing with contingency arrangements, such as evacuation and the protection of the train?

At this point Arriva representatives requested an adjournment and, after almost two hours, returned to the meeting, only to advise "that they were unable to provide a commitment at this moment in time".

RMT general secretary Mick Cash said that the union's position on (D00) was perfectly

clear.

"We will not agree to any extensions of D00 and will fight to retain the safety critical role of the guard and to keep a guard on the train.

"We asked Arriva Rail North whether they were prepared to guarantee a second person on all passenger services and whether that second person would retain full operational responsibility, for train despatch, Platform Train Interface and current rule book requirements for dealing with contingency arrangements, such as evacuation and protection of the

train.

"The response from the company was particularly disappointing as Arriva North have reneged on their previous position when they stated they "were prepared to offer guarantees around a second person on board trains in addition to the driver".

"This dispute and the ballot for industrial action were entirely preventable if they had taken them seriously and had put passenger safety before profit

"The union remains available for talks," he said. ■

LONDON MIDLAND CONDUCTOR VICTORY

Union defeats imposition of security contractors on trains

RMT called off a ballot of London Midland conductors after the company dropped plans to place security contractors on trains.

Towards the end of last year the union went into dispute with London Midland over the company's decision to impose security contractors on trains without any agreement with the union.

However union negotiators reported that London Midland had ceased the use of security contractors with effect from last month.

The union also has received written assurances from the company confirming this position.

As a result of this important breakthrough RMT's national executive committee cancelled the ballot for industrial action and a dispute situation no longer exists.

RMT general secretary Mick Cash said that it was a massive victory for members on London Midland who had supported the union 100 per cent throughout the campaign.

"That solidarity has been

instrumental in the breakthrough secured.

"The imposition of external contractors that have no additional skills or powers of authority to remove unruly passengers or fare dodgers is something we are totally opposed to.

"Our members were fearful that even minor issues will escalate out of control when these security contractors don't have the appropriate training, skills or knowledge for working within a customer service environment like our

members do.

"RMT remains eternally vigilant in the on-going fight to stop the casualisation of rail workers jobs and any moves that undermine permanent staffing arrangements.

"Safety and security on our trains can only be secured by adequate numbers of conductors, directly employed by the company, working as part of professionally trained and equipped team," he said.



NORTH SEA FLIGHT SAFETY DELAY

Over a hundred offshore workers were delayed from returning home after North Sea helicopter flights were cancelled amid safety fears last month.

All flights on Sikorsky S-92s were halted and recalled by the three main North Sea helicopter operators after the manufacturer issued an Air Safety Bulletin (ASB) following an incident offshore in late December.

It meant all flights to and from platforms were put on hold while operators Bristow, CHC and Babcocks completed safety checks.

The shut-down came after the Sikorsky became the main helicopter for transporting workers offshore since its rival type, the Super Puma, was

grounded in the wake of a fatal accident last year.

A Super Puma 225 helicopter plunged into the Norwegian North Sea killing all 13 on board leading to a ban on flights across Europe.

The call to stop flights of the Sikorsky, which are made by US aerospace giant Lockheed Martin, came after a shuttle flight between Total's Elgin platform and the West Franklin platform got into technical difficulties.

The incident is currently under investigation by the Air Accident Investigation Branch (AAIB). Further checks are also being carried out on the Health and Usage Monitoring System (HUMS) which detect early



indications of any failures.

The Civil Aviation Authority (CAA) stressed the decision was purely a manufacturer's recall.

The Maritime and Coastguard Agency (MCA) said that its S92s, operated by Bristow, would be returning to service once the checks had been completed.

RMT regional organiser Jake

Molloy said that workers would support the decision by the manufacturer.

"It means the aircraft has to be on the ground for some hours but I'm quite sure every worker in the North Sea would rather that rod and that bearing were inspected to ensure we don't have a repeat of December 28," he said. ■

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LIFELINE FERRIES CAN BE PUBLIC

Ferry services can be exempted from European Union demands for privatisation under EU case law

RMT has welcomed a review of ferries procurement policy by the Scottish government after the European Commission announced that lifeline ferry services can be exempted from re-tendering regulations under 'Teckal' case law

The Teckal exemption removes the EU legal obligation on a public authority to tender public contracts when it can be proved that the public authority can provide services itself subject to various 'control tests'.

As a result the re-tendering of the Gourock-Dunoon contract which was due to be awarded in the spring has been postponed, with incumbent public sector operator Argyll Ferries in the running to retain the contract.

Serco NorthLink's current contract on the Northern Isles expires in April 2018. The Minister has said that the review would look at any extension required to the existing NIFS contract and that "discussions have already begun with Serco for a possible extension of the contract".

RMT is seeking confirmation of the exact duration of any contract extension and the existing contractual terms and conditions for NorthLink staff.

CalMac's contract with the Scottish government for the Clyde and Hebrides Ferry Service started in October 2016 and runs for a maximum of eight years until 2024.

Any changes to procurement policy will not affect existing contractual terms and conditions on CalMac but the review will cover governance structures at CalMac and parent public sector company David MacBrayne Ltd, as well as Caledonian Maritime Assets Ltd.

The Minister has committed to providing the union with further reassurances over any possible implications for CalMac staff.

He also announced that the European Commission has accepted the union's legal advice that public contracts for Scottish ferry services do not have to be subject to regular re-tendering requirements in EU Maritime Cabotage Regulation 3577/92.

The union's current legal advice also says that applying a Teckal exemption would not contravene EU rules on state aid.

RMT general secretary Mick Cash said that the minister's review had the potential to achieve meaningful change to the long term benefit of Scotland's ferry passengers and staff.

"The news that the European Commission has accepted that Scotland's publicly contracted ferry services can be exempted from destabilising competition law bodes extremely well for the future stability of these lifeline public services.

"We look forward to working with the Scottish government and others on how such an exemption will work in practice," he said.

RMT national secretary Steve Todd added that any and all pauses to existing re-tender processes should not affect continuity of employment rights and contractual terms and conditions of ferry workers.

"It is extremely encouraging to learn of the European Commission's positive response to a Teckal exemption.

"This is firm ground on which to proceed in order to secure the future sustainability of Scotland's ferries and the jobs and livelihoods which depend on them," he said.

RMT and the Scottish government made a joint approach to the EC in April last year, following legal advice to RMT that a Teckal exemption for lifeline Scottish ferry services could be granted.

This is a vindication of RMT's view that publicly contracted ferry services should be exempt from re-tendering requirements that pit passenger and worker interests against those of private companies seeking to profit from lifeline public services.

RMT sought legal advice back in 2015 on the possibility of using precedents under 'Teckal' case law to exempt public contracts for Scottish

ferry services from EU law which requires regular competitive tendering of public service contracts in the maritime sector.

EU procurement law specialist Gordon Nardell QC published his legal advice in November 2015 which states: "In my view...the Teckal exemption is capable of applying to the operation of services governed by the 1992 Regulation....the relationship of the operating company (CalMac Ferries Limited) with the Scottish Ministers, and the nature of its activities, satisfy the control test...the functional test also appears to be satisfied".

During a debate in the Scottish Parliament in November 2015, former Transport Minister Derek Mackay MSP agreed to look at the case made in the union's legal advice for a Teckal exemption. This resulted in a joint letter in April 2016 to the European Commission from the Scottish government and the union, making the case for a Teckal exemption for Scottish ferry services.

The Scottish government review will look at the case for the Teckal exemption. RMT will be involved and continue to press for an exemption for lifeline Scottish ferry services from EU competition and state aid regulations.





UK SEAFARER NUMBERS DECLINE

Union calls for action to end pay discrimination in the shipping industry, the root cause of the decline in UK jobs

RMT is demanding government action to halt the continued decline in UK seafarer numbers after the Department for Transport revealed that there were over 87,000 ratings jobs in the UK shipping industry but UK seafarers only accounted for just over 10 per cent of that figure.

Although overall UK ratings experienced a tiny net increase of 50, just one per cent, in their number, it masked falls in deck and engine of eight per cent and 15 per cent respectively. The statistics were published in the Seafarer Projection study commissioned by the DfT.

UK Seafarer numbers have now fallen by over 60 per cent since 1982 and the number of UK ratings has fallen by 25 per cent since 2011, to 8,830.

RMT general secretary Mick Cash said that the figures demonstrated the deepening crisis facing UK seafarers, a direct result of government and industry's failure to offer

enough job and training opportunities to young people.

"Ship owners cut their wage bill by getting rid of UK seafarers because they are able to discriminate against foreign seafarers by paying them less.

"Every day seafarers, including those working on vessels chartered as part of a public contract for services between UK Ports continue to be exploited by rates of pay well below the UK minimum whilst shipowners enjoy massive tax breaks and a complete lack of accountability.

"The government commissioned Carter Report's recommendation to end this form of discrimination in the UK shipping industry must be implemented and the Shipping Minister must draw up a timetable to make this happen."

"Earlier this month, we heard Shipping Minister John Hayes tell MPs that more UK seafarers need to be recruited and trained.

"We now need concrete actions and targets, in addition to the Maritime Growth Study recommendations to increase the training and employment of UK seafarers.

These actions must include a timetable for action to end pay discrimination in the UK shipping industry which is the root cause of this decline," he said.

RMT national secretary Steve Todd said that the UK shipping industry's recruitment practices of the last decade now see EEA and non-EEA seafarers accounting for 60 per cent of deck, engine and technical and 70 per cent of hospitality ratings jobs.

"As it stands, it is clear that seafarers in this country will not replace the thousands of UK Ratings expected to retire over the next decade, despite a forecast increase in demand for Ratings in the UK shipping industry to 2026.

"Ending pay discrimination, enforcing the National Minimum Wage and fast tracking maritime apprenticeships must be enacted by the time the next Seafarer Statistics are released or we will be a maritime nation in decline," he said.

The Maritime Apprenticeship Trailblazer Working Group was established in 2014 involving employers, maritime unions and training providers.

So far only a Deck Rating Apprenticeship has been agreed by government but lack of government agreement continues to block a Maritime Caterer Apprenticeship.

Standards for Engine, Electro-technical and On-board Service Ratings are also still only in development.

The Apprenticeship Levy which will fund all Trailblazer Apprenticeships comes into effect in April.





SELL-OFF: National Express has struck a £70 million deal to sell its c2c rail operation to Italy's Trenitalia, increasing the number of UK franchises in EU member states hands

ITALIAN STATE TAKES OVER C2C

As most rail franchises fall under foreign control, MPs say franchise model 'not fit for purpose'

RMT has revealed that over 70 per cent of Britain's private rail franchises are now partially or wholly owned by foreign state railways after the state-owned Italian company Trenitalia entered the market.

A House of Commons transport committee also demanded an independent review of the privatised rail network, which is subsidised to the tune of £4 billion a year by taxpayers while shareholders raked in hundreds of millions in profits.

In the latest sell-off National Express flogged off its C2C Thameside franchise between London and Southend to the primary train operator in Italy Trenitalia for £70 million.

National Express had the contract to operate the Essex franchise until November 2029.

Dutch state railways Abellio also recently sold off 40 per cent of the Greater Anglia franchise to the giant Japanese corporation Mitsui which first made its fortune in the heroin trade and using US prisoners of war as slave labour.

Under the current privatised set-up Britain's rail services are operated by taxpayer-subsidised franchisees most of which are subsidiaries of state-owned rail operators in France, Germany

and the Netherlands.

RMT general secretary Mick Cash said that the latest sell-offs made a mockery of the expensive Department of Transport franchising process.

"The checks and balances for both passengers and the taxpayer, which the DfT claims are enshrined in its multi-million pound franchising programme, are clearly lacking when the winning bidder can simply walk away, share out its responsibilities and choose its replacement whenever it sees fit.

"Britain's railways are being sold off to European state-owned outfits with the profits from British fares – amongst the highest in Europe – subsidising operations abroad.

"Trenitalia is the latest to jump at the chance to fill its boots on the C2C routes," he said.

The transport committee report also condemned "serious shortcomings" in the Department for Transport's handing of franchises to profit-driven contractors and its overseeing of their failing operations.

"The current model fails to deliver for passengers, to drive industry efficiencies, promote competition, reduce the taxpayer subsidy or transfer

financial risk to the private sector," the report stated.

Labour MP for Liverpool Riverside and Committee chairwoman Louise Ellma said that the franchising system was "no longer fit for purpose".

Shadow transport secretary Andy McDonald MP said: "Privatised rail has left us with a fragmented and inefficient network that drives up costs and under-delivers.

"A railway works best as an integrated network but privatisation and franchising have meant breaking it up to create opportunities for companies to extract a profit, resulting in costly inefficiencies."

He said that the system had a "confusing fare structure" and that services were "disjointed and difficult to use for passengers.

"It is time for our railways to be run under public ownership, in the public interest as an integrated national asset with affordable fares for all and long-term investment in the rail network," he said.

The union welcomed the report and said that evidence showed that franchising was a fiasco beyond reform which needed to be replaced with a publicly-owned railway that

puts people before profit.

The company taking over C2C services, Trenitalia, is owned by Ferrovie dello Stato Italiana a government-owned holding company that manages infrastructure and services on the Italian rail network.

It was created on June 1 2000 following the imposition of an EU directive demanding the deregulation of rail transport.

The European Commission's First Railway Directive from 1991 (91/440/EC) also prohibited the same company managing the rail infrastructure and provide rail transportation.

As a result Italy created Trenitalia as the primary rail transport company and in July 2001 established Rete Ferroviaria Italiana to maintain the rail network itself.

However, the separation was only formal as both are subsidiaries of Ferrovie dello Stato Italiano which is wholly owned by the government.

Trenitalia gained notoriety in early 2012 when it promoted its change from two classes of train compartments into four classes. Passengers travelling by the lowest class were not permitted to use the on-board cafe or enter the carriages reserved for the other three classes.

The web advertisement showed only European white people seated in the upper classes and a segregated Asian black family in fourth class which led to widespread accusations of racism.

A number of member states have used EU rail directives to build up a large portfolio of franchises across the EU, giving them a head start in the scramble to dominate emerging rail markets. These state companies skim profits from foreign franchises in order to invest in their own networks as well as strengthening their market position.

A German Transport Ministry spokesperson admitted back in 2001 that state-owned company Deutsche Bahn was “skimming profit from the entire Deutsche Bahn and ensuring that it is anchored in our budget - that way we can make sure it is invested in the rail network here in Germany”.

For its part, the EU can do little to prevent the Franco-German state-holding interpretation of EU rules – as France and Germany are the two most powerful member states within EU structures.

However poor EU member states – such as Greece – are being forced to hand over rail networks to these powerful rail monopolies as conditions for receiving ‘bail-out’ funds from the European Central Bank to repay national debt – funds that are then recycled and handed over to the large European banks which own the debt, such as Deutsche Bank.

In stark contrast the Tory government under John Major adopted the EU directives wholesale and handed rail franchises and maintenance over to the private sector along with huge subsidies with disastrous results.

New EU rules enshrined in the recently-imposed Fourth

Rail Package now also demand that rail companies have access to all EU domestic passenger rail market from January 1 2019 “in time for the railway timetables starting on December 14 2020”.

The European Parliament has said that, while competitive bidding for public service contracts across the EU may be phased in gradually, it will be compulsory.

“Competitive bidding for public service contracts for passenger rail services will be the norm,” it stipulates, a move supported by all the political groupings in the European assembly.

However in Britain the Labour Party, all the transport unions and two-thirds of voters support the public ownership of a network run as a public service.

RMT Parliamentary group member Kelvin Hopkins MP has warned that the core intention of the Fourth Railway Package

was to visit the mistakes made in Britain on the rest of the EU.

“Railway privatisation in the UK was a laboratory experiment designed in the EU.

“Separating trains from track and privatising train companies to set up liberalised and allegedly competitive rail operations has been massively expensive to taxpayers and passengers.

“We have the highest fares in Europe and we know all about the taxpayer subsidies,” he said.

Mick Cash said that rail privatisation had failed passengers and the public by hitting their pockets and providing poor service and left foreign state train operators laughing all the way to the bank.

“The case for public ownership of Britain’s railways to end this racket is now overwhelming,” he said.

RAIL FRANCHISES IN BRITAIN ARE CURRENTLY OWNED AS FOLLOWS:

Contract / Route	Operator	Operator Owner name	Operator Owner - Country
Caledonian Sleeper	Serco Caledonian Sleepers	Serco	UK private company
Chiltern	Arriva	Deutsche Bahn	German State Railways
Cross Country	Arriva	Deutsche Bahn	German State Railways
Docklands Light Railway	Keolis Amey Docklands	Amey / Keolis joint venture	French state owns Keolis
Essex Thameside	C2C	Trenitalia	Italian State Railways
East Midlands	East Midlands Trains	Stagecoach	UK private company
Virgin East Coast companies	Stagecoach and Virgin trains	Virgin (10%) and Stagecoach (90%)	Virgin and Stagecoach are UK registered private
Gatwick Express	GTR	Govia (comprising of Go- ahead and Keolis)	French state owns Keolis
Grand Central	Arriva	Deutsche Bahn	German state railways
Greater Anglia	Greater Anglia	Abellio/Mitsui	Dutch State railways/ Japanese corp
Great Western	First Great Western	First Group	UK registered private company
London Midland	London Midland Railway	Govia (comprising of Go- ahead and Keolis)	French state railways owns Keolis,
London Overground	Arriva Rail London	Deutsche Bahn	German state railways own Arriva
Northern	Northern	Arriva	German state railways own Arriva
Scotland	Scotrail	Abellio	Dutch state railways own Abellio
South West	South West Trains	Stagecoach	UK registered private company
Southern	GTR	Govia (comprising of Go- ahead and Keolis)	French state owns Keolis
South Eastern	South Eastern	Govia (comprising of Go- ahead and Keolis)	French state railways owns Keolis,
Thameslink,	GTR	Govia (comprising of Go- ahead and Keolis)	French state railways owns Keolis,
TransPennine	First TransPennine Express	First Group	UK registered private company
Tyne & Wear Metro	DB Regio Tyne and Wear	Arriva/Deutsche Bahn	German State Railways
Wales & Borders	Arriva	Deutsche Bahn	German State Railways
West Coast	Virgin West Coast	Virgin/Stagecoach	Virgin and Stagecoach are UK registered private companies
Hull	First Hull Trains	First Group	UK registered private company
Merseyrail	Merseyrail	Serco/Abellio	Dutch state railways own Abellio
Eurostar	Eurostar	EIL is owned by SNCB (5%) and SNCF (55%) and other private investors who bought the UK Govt stake	SNCB is the Belgian State railway and SNCF is the French State railway.
Heathrow Express	Heathrow Express	Heathrow Airport Holdings	Heathrow Airport Holdings is a consortium, 41.88% of which is owned by the sovereign wealth funds of Singapore, China and Qatar.
Heathrow Connect	Heathrow Connect	Heathrow Airport Holdings/First Group	Heathrow Airport Holdings is a consortium, 41.88% of which is owned by the sovereign wealth funds of Singapore, China and Qatar.



BUS SERVICES BILL

Parliamentary bill reveals that the current deregulated system for delivering bus services is not working

Amendments to the Bus Services Bill are now being considered by MPs in the House of Commons, after having gone through the House of Lords.

The Bus Services Bill will grant local authorities the power to agree with bus companies how local bus services should be organised, known as an “enhanced partnership”. Currently bus companies can run or stop operating routes as they please.

The proposed changes are an acknowledgement that the current deregulated system is failing. However the changes are an attempt to patch up the commercially-operated model whilst discouraging local authorities from owning and running bus services themselves.

Under the bill, where a local authority can’t agree how services should be operated, the authority could have the option to apply to the Department for Transport for additional powers for “franchising”. Under franchising – as in the rail sector – service frequency and other operational matters would be set by the local authority. Bus companies would then be invited to bid to run those services.

Bus services have, until recently, been growing in London under franchising. The

fact that bus services are growing does not necessarily have much to do with the franchising model. It is much more to do with other factors such as population growth in parts of the capital which don’t have Tube stations such as Hackney.

The union is concerned about the disruption to workers especially from franchising as it will necessarily involve companies no longer operating in certain areas. Although TUPE theoretically protects workers’ terms and conditions (other than pensions), in practice, transferred workers are often vulnerable to unwelcome changes in their employment conditions and status.

Franchising will, at least at the start, be unusual. If it has a chance of having a positive impact, it will most likely to occur in thriving urban areas where car ownership is low – such as Manchester. However, over time franchising could operate across many other parts of the country less suited to the model, such as suburban or rural areas.

As a result of a fashion for devolving power from central government to local areas, significant authorities such as Cornwall Council and directly elected mayors – elections for

new mayors are being held in May 2017 – will be invited to apply for franchising powers. RMT assesses that these elections are an important opportunity to lobby candidates to not to bring in franchising.

While the Bus Services Bill remains before Parliament, there is some possibility of making amendments to the benefit of bus workers.

The union has raised concerns with Labour politicians in Parliament, presenting amendments for them to table which the union commissioned from specialist lawyers.

The union has also been lobbying government to take into account concerns and have met with officials at the Department for Transport, including at ministerial level, in order to understand their proposals and to explain resistance.

As a result workers will now have to be consulted prior to a local authority inviting bus companies to bid for franchises. The union helped mobilise the House of Lords to overturn provisions of the new bill which would have prevented local authorities from setting up new companies to run bus services themselves.

But the government is seeking to reinstate the

prohibition on new municipally-owned services.

RMT remains focussed on TUPE and pension protection following a transfer arising from a provision of the Bus Services Bill and raising the profile of bus drivers’ safety, demanding more frequent breaks and universal access for workers to “CIRAS” anonymous safety reporting system.

The government has agreed to extend the notice which companies must give before they quit a service. However, the maximum notice proposed is just 112 days.

The union has persuaded the government about the importance of universal access to the “CIRAS” anonymous safety reporting system. However, whether that will be mandated under the bill is currently unclear.

The government also acknowledges concerns over the issue of rest breaks. However it declines to introduce any legislative/ regulatory changes on the basis that to do so would impose an unreasonable burden on industry.

The bill is not yet law and its provisions are not settled so RMT will continue the fight to ensure that bus workers’ interests are protected.



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Allen Margrett, 46, from Coventry

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Keep your RMT membership details up-to-date

In the light of draconian anti-trade union laws that have been used against the union, members should keep their personal data up to date. It also important to note that in order to keep members informed your union requires your mobile telephone number and email address.

Members can do this via the RMT website, telephone the RMT helpline above, or writing to the membership department at RMT head office, Chalton Street, London NW1 1JD.

BOX BOY RETIRES

Union presents Trevor Maxted with his 50 year service medal on his retirement

Trevor Maxted started work in 1965 as a 15-year old signal box lad, commonly known as a 'box boy', on the South Western division of the Southern region of British Railways.

His job was to keep the moment-by-moment recording of train signalling by hand in the signal box train register. Trevor worked his way up the career ladder to become a top class relief signalman based at London Waterloo.

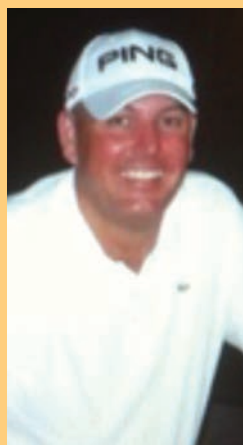
Trevor never strayed far from a signalman's role for all he's half century career. He was a staunch railway operator and saw the railway as his life's vocation and more than a job.

RMT Wessex regional organiser Mick Tosh presented Trevor with his long-service medal at a recent Surrey and Hants branch meeting and gave him the union's best wishes upon his recent retirement. ■



Norwich Branch is now broadcasting on Facebook for some online agitation in East Anglia. Would you be able to make reference to our new page?
<https://www.facebook.com/NorwichRMT>

Steve Hedley speaking at the Nor4Nor campaign public meeting which was on the 12th January. Steve represented the union in fine style with a very strong and convincing speech. He followed speeches from Caroline Lucas MP, Clive Lewis MP, a speaker from the Bring Back British Rail campaign and David Welsh of the Norfolk for Nationalisation (NOR4NOR) campaign who arranged the meeting.



BOXING MATCH

Wayne Barnett will be taking part in a white collar boxing match for Cancer Research on March 18.

This involves having eight weeks of boxing training then getting in the ring and doing three two-minute rounds against an opponent with all the proceeds going to charity.

Wayne said that ultra-white collar boxing for Cancer Research will hit in excess of £10 million pound by the end of 2017.

"This is a big thing for me as I watched my granddad slowly pass away over three years of having cancer and I've never really got over it so for me so I'm pleased to support this great cause," he said.

The event is at Doncaster race course with multiple fighters and tickets available at £20 standard and VIP table 10 persons £50 this includes ring side tables two course meal and waiter/waitress service.

For details go to Cancer Research website. ■



RMT president Sean Hoyle attended the Portebello and Edinburgh branch



RMT president Sean Hoyle attended the Medway and District branch AGM



President's column

THE WORLD IS GETTING DARKER

"The world is getting darker" declared Ken Loach as he received the best British Film award at the Baftas, for *I, Daniel Blake*.

The most vulnerable and poorest people are treated by this government with contempt and a callous brutality that is disgraceful, extending to keeping out refugee children we promised to help.

He went on to say that the leaders need to be removed...but who would replace them? I strongly believe that at the moment, Jeremy Corbyn is still the best hope we have if we want a fairer society for all.

Unfortunately Jeremy is still attempting the impossible, as he cannot keep his socialist principles and the Labour Party intact at the same time.

The vast majority of the Parliamentary Labour Party and the councillors who back them are not socialists and in my view shouldn't be left unchallenged by socialists, including at the ballot box.

I think should say something about the disgraceful goings on during our dispute with Southern GTR. We have been in dispute for over a year and have always been prepared to talk to try and resolve the issues.

So when the company decided that they would only meet ASLEF in meetings co-chaired by TUC general secretary Francis O'Grady I was less than happy.

The rest is history and I feel that we now have a situation where the TUC and ASLEF have been complicit in all that has happened.

The TUC started talks which RMT was barred from and they are supposed to be a body that speaks for all unions and certainly shouldn't be entering into talks that will directly affect the members of a union that had been excluded.

We are a component part of the TUC and our general secretary sits as a member of its general council and yet the first we heard about the talks was in the media, that is a complete disgrace.

We continue to remind all that this is still about safety, the safety of the guard, passengers and the driver and has been from day one. When the guard isn't there anymore there will only be the driver.

Although Southern had previously said that

there will be someone else on the train, they won't be safety-critical and looking at the proposals supported by the ASLEF leadership, there would be many occasions when they won't be there at all so the driver will be wholly culpable when things go wrong.

Here is a statement from a guard:

"As your guard I will sell you your tickets, I will give you the time of your last train home, I will help you plan your journey and find your connections. I will assist you on and off the train, especially if you're disabled or elderly so you don't need to plan your journeys 24 hrs in advance and hope assistance turns up.

If you're a parent I will help you with your pushchair or pram. I will do my best to give you information when your journey is disrupted. I can help reunite you with your lost property, I can get help for you if you're ill, I can keep an eye out for your children, grandparents, grandchildren or even just for you on those days where you need a little help.

I can help to make sure your night on the tiles ends safely.

I can help the driver if they're ill or injured, I can contact our control and the signallers to report things which could be dangerous, and help to keep your trains moving. I can help organise your road transport if it all goes wrong. I can protect you should the very worst happen in an accident.

Even if you don't see me, I am there and I am available if you need me, watching and helping to get you where you need to be - safely.

If I become your On Board Supervisor I can sell tickets, I can issue fines if you haven't bought before boarding. If I'm there I might be able to help the disabled and elderly.

But I might not be there. Without safety training the train can run without me, and if it does I can't do anything to help you. As soon as the train starts to move there will be no one there, no one watching, no one keeping an eye out to make sure it's still safe.

That is why we believe our role as a guard is so important, please support your guards and join us in saying No More DOO."

'Life's tragedy is that we get old too soon and wise too late' -Ben Franklin



WOMEN IN RMT

Members across the country are taking initiatives to recruit women and get them active in their union



The union recently held a day of action at Euston station designed to attract women into RMT and encourage them to get active representing members at the workplace.

RMT national executive committee member Kathy Mazur said that there were a number of companies operating out of the Euston area including Voight, DHL, Interserve, Rail Gourmet and Virgin West Coast.

She said that Euston platform staff were well-organised but that it was important to encourage women to stand as RMT reps and even for the executive committee.

"It was a man that encouraged me to stand as a rep and eventually as branch secretary at a time when there wasn't that many female activists.

"Now I think it is much easier for women to get involved and represent your fellow workers simply because there are most female workers and activists.

"It is no good moaning that women need to get involved to

improve conditions at work.

"You can even stand for the national executive, you may not win straight away but that is no reason to give up," she said.

One such rep is Paulette Ford who has worked as a service manager on West Coast trains for over 21 years. Paulette said that Kathy was encouraged her to stand as women were not represented in her grade and they needed to have somebody that was able to understand their problems.

"We are all proud of Kathy's achievement as she is one of two women currently seating on the national executive committee of the union.

"Women can achieve these goals through determination, hard work and dedication even in an industry dominated by men," she said.

Kathy is also working with RMT Midlands regional Ken Usher to repeat the exercise in his region and beyond.

RMT women's steward in Scotland Janet Cassidy also convened a similar meeting in Glasgow following a decision of



RMT Scottish womens committee

the RMT women's advisory committee meeting to launch such a campaign.

She wrote to over 40 women who are either workplace reps or active within their branch inviting them along to the meeting to discuss the best possible organising strategies to encourage women to take on leadership roles within the union at every level.

The invitation was sent to women employed in the rail and maritime sector and a full and frank discussion took place.

The regional council

secretary, regional organisers and the organising unit were all in attendance and everyone agreed it had been a worthwhile exercise which they intend to repeat in the coming months.

It was also agreed that Janet produce a newsletter which will be sent to every female member in Scotland and include the role and purpose of the women's steward, the woman's advisory committee and some words of encouragement to female members to get involved in the life of their union.

CROYDE BAY

Croyde Bay Holiday Resort and Conference Centre offers 5% discount for RMT members



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FOR THE BEST LEGAL ASSISTANCE FOR RMT MEMBERS CALL FREE ON 0845 712 5495 (0800 328 1014 in Scotland). Lines open 8.00am-8.00pm Mon-Fri (except public holidays) and 9.00am-5.00pm Sat and Sun. For the 24 hour criminal law line call 0765 911 8181 (0800 328 1014 in Scotland)

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PROTECTING AND PROMOTING OUR MEMBERS' INTERESTS



LEGAL

FEEDING FAT CATS



Gerrard Stilliard, head of personal injury strategy, Thompsons Solicitors warns Tories are seeking to benefit the ‘privileged few’ yet again

Injuries and accidents at work remain a significant concern for RMT and its members. Fresh from slashing funding for the Health and Safety Executive, the government is now lining up to push through proposals which would stop thousands of workers who are injured at work from being able to access free or affordable justice for their injuries.

Currently, injured people can claim back the cost of getting legal advice if the damages they get for pain and suffering are above £1,000. Below £1,000 and the claim falls into the ‘small claims limit’ where Injured people either have to fight their case on their own in their own time against well-funded insurers or pay for a lawyer out of money meant to be for their injuries and losses.

If the government gets its way, the limit would increase 500 per cent to £5,000, leaving 95 per cent of those who actually caused the injury paying nothing towards the injured getting independent legal advice. That’s over a million people every year on their own and the insurers laughing all the way to the bank.

As we saw with the entirely unjust introduction of Employment Tribunal fees in 2013 lots of people will be put off from bringing a claim in the first place, even though they have been injured through no fault of their own and are fully entitled to compensation.

While the government says its proposals are designed to tackle a problem with so-called “fraud” in ‘whiplash’ claims, this is a fig leaf aimed at distracting people from the government’s true intentions.

The consultation document – which the government gave interested parties very little time to respond to over Christmas – shows that they actually want to impose the small claims limit increase in all personal injury claims, whether they occur in the workplace, on the road or anywhere else. This despite the fact that their own statistics show that the number of work injury cases has dropped 12 per cent over the last ten years, and they admit there is no suggestion of fraud by injured workers.

The changes in effect mean a huge cheque being paid from your taxes to insurers, their multi-millionaires bosses and

their shareholders.

Using the government’s own figures (which are a gross underestimate) these proposals would see our already squeezed NHS lose at least £9 million per year, and the Treasury lose (and, therefore, public services including schools and the NHS) at least £135 million per year.

Meanwhile, the government admit that the insurers will benefit to the tune of £200 million per year.

The government has joined insurers in been talking up scare stories of a “compensation culture” and “whiplash fraud”, and they have skated over the fact that even the insurance industry’s own figures show they have already saved a staggering £8.7 billion in claims costs for motor insurance claims in the last five years thanks to previous government changes. And yet premiums are higher now than they were in 2010 and increased by 17 per cent in the last year alone.

On her first day as prime minister, Theresa May said that her government would not work for the “privileged few” but instead for those who are “just about managing”. But in advancing these callous and

cynical plans she would only further enrich insurers and their sickeningly well-paid chief executives – the very epitome of the privileged few.

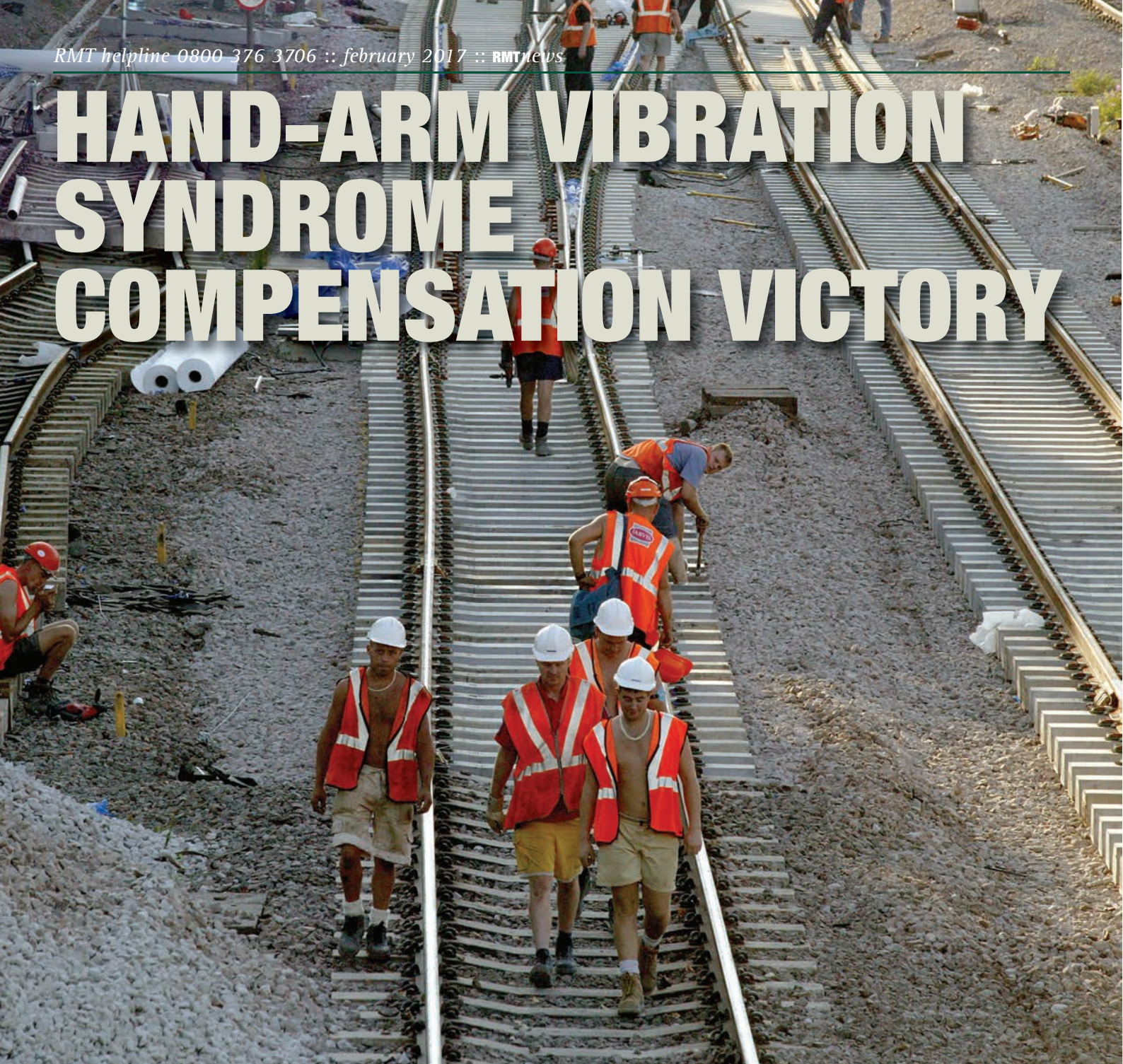
If May were really bothered about standing up for working people, she would not be recommending plans which would see serious injuries, resulting in physical and mental ill-health, downgraded to mere ‘minor’ injuries in the eyes of the law.

And to suggest that the chance of a working person securing £5,000 in damages for their injury is not a significant enough sum to justify expert legal support is simply insulting. Let May or justice secretary Liz Truss tell a train guard or station cleaner working long hours every week that £5,000 is insignificant and see how they react.

Help us defeat these unfair and vindictive proposals. Put pressure on the government to think again by writing to your MP (there is a pre drafted letter at <http://www.feedingfatcats.co.uk>).

Follow @FeedingFatCats on Twitter and sign the online petition at petition.parliament.uk/petitions/173099.

HAND-ARM VIBRATION SYNDROME COMPENSATION VICTORY



Thompsons solicitors secured £21,500 for an RMT member who was injured whilst working as a construction worker for Network Rail.

The man had worked in construction for George Wimpey, and later in rail maintenance for Network Rail, and would routinely operate heavy duty hand-held machinery which exposed him to high levels of vibration.

He began to complain of pain and weakness in his arms after operating the machinery and was subsequently diagnosed with stage 2 hand-

arm vibration syndrome (HAVS) due to the effect of continuous vibration applied to his arms without breaks. He was also diagnosed with carpal tunnel syndrome, which caused him swelling and numbness in his wrists.

As an RMT rep, he contacted Thompsons solicitors through the union. Although Network Rail admitted that he should not have suffered such high levels of exposure to the machinery without adequate rest breaks, it claimed that his role as a union and health and safety rep should have provided

him with the relevant information to avoid such injuries, thereby ignoring their duty of care to him.

Although Network Rail put in place better policies once they had been made aware of his condition, the injuries suffered up until that point had already caused the member pain and considerable distress. Before the case reached trial, a £21,500 settlement offer was agreed.

Mick Cash said that all workers should know that legal protection is available to them when they have been injured at

work.

“Our member was caused significant discomfort after undertaking routine activities in his job – this should not happen to any worker,” he said.

Thompsons Solicitors’ Andrew Hutson said that he was satisfied to have secured the £21,500 compensation to help the member.

“It shouldn’t make any difference that the man was a workplace health and safety representative and we made a strong case to show his painful condition was caused by Network Rail,” he said. ■

BUS DRIVER AWARDED COMPENSATION

Union wins award for bus driver suspended for refusing to drive a defective bus

Union solicitors Thompsons has secured a settlement worth £9,200 for an RMT member who was suspended and dismissed after refusing to drive a bus with a faulty horn.

During the course of his duties, the member experienced a number of near misses after finding he was unable to use the bus horn. He understood that his bus was due to be substituted because of the

broken horn and although he had informed his employers he was told to carry on driving it.

After the member refused he was suspended. After reporting the matter to the police, he was subsequently dismissed before being reinstated upon appeal with a final written warning. On his return, he was also reduced to 50 per cent pay for the period between reinstatement and dismissal, and transferred to

another garage.

Thompsons solicitors were instructed to investigate a claim for compensation on behalf of the union. As part of his appeal evidence from the Driver and Vehicle Standards Agency confirmed that to continue to use a vehicle with a defective horn would have been an offence under s42 Road Traffic Act 1988 and his employer should not require him to drive a vehicle in this condition.

The member accepted an offer of £9,200 compensation package prior to his hearing. The damages included a sum for injury to feelings, the 50 per cent shortfall in wages as well

as the removal of the final written warning.

RMTR general secretary Mick Cash said that the member was only trying to do his job in the safest and most responsible way and the way he was treated was wrong.

"It was only right that the emotional impact of his unfair suspension was considered in the settlement," he said.

Andrew Hutson of Thompsons Solicitors added that the member was attempting to protect himself and others from danger in alerting his employer to the defective horn and he had been treated with complete contempt. ■

THE GREAT WHIPLASH CON

Nearly a year to the day after the policy was first announced, the government has finally published plans which will restrict access to justice for injured people.

Presented as being to do with whiplash, but really attacking the rights of anyone injured, anywhere - including at work - the proposal will take away the right to free legal advice and fair compensation.

The Tories are using whiplash as a fig leaf to increase the small claims limit by 500 per cent, from £1,000 to £5,000 for all claims, including workplace injuries.

This will undermine the funding of union legal services and make it impossible for the vast majority of injured workers to enforce their right to compensation - while lining the pockets of the super-rich insurance company bosses who already get eye watering pay packets.

The changes are in effect a huge cheque from injured

workers and the taxpayer for the benefit of multi-millionaires.

The insurance industry has spent years lobbying its mates in government to change how the legal system works. They have been rewarded with changes that will alter principles of personal injury law that have stood for generations and sound a death knell for free legal advice.

The government has been talking up scare stories of a "compensation culture" and "whiplash fraud", when their own statistics in fact show that the number of work injury cases has dropped over the last ten years, and they admit there is no suggestion of fraud by injured workers.

The government skates over the fact that the insurance industry's own figures show they have saved a staggering £7.8bn in claims costs in the last five years. And yet, premiums have continued to rise.

We investigated the pay of the CEOs of the top three insurers and found that their salaries, benefits, bonuses and dividends gave them earnings in 2015 ranging from £4.82 million to £37.82 million.

In their latest pay packets, Admiral's Henry Engelhardt pulled in an enormous £37.82m, while Direct Line's Paul Geddes earned £4.82 million and AVIVA's Mark Wilson doubled his pay to £5.67 million.

On the steps of Downing Street, when she was appointed prime minister, Theresa May said that her government would not work for the 'privileged few' but instead for those who are 'just about managing'. It is hard to think of many people who better fit the definition of "privileged few" than these insurance CEOs.

The facts simply do not reflect the 'reality': the insurers are raking it in and are happy to see premiums go up while it is hardworking people on low

incomes who struggle to afford to drive a car to get to work in the morning and home to their families in the evening, who bear the brunt.

And it is the same people who are being told that their injury, worth 'just' £5,000 is too small to need expert legal advice. Let them tell bus driver, a track construction worker or a station cleaner working long hours every week that £5,000 is insignificant and see how they react.

The audacity of those receiving eye-watering rewards packages is staggering - they lobby for changes to the small claims limit that will only mean more profit for them and leave people injured at work or on the roads out in the cold.

RMT, and the wider trade union movement, is fighting these proposals but your help is needed. Sign the online petition: petition.parliament.uk/petitions/173099, visit www.feedingfatcats.co.uk and follow @feedingfatcats on Twitter to join the campaign and send an email to your local MP to oppose the changes.

Member Benefits

£50 CASHBACK ON HOME INSURANCE

RMT works hard to negotiate the very best deals for members' and recommends UIA Mutual to insure your home.

UIA Mutual is offering RMT members £50 Cashback* on your home insurance when you buy online*. Simply visit www.rmtinsurance.co.uk/rmt117.

But hurry, this offer ends on March 28 2017.

HOME INSURANCE WITH GREAT BENEFITS:

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RMT recommends UIA Mutual because of their trade union heritage and mutual status having been born out of the trade union movement over 125 years ago. Being a mutual insurer is important because they don't have any shareholders to pay, so your interests come first, and any profits are used to lower premiums. UIA Mutual is dedicated to paying genuine claims rather than avoid them, just last year they paid out over £9.1 million in claims.

WHAT MORE COULD YOU WANT FROM YOUR INSURANCE COMPANY?

94 per cent of their policyholders would recommend them*. Here are some comments about UIA Mutual, from their customers:

"I have been extremely impressed with the service from UIA. It has all been smooth at what was an extremely stressful time for me. I was dealt with speedily and professionally. I cannot thank you enough. Now at the other side of the flood damage I know I was very lucky to have UIA. The workmen said my damage had been dealt with speedily and they had known people to wait seven months or more - I said it must be because I am with UIA"

Miss Claytor, October 2016

"I decided to get a quote from you. I have gone from paying £26 per month to £9.95.

Delighted, thank you". Mrs Pride, November 2016.

"We are new to your household insurance and were pleased with the cost of the policy, only sorry

we did not join earlier".

Mrs Richardson, April 2016.

"Good service over the phone and good product knowledge from the advisor"

Mr Crowe, February 2016.

We've told you a little about UIA, their £50 cashback offer, and great customer service which sees their customers stay with them year after year, why not visit their website www.rmtinsurance.co.uk/rmt117 to get a quote?.

* To be eligible for this promotion, purchase a new UIA Home Insurance policy online through their website and be accepted by them. This promotion is not available to customers who purchase their insurance offline i.e. over the telephone. Full terms and conditions can be found by visiting www.uia.co.uk/terms-conditions.

† Except clothing and household linen. In 2015

* Research carried out by UIA (Insurance) Ltd, December 2016.

RMT Kindle Fire Competition

UIA Mutual is offering RMT members the opportunity to win a Kindle Fire worth £89.99.

To enter the competition all you need to do is complete the short form at www.uia.co.uk/rmtcompetition.

The closing date for this competition is 28 March 2017.
For full terms and conditions please see www.uia.co.uk/terms-conditions.



OBITUARY

TAM DALYELL

RMT stalwart

ANTI-WAR:
Tam Dalyell
speaking against
NATO aggression
against
Yugoslavia on
April 11 1999

RMT member Tam Dalyell was a man of political and social contradictions, an aristocrat that strongly supported trade unionism and a former Tory who became a staunch socialist politician.

A former Conservative activist, he became a thorn in the side of successive Tory governments led by Margaret Thatcher whom he described as "a bounder, a liar, a deceiver, a cheat, a crook and a disgrace to the House of Commons".

Yet he won admiration from across the political spectrum as an honourable and principled member of parliament and even had many Tory friends including Ken Clarke.

He represented West Lothian from 1962 to 1983, then Linlithgow from 1983 to 2005. He is particularly well known for his formulation of what came to be known as the "West Lothian question", on whether non-English MPs should be able to vote upon English-only matters after political devolution.

He was a long-standing member of RMT parliamentary group and described John Prescott's resignation from the group in protest at the union's left policies as "petulant".

He first joined the Labour Party following the disastrous 1956 invasion of Egypt by British, French and Israeli forces which became known as the Suez Crisis.

This imperialist aggression – an unsuccessful attempt to gain control of the Suez Canal and remove the Nasser government – made him a committed opponent of future British imperialist interventions for the rest of his life.

Beginning with his opposition to action in Borneo in 1965, he opposed the British invasion of Aden, the depopulation of Diego Garcia, the Falklands War and the sinking of the General Belgrano in particular, the illegal attacks on Yugoslavia and the Gulf War.

He also fought to uncover the truth about the Lockerbie bombing and consistently said

that he did not believe Libyan leader Colonel Gaddafi was responsible for the outrage.

When invited to rank Tony Blair among the eight prime ministers he had observed as a parliamentarian, he cited policy over Yugoslavia and Iraq as reasons for placing his party leader at the bottom of the list.

In February 2003 he became the first Father of the house to be ordered to leave the chamber, after asking questions about the government's "dossier" on weapons in Iraq. In March 2003, regarding the 2003 invasion of Iraq, Dalyell accused Blair of being a war criminal that should be sent to The Hague.

Labour leader Jeremy Corbyn said that "Tam was a titan of parliamentary scrutiny, fearless in pursuit of the truth. From Iraq to the miners' strike, he doggedly fought to expose official wrongdoing and cover ups".

Dalyell stood down from the House of Commons in 2005 and in 2011 he published his autobiography, *The Importance*

of Being Awkward.

The dedication is "To the men and women of West Lothian – Labour, SNP, Conservative, Liberal, Communist – who, whatever their political opinions, were kind to me in all sorts of ways over 43 years as their representative in the House of Commons".



LONG SERVICE: Fife branch secretary Jim Phelps presented Tam with his long service award in December.

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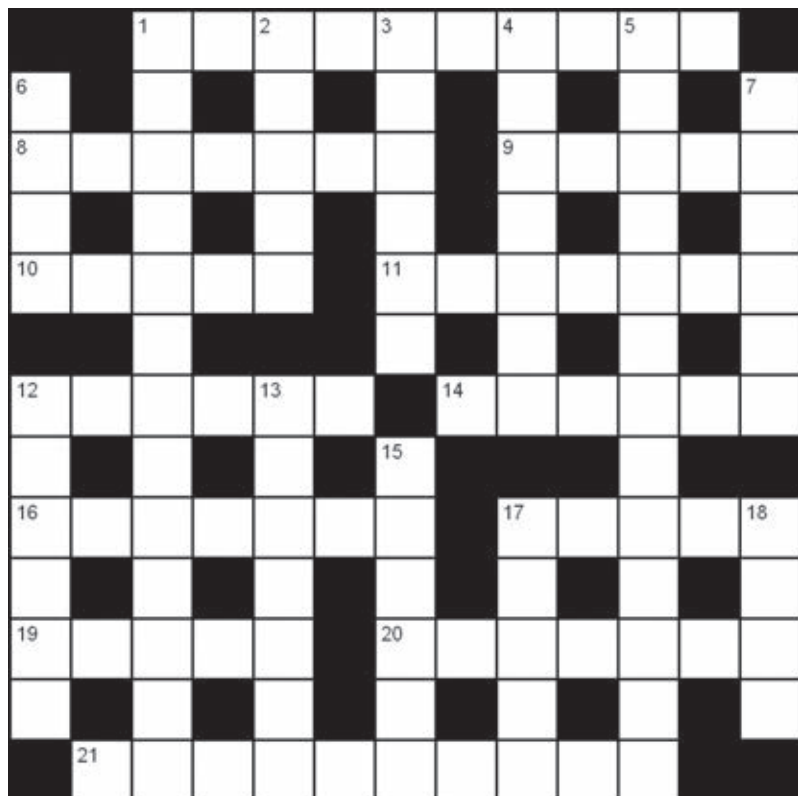
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£50 PRIZE CROSSWORD



Last month's solution...



The winner of last month's prize crossword Winner R V Jones, Wirral.

Send entries to Prize Crossword, RMT, Unity House, 39 Chalton Street, London NW1 1JD by March 20 with your name and address.

Winner and solution in next issue.

ACROSS

1. Paleness (10)
8. Offensive (7)
9. A line gauge (5)
10. Call forth (5)
11. Flamboyant 80s pop star (4,3)
12. Large scissors (6)
14. Tenant (6)
16. Conscript (6)
17. Brief (5)
19. Weeper (5)
20. Jewelry (7)
21. Enjoyable (10)

DOWN

1. After surgery (13)
2. Feudal lord (5)
3. Professional killer (3,3)
4. Recount (7)
5. Confident (4,9)
6. Discharge (4)
7. Squirm (6)
12. Tempt (6)
13. Pensioner (7)
15. Return to normal (6)
17. Pulsate (5)
18. Therefore (4)



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Home phone			
Mobile phone		Postcode	
Email address			
Date of Birth		National Insurance Number	

2 **Marital Status** married ☐ partner ☐ single ☐ divorced ☐ **Drivers Licence No.**

3 Your Employment.

Employer		RMT Branch	
Job Description			

4 **Mr** ☐ **Mrs** ☐ **Ms** ☐ **Miss** ☐

5 Membership Status

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7 Normally your payments are made once a month (28th) to RMT Credit Union Ltd.

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9 **I undertake to abide by the rules now in force or those that are adopted.**

Your signature

Date

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To: The Manager	Bank/Building Society
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Bank/Building Society account number

Branch Sort Code

Originator's Identification Number

Reference Number

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Signature(s)

Date

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