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## **Striking a balance**

The Transport Committee's review of Industrial Relations on the London Underground

January 2006





**LONDON**ASSEMBLY

**Transport Committee**

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# The Transport Committee

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The Transport Committee's general terms of reference are to examine and report on transport matters of importance to Greater London and the transport strategies, policies and actions of the Mayor, Transport for London, and the other Functional Bodies where appropriate. In particular, the Transport Committee is also required to examine and report to the Assembly from time to time on the Mayor's Transport Strategy, in particular its implementation and revision.

The terms of reference for the review

- To examine recent trends in the state of industrial relations on the London Underground
- To examine why industrial disputes on the Underground have often lead to industrial action, using case studies
- To compare London Underground's industrial relations with other world city public transport networks to establish best practise

Recommendations 1-4 of this report were unanimously agreed by the eight Members of the Committee present at the 19<sup>th</sup> January 2006 meeting at which the report was voted on. Recommendations 5 & 6 were supported 6-2; John Biggs AM and Darren Johnson AM voting against these recommendations.

Please contact Danny Myers on either 020 7983 4394 or on e-mail via [danny.myers@london.gov.uk](mailto:danny.myers@london.gov.uk) if you have any comments on this report the Committee would welcome any feedback.

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## Chairman's Foreword



**Roger Evans AM**

Chairman of the Transport Committee

The history of industrial relations on London Underground is not happy. Since the creation of the Greater London Authority in May 2000, there have been fourteen cases of industrial action which have led to disruption of services. In addition to widespread inconvenience, strikes are estimated to cost London businesses £100m for each day lost, so this is a significant issue for the capital. With the current dispute between the RMT and the Mayor escalating, passengers once more find themselves as pawns in the front line, and this is unacceptable.

In our report, we have sought to examine the record since 2000 and the role played by London Underground management and the three unions who represent underground workers. We set this in context by comparing the performance of other world cities – Paris, Madrid and New York.

An agreed approach to negotiation and consultation exists, having been signed by all parties in 2001, but in practice strike ballots and threats of action take place early in the negotiating process. We recommend that the agreement is reaffirmed and adhered to by both sides. We also recommend joint training of local managers and union representatives at depot level so that the procedures are clearly understood and the sort of local disputes that can easily escalate are avoided.

The annual pay negotiations create an ongoing atmosphere of conflict and uncertainty, sometimes leading to industrial action. The committee finds that much of this could be avoided if pay deals were agreed for longer periods of three or four years and this finding forms the basis of our third recommendation.

Finally, we strongly urge the unions and management to put in place a no strike deal to cover the sensitive Christmas and New Year period and also in preparation for the 2012 London Olympics. This is controversial but falls short of legislation to restrict strike action, such as New York's 'Taylor Laws' which effectively make industrial action illegal.

## Executive Summary

Twice in the last month, the RMT have taken strike action on the London Underground. Twice, the majority of the RMT's membership have turned up for work and twice only a small percentage of tube stations were forced to close. Twice, London's tube passengers have been threatened with huge inconvenience, and despite the limited impact these strikes have had, many have faced an unpalatable level of disruption to their travel.

On New Year's Eve and then on 8<sup>th</sup> January 2006, 4000 RMT members withdrew their labour on the London Underground. The initial dispute revolved around the implementation of a new deal - a deal which the RMT asked its members to support and which over 90% did - that delivers a 35-hour working week, 52 days annual leave but which also redeploys station staff often from ticket offices to platforms. The RMT, despite repeated reassurances from London Underground to the contrary, insisted that this redeployment would result in job losses.

The machinery through which negotiations take place between London Underground and in particular the RMT has obviously failed and the Mayor now predicts, amid a climate of dwindling trust and increasing hostility, that more strikes may occur. ASLEF's decision last week to ballot their members on strike action after what they had described as 'serious breakdown in industrial relations and trust' only reinforces this conclusion. At the same time, a new pay deal for London Underground workers to replace the current deal, which runs out in April 2006, is to be negotiated over the next few months. It is difficult to be optimistic about the short-term prospects for stable industrial relations on the London Underground.

This London Assembly Transport Committee review into Industrial Relations is not going to sit as judge and jury on the relative merits of each dispute. Rather this review seeks to lay down a potential template by which industrial relations can be improved and greater stability brought to the Underground network and its 3 million daily users. For example -

- The report considers how best to avoid local disputes escalating into full line closures. The Committee recommend that joint negotiating training between London Underground and union representatives at depot level be restored to encourage closer working and a shared understanding of best practice.
- The Committee recommend that a longer-term pay deal is sought on both sides to bring about a more stable environment in which the long-term improvement of the Tube can be realised. These longer term pay deals should be timed to ensure that the 2012 Olympic Games take place in Year 1 or 2 of a three or four year pay deal to reduce the risk of strike action disrupting the run up to or the actual Games.
- The Committee recommend, on the back of whatever new and hopefully longer term pay deal is agreed in the spring of this year, the full restoration and adherence to the *Machinery for Negotiation and Consultation* which all parties signed up to in 2000. This can only be achieved with mutual trust achieved through, for example,
  - a properly implemented new deal by London Underground
  - the balloting of union members only after any negotiations have broken down rather than as a precursor to the first round of discussions
- The Committee recommend that the unions agree to a voluntary no strike agreement for the Christmas period - including New Year's Eve - and in the immediate build up and duration of the 2012 Olympic Games.

The Committee believe that these recommendations would begin to allow for the restoration of a stable environment through which those who work on and those who manage the Tube can operate effectively together for the benefit and peace of mind of London's 3 million daily Tube passengers.



## Introduction

- 1.1 It is now an almost annual Christmas dance between London Underground and the RMT. For four of the last six Christmases, the RMT have balloted their members and threatened to withdraw their labour over the Christmas and New Year period. It seems that no sooner than the Christmas lights go up, the ballot papers are despatched.
- 1.2 Is this a crude negotiating tactic or a symptom of a wider problem with industrial relations on the London Underground? Although the background noise would suggest otherwise, the trend since 2003, when TfL assumed control of London Underground, has been positive. There has been less industrial action on the London Underground, less balloting of members and fewer peak time trains lost to disputes. To date, there have been only three strikes on the Tube since 2003 and two of these were local disputes that escalated and resulted in full line closures.
- 1.3 These strikes, however few, do exact a price from London. It has been estimated that each strike costs London's economy in the region of £100 million<sup>1</sup> a day in lost fares and productivity. The inconvenience to passengers and the extra strain placed on London's bus and rail network is inestimable. Even with the trend of less actual disruption since TfL's assumption of control of the Tube in 2003 – a move welcomed by all three main trade unions on the Underground – the impression given through the media and conveyed to Londoners is of a fractious relationship between management and staff.
- 1.4 This report analyses the relationship between the unions (the RMT, TSSA and ASLEF) and London Underground management and seeks to address the following key questions.
- Why do local disputes escalate into a level of disruption for the passenger that appears disproportionate to the source of the dispute?
  - What can be done to ensure that all parties stick to agreed negotiating protocol?
  - What can be done to put into place longer-term pay deals for all workers on the tube so that potential disruption is limited and fair and progressive conditions can be acquired for tube staff?
  - Why do these ballots appear to be timed to take place at key points in the year for tube users – such as Christmas and New Year?
  - What can be done to ensure the workers employed under the Infracos in the PPP have access to the same terms, conditions and pension rights that are enjoyed by LU workers?
- 1.5 The report also examines the state of industrial relations in three other major world cities – New York, Paris and Madrid. Although these comparisons are not always neat, not least because of the vastly different legal framework in which the respective industrial relations are played out, these case studies offer an interesting benchmark. There is the unified approach of the French trade union movement which has led to many secondary action strikes on the Paris Metro and the Taylor Law in New York which allows the state to fine workers \$25,000 for every day they go on strike.

## The Trade Unions

- 1.6 There are three trade unions that represent the vast majority of London Underground and Infracos employees – the RMT, ASLEF and the TSSA. Each approach and interpret current industrial relations with a different perspective, reflecting their members' needs as well as political outlook. The RMT represent a large number of station staff and

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<sup>1</sup> Maurice Fitzpatrick, Head of economics at business group Numerica, see [BBC website, 30 June 2004](#)

drivers; ASLEF's membership is largely driver based and the TSSA represent back office and station staff (see Table 1).

1.7 As can be seen in Table 2 (below) the RMT ballot more often with lower turnouts and take industrial action considerably more often than ASLEF. The TSSA have yet to ballot their members concerning London Underground and have done so only in response to Infraco action.

**Table 1 - Union Membership (LUL, Infraco)**

Union	LU (Drivers/Station Staff)	Infracos	Total
RMT	5,592 (1496/4096)	2,536	9,812*
ASLEF	1882 (1828/54)	100	1,982
TSSA	2500 (approx) (0/2500)	600	4000 (approx)**

\* The remainder of the RMT's membership are from support services, for example cleaning contractors

\*\* The remainder of the TSSA's membership are non station staff working for London Underground/TfL.

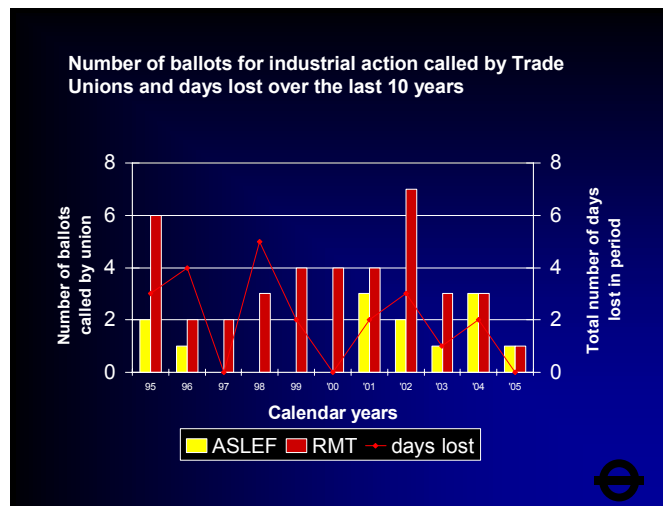
**Table 2 – Total Ballots, Strikes and Turnout by Union 2000-November 2005**

Union	No of London ballots (turnout)	No of local/specialist ballots (turnout)	Total	ACAS Referral	Strike or action
RMT	11 (44%)	12 (54%)	23	3	10
ASLEF	4 (51%)	6 (59%)	10	3	4
TSSA	0	0	0	0	0

- not including Northern Line action which did not require a ballot
- a full list of industrial action, turnouts and numbers of votes are available on request

1.8 The graph below, provided by London Underground in advance of the 20 October 2005 Committee hearing, highlights the difference between ASLEF and the RMT over the past ten years in terms of the number of ballots and number of days lost to industrial action.

**Figure 1 – Ballots, year on year, according to Union (RMT/ASLEF)**



- 1.9 The TSSA pointed out to the Committee that it has 'recognised a more constructive approach' from London Underground with regard to industrial relations. Both the RMT and ASLEF however were more critical of London Underground management. The RMT told the Committee that a failure to implement a 35 hour working week on the London Underground had 'angered' its membership and ASLEF were concerned that the 'number of personnel changes in LUL Management' had disrupted the continuity of industrial relations.
- 1.10 All three unions are united however in their concern over the PPP and its impact on the terms and conditions of their members. All point to an erosion of terms and conditions, especially over the withdrawal of pension schemes for new starters. We consider this in greater depth in Chapter 3.

**From dispute to strike: the process**

- 1.11 There are two types of strike. The first and most often publicised is over pay and conditions, essentially a bargaining tool to be used for the betterment of members' working conditions (see Chapter 3). The second, and fractionally more prevalent, is when a local dispute leads to a local walk out, which in turn can effectively close a whole line. Essentially these occur because of a perceived infringement of agreed working conditions.
- 1.12 These different types of dispute are treated differently in negotiation. The protocol was established in March 2000 and is known as the *Machinery of Negotiation and Consultation*. In it, clear steps and processes are established through which negotiations are undertaken and deals secured. The document outlines the number of representatives that would be present at negotiations and the forums through which disputes are resolved. For example, the London Underground Company Council deals with pay talks; the five functional councils deal primarily with local disputes and specific details regarding day-to-day management.
- 1.13 A lament on both sides of the negotiating process is that the parties deviate from this agreed process - for example, a union balloting its members prior to an ACAS referral - and therefore before even serious negotiations have begun, the threat of industrial action has already been widely reported.

## 2. Local Disputes

- 2.1 There have been two local disputes that have escalated into full line closures –with RMT and ASLEF each calling a single strike. Both disputes centred on action taken against individuals. This chapter does not seek to second guess the merits of individual cases but seeks to examine, through the two most recent examples, the escalation of local disputes into full line closures. The process by which local disputes are dealt with under the agreed protocol is outlined below in Figure 2.

<b>Figure 2 - RMT &amp; ASLEF – Individual Disputes</b>		
<b>Protocol</b>	<b>What Occurred</b>	
	<b>Edgware Road Strike (RMT – Hammersmith &amp; City Line)</b>	<b>Arnos Grove Strike - (ASLEF – Piccadilly Line)</b>
<b>Local dispute raised</b>	Member of staff was sacked for a breach of his sick leave.	Demotion of a driver for going through SPAD signal – appeal proceeded without union representation.
<b>Referred to LU Employee Relations Manager</b>	No information.	
<b>Referred to the five individual Functional Councils</b> (Stations & Revenue; Trains; Signalling Operations; Support Managers & Admin; Managers) at its next meeting –	No information.	
<b>Ad hoc meeting with relevant Director</b> – with an agreed level of Union representation	LU meet independently of ACAS and directly with the RMT on 15 <sup>th</sup> January 2003.	
<b>ACAS Referral</b> – with either binding or non-binding outcomes	ACAS did not facilitate a meeting but helped avoid further action through correspondence with both parties to avoid further action.	ACAS hearing took place on 20 December 2004.
<b>Ballot Local Members</b> - usually over a two week period	15 Oct - 5 Nov 2003 45% turnout (45 voters); 32 voted in favour of action.	8 Nov – 14 Dec 2004 63% turnout (92 voters); 77 voted in favour
<b>Strike</b>	13/14 <sup>th</sup> November 2003	24 <sup>th</sup> December 2004

### **Edgware Road Strike - November 2003**

- 2.2 The Edgware Road strike was called after a member of staff was sacked for a breach of his sick leave. The case became particularly high profile as a result of extensive press coverage. The employee was seen coming out of a squash club while on sick leave, but said he had been told to do more exercise to get over an injury.
- 2.3 Bob Crow responded by stating that '...we can't allow for injustices to take place when our member was quite clearly told that he needed sports therapy to repair his ankle. He went for that sports therapy and as a result of that he was sacked.' The Mayor responded in the immediate aftermath of the strike with a claim that 'the Underground's occupational health doctors say that they would not advise someone off work with a sprained ankle to play squash.'<sup>2</sup>
- 2.4 Tim O'Toole, Managing Director at London Underground, claimed that to London Underground management, 'the case just violated all common sense' and that at some point 'you just have to face up to dealing with the situation'. Dealing with the situation meant a referral to ACAS, that the tribunal finding was upheld, and the member of staff remained sacked and a strike took place.
- 2.5 80 staff took part in the action. 28 peak time trains were lost due to the dispute which represents 5.5 per cent of the entire tube service and 93 per cent of the service scheduled along the Hammersmith & City Line during peak hours. 82 per cent on the non-peak service was lost along the line also (about 5.8 per cent of the entire service).

### **Arnos Grove - Christmas Eve 2004**

- 2.6 The second dispute centred on the demotion of a tube driver, for going through four red lights on the Piccadilly Line. His tribunal took place without union representation present and local members voted nine to one in favour of industrial action. The driver was demoted for nine months and given the opportunity to reapply for his job after such time.
- 2.7 The strike took place on Christmas Eve 2004. 223 staff took part in the action. 35 out of 36 peak time trains were cancelled (approximately 7 per cent of the entire service). 21 out of 56 of non-peak time services were also lost to the action (just over 5 per cent of the entire service). An ACAS-brokered deal resulted in a planned second day of disruption being cancelled and eventually the same deal offered to ASLEF prior to the strike was accepted.<sup>3</sup>

### **Why do local disputes escalate? - Fragmentation**

- 2.8 ASLEF in their written submission to the Committee highlighted that '...since the implementation of the Company Plan in 1992, LUL has gone full circle and returned to a line-based management structure. This has led to disputes at local level, for example, at Arnos Grove depot, Acton Town depot and North Greenwich depot or line based disputes, for example, the District Line and East London Line.'<sup>4</sup>
- 2.9 ASLEF complained in their submission to the Committee that 'there have been a number of personnel changes in LUL Human Resources Management that have disrupted the continuity of working relationships between ASLEF and LUL'.<sup>5</sup> London Underground however pointed out to the Committee that a stable HR management structure is now in place and in their written evidence also argued that '...it is impossible to be happy with a legal framework that facilitates industrial action regardless of merit.'

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<sup>2</sup> [BBC News, 14 November 2003](#)

<sup>3</sup> London Underground, Transport Committee, 20<sup>th</sup> October 2005 - *clarify*

<sup>4</sup> ASLEF evidence, available on request

<sup>5</sup> ASLEF written submission, available on request

- 2.10 Communications appear to break down at local level between Employee Relations Managers and local union representation. This relationship is key to preventing breakdowns in employer/employee relations and avoiding industrial action. An industrial dispute can almost appear inevitable before the protocol is employed if enough hostility has been generated at a local level to make a settlement impossible.
- 2.11 Bob Crow suggested to the Committee that to avoid further disruption at a local level joint training should be reinstated between local management and local representation.

*'The representatives at the depot, the representatives at the station with local management should be coming together to try and build a relationship with each other. It is not about all having a meeting around the table with a minute book. It is about sorting these issues out, whether it is over the phone, talking to people and trying to resolve those issues.'*<sup>6</sup>

Steve Grant of ASLEF supported Bob Crow's call for joint training believing it would help 'bond' local representation on both sides and cultivate a 'team working' culture that would far more conducive to constructive negotiation.

- 2.12 London Underground informed the Committee that they are reviewing all training and also pointed to an exhaustive range of diversity training which they hope will bring a 'transparency and honesty among managers and the front-line staff'.

Recommendation 1

- 2.13 **We recommend that as part of its review of training, Transport for London should pursue the idea of joint negotiating and conflict management training for managers and local union representatives.**

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<sup>6</sup> London Assembly Transport Committee 20 October 2005

### 3. Pay & Condition Disputes

- 3.1 Since London Underground became part of Transport for London, there has been one strike over pay and conditions. This took place on 29/30<sup>th</sup> June 2004 and was called by the RMT after negotiations failed to secure a two-year pay deal. ACAS was not referred to in this instance and the dispute was resolved when a two-year deal was eventually reached in November 2004. Negotiations for a new pay deal are already underway.
- 3.2 The 2004 dispute was characterised by a significant falling out between Bob Crow and the Mayor, Ken Livingstone. The Mayor, in the build up to the strike, had said that he would have gone to work and crossed the picket line had he been a member of RMT.
- 3.3 Almost 2,500 RMT members took part in the action. More than 80% of peak time services were affected by the action, and approximately 74% of non-peak time services were also affected. In total 718 of the scheduled 923 trains for that day were lost to the strike and Maurice Fitzpatrick, head of economics at business group Numerica, said the strike would cost the London economy £100m in lost fares and lost productivity.<sup>7</sup>

<b>Figure 3 - RMT Pay Strike - June 2004</b>	
<b>Protocol</b>	<b>What occurred</b>
<b>Pay &amp; Conditions Dispute</b>	Claims that 800 jobs would be lost and the refusal of a four day week
<b>Negotiations</b> - take place at the London Underground Company Council – which has six LU representatives and 10 union representatives	
<b>Referred to ACAS</b> – with either binding or non-binding outcomes	Not referred - though the protocol states that ‘no form of industrial action will be undertaken until 28 days after the procedures (including an ACAS referral) are exhausted’. <sup>8</sup>
<b>Ballot Members across London</b> - usually over a two week period	21 May – 2 June 2004 2471 members responded (42% of all membership); 2047 voted for action.
<b>Strike</b>	June 29 <sup>th</sup> /30 <sup>th</sup>

- 3.4 The dispute was eventually resolved with a pay deal that secured 52 days holiday, a 35-hour working week and the promise to not reduce the number of station staff. The RMT membership voted overwhelmingly in favour of accepting the deal.
- 3.5 Bob Crow, in his written submission to the Transport Committee<sup>9</sup> highlighted that long held concerns over the length of the working week had made strikes inevitable. The continued delay in the implementation of such a deal, due in November 2005 but likely to be further delayed, continues to cause a ‘great deal of resentment’ among RMT members. The RMT remained unsatisfied by the repeated assurances from London Underground that the redeployment of ticket office staff to other duties would not lead to any redundancies.

<sup>7</sup> [BBC website, 30 June 2004](#)

<sup>8</sup> Machinery of Negotiation and Consultation, paragraph 4.3

<sup>9</sup> RMT written submission, available on request

- 3.6 The dispute remained unresolved and RMT members balloted in favour for strike action on New Year's Eve. The impending failure to resolve the dispute prompted the Mayor to make it clear to the Assembly that 'not a single penny of additional funding will be made available to reward that strike action'.<sup>10</sup> The problem, according to the Mayor, lay with 4 units out of RMT's total of 44 across the Underground network – all on the Piccadilly Line – that have unlike the 40 other units have yet to accept the deal.
- 3.7 The industrial action that took place on New Year's Eve had a limited impact on actual service, with many RMT members turning up for work on New Year's Eve. However, amid claims that London Underground – which they deny – kept stations open with dangerously low staffing levels. A second strike was called for 8 January 2006. This action, described by the Mayor as an attempt to 'dig in' following the limited impact of the New Year's Eve action, led to the closure of 21 stations. 275 stations remained open.

### **Pay Deals**

- 3.7 The current two-year pay deal for London Underground workers expires this spring and negotiations have begun for the next deal. London Underground's aspiration is to achieve a longer deal. Longer deals offer greater security for London Underground and, crucially, reduce the potential for annual industrial action and increase the potential for the roll out of schemes such as joint training.
- 3.8 It can, as we illustrate with the case study in Madrid, build in greater benefits and mid term security for LU staff as well. For example, over the course of the recently agreed four-year deal, there is an incremental increase above inflation. For example, a year 1 3% increase is followed in year 2 by a 0.5% above inflation rise in year 2; a 0.7% above inflation rise in year 3 and 0.8% above inflation rise in Year 4.
- 3.9 Tim O'Toole, Managing Director of the London Underground, informed the Committee that:

*'There is no way we can ... build relations with our employees, and improve the service, and deal with the infracos, and everything else we have to do, if we do not pull this company together. The only way we can pull it together is if we can find periods of stability where we can start to work on things together. If we are going through strike talks every year, that will not happen... It has to be a multiple-year deal.. next time it has to be three or four [years]. '*

### Recommendation 2

**The Committee shares and supports London Underground's aspiration for longer-term deals for London Underground's staff.**

- 3.10 The Committee is also anxious that, as it stands, the 2012 Olympic Games stand at a potentially vulnerable point within the negotiating cycle.

### Recommendation 3

- 3.11 **We recommend that London Underground and the trade unions seek to ensure that the 2012 Olympic Games should fall within Year 1 of a new deal, thus reducing the potential for industrial action and providing the transport network with the necessary stability to prepare for the games in the immediate period preceding the Games.**

<sup>10</sup> Mayor Ken Livingstone, 14<sup>th</sup> December 2005, Mayor's Question Time



### The PPP and its impact on industrial relations

- 3.12 Perhaps the greatest risk, certainly according to the trade unions representing workers on the London Underground, is posed by the new set of industrial relations being forged between the PPP infracos.
- 3.13 There have been ten threats of industrial action from the three main unions relating to the terms, conditions and pay of those employed by the two Infracos, Metronet and Tubelines. As yet, only one has resulted in strike action or ACAS referral before being resolved. The majority of threats have come from the RMT, including the strike which took place in June 2004 and which was eventually resolved with an increased pay offer from 3% to 3.2%.
- 3.14 The Infracos have successfully managed to avoid all but one strike on the Tube since 2003. Even this strike did not have a significant effect on the Tube service available to Londoners that day with Metronet able to provide the number of trains London Underground required to operate a full service.

Company	London Underground	Metronet	Tubelines
Pay Award	2-year deal Yr 1 3.5% Yr 2 Feb 2005 RPI + 0.5% (min 3%)	1-year deal 3% on basic rates plus a further 0.2% in recognition of cooperation with negotiations for change Enhanced increase to basic rates for some Apprentices and Workshop staff	2-year deal Yr 1 3.1% Yr 2 2.5% plus an extra 0.575% for each 1% reduction in sickness absence Total Yr 2 award will not be less than Feb 2005 RPI
35-hour week	Offer to implement for station staff and RPI's from November 2005. Implementation will be delayed.	Agreed to introduce from January 2005.	December 2006
Residential Travel Facilities for non-protected staff*	LUL network: Full travel facilities  National rail: 75% subsidy of the cost of an annual season ticket	LUL network: 75% refund for residential travel for trainees only  National Rail: nothing	LUL network: 25% subsidy (Apprentices 75%) 50% April 2005 75% April 2006  National Rail: nothing

- 3.15 However each of the unions in their submissions to the Transport Committee expressed concern over the gradual erosion of terms and conditions for those members who have been transferred over to the management of the Tube Lines and Metronet. The table above, provided by the RMT, illustrates that the pay of workers employed by the Infracos is due to slip further behind those employed by London Underground and the

travel benefits enjoyed by LU workers have been substantially reduced for those employed by the Infracos.

- 3.16 The biggest source of contention remains over pensions. The pension scheme is now closed to new Infraco employees (existing employees who were handed over from LU to the Infracos had their pension rights protected by law). However, the pension scheme employed by the Infracos is, according to the RMT, 'inferior' and serves the interests of the infracos rather than the employees.
- 3.17 The TSSA echoed the RMT's concerns over the closure of the pension to new entrants and have sounded a robust tone in trying to get the infracos to reverse their decision. The TSSA have already balloted their members on the national rail network over the same issue and concerns.
- 3.18 The Committee is concerned by the potential consequences that the growing disparity between the terms and conditions of workers may bring - i.e., further union unrest and potential industrial action. The Committee will seek detailed evidence on the issue when it next considers the PPP and will consider what can be done to ensure harmonious infraco/union relationships in the 2010 renegotiation of the PPP.

## 4. The Legal & Negotiating Framework

### The Legal Framework

- 4.1 The right to take strike action in the UK is enshrined within trade union legislation – unlike for example in France – and strike action is more likely to be legal if the cause is linked to either the betterment of working conditions or an infringement of already agreed frameworks<sup>11</sup>. For example, secondary action in support of another piece of action, such as the recent strike at Heathrow, is forbidden and unions cannot ballot members on taking such action.
- 4.2 The Employee Relations Act 1999 went some way in repealing the union reforms of the previous Conservative administrations but still leaves Britain with some of the strictest laws on trade unions in the Western Europe. The right to join a union has been strengthened by the Act and the extension of unfair dismissal claims has also been welcomed. However, public sector unions such as UNISON have gone on record as saying that the Act goes ‘nowhere near the extent necessary in the UK to recognise the right to strike.’<sup>12</sup>

### Machinery for Negotiation and Consultation

- 4.4 London Underground is the largest transport employer within the public sector in the UK. The *Machinery for Negotiation and Consultation* is a key document for ensuring that negotiations are undertaken within an agreed framework, that disputes follow an agreed time line before a strike can be called and that once a binding deal has been secured, on what grounds it can be enforced imposed.
- 4.5 London Underground informed the Committee of a regrettable cycle that has hampered the ability to negotiate constructively. An infringement of the protocol by previous London Underground management in the imposition of the current two year pay deal has led to the RMT, in response, also to depart from the protocol, and pursue a policy of balloting their members before negotiations have yet to begin.
- 4.6 According to the *Machinery for Negotiation and Consultation* balloting of members of should only take place 28 days after negotiations have formally broken and after arbitration through ACAS has failed. Departing from this aspect of the agreed protocol allows much more flexibility for unions to ballot before negotiations have begun and to time the ballot to gain maximum publicity in advance of publicly sensitive periods, such as Christmas and New Year. Negotiations take place consequently against a backdrop of ‘public hysteria.’<sup>13</sup>
- 4.7 London Underground have called for all parties to ‘dedicate’ themselves to the machinery of negotiations so there was ‘a process that was orderly and you had a chance to resolve matters.’<sup>14</sup> The Committee supports this view.
- 4.8 The new pay deal, which will hopefully be secured in the New Year, represents an opportunity for all parties to adhere to the protocol and restore order into a process blighted by recrimination. It is encouraging to note that the RMT feel that new senior management at London Underground are ‘building bridges’. A new three or four year pay deal, properly implemented by London Underground, and agreed by the three main trade unions could bring about the much needed stability on the London Underground and have the added benefit of restoring the *Machinery for Negotiation and Consultation* to its pivotal role for constructive engagement.

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<sup>11</sup> However, walkouts as occurred on the Northern Line are exempt from any restriction or procedural obligation as it was prompted by safety concerns.

<sup>12</sup> [UNISON submission to the Committee on Economic, Social and Cultural Rights](#)

<sup>13</sup> Tim O’Toole, London Assembly Transport Committee, 20 October 2005

<sup>14</sup> As above

- 4.9 The Transport Committee would also like to see a greater level of trust brought to the negotiating table and an end to the annual threat of Christmas strikes. Striking during the Christmas season leaves Londoners severely limited in their ability to enjoy the capital and hits at a particularly vulnerable time of the year when the need for a fast, reliable and safe form of public transport is essential to their well being.
- 4.10 A three or four year pay deal should ensure that in the mid-term at least any such deal would be unfounded. However the Committee would ask the unions to go further.

Recommendation 4

**The Transport Committee call upon all parties who have signed up to the 2000 *Machinery for Negotiation and Consultation* to adhere to the protocols and schedules outlined in the document.**

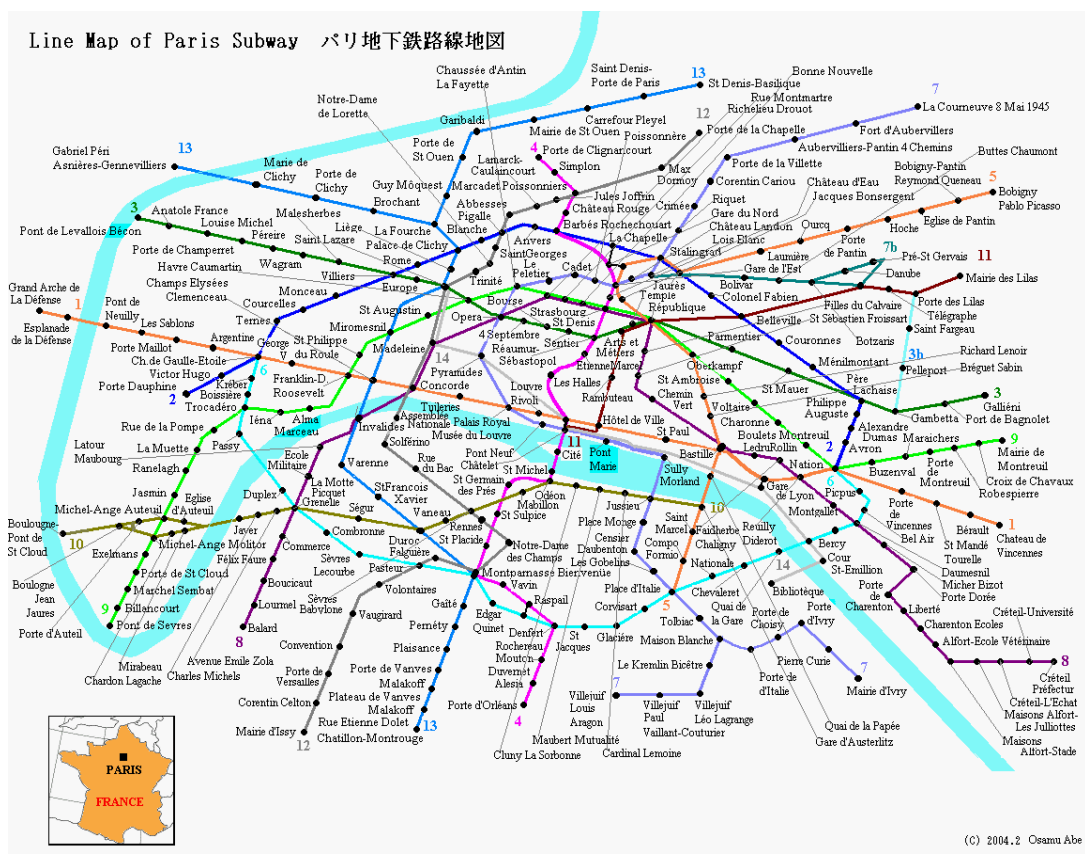
Recommendation 5

**The Committee call upon the RMT, ASLEF and the TSSA to sign up to a voluntary agreement not to ballot their members for industrial action during the last two weeks of December, including the period covering December 31<sup>st</sup>/January 1<sup>st</sup>.**

Recommendation 6

**The Committee would welcome a similar voluntary agreement on behalf of the unions to agree not to ballot their members for industrial action in a suitable period either side of the Olympics & Paralympics Games in 2012.**

## 5. International Comparisons: Paris



### Introduction

The Regie Autonome des Transports Parisiens (RATP) is the major transport operating authority responsible for public transportation in Paris and its environs. Its operational divisions include the Paris Metro system, part of the RER, an extensive bus system, the Funiculaire de Montmartre, and two light rail lines.

The Metro system consists of 16 lines, 213 km (132 miles) of track and over 300 stations.

Only 10 percent of French workers are members of a labour union and strikes are uncommon in most of the economy. However public sector unions are powerful, in particular in the public transportation sector, including SNCF (national railways) and RATP, where strikes have an instant effect on the general public.

There have been several major disruptions to public transport over the past 10 years but these have generally been a result of national opposition to government policies rather than specific transport issues. The strength of the transport unions has enabled them to demonstrate their views in a way which would not have been possible in, for example, New York.

### Recent history of disputes – 1998 -

The transport industry and particularly those in Paris tend to join national strikes while not necessarily pursuing grievances associated specifically with their industry. This was particularly the case in the country's last general strike when thousands of employees from the public-service sector walked off their jobs for three weeks in November and December 1995, bringing

the nation to a virtual standstill. Trains and buses were halted throughout Paris and other big cities. The strikes were caused by government proposals for social security reforms, rather than transport related matters.

**October 1998** - a series of strikes brought sections of the Paris regional public transport system to a standstill. The strikes were mounted as a general protest against "violence" and to call for "more security" after several attacks on train and bus drivers. Some strikes started spontaneously, while the transport unions called others. Three of Paris's busiest metro lines were also affected. The unions negotiated with the RATP, and the national railway company SNCF. They called for safety measures such as additional staff on "risky" lines at certain hours and protective cabins for drivers.

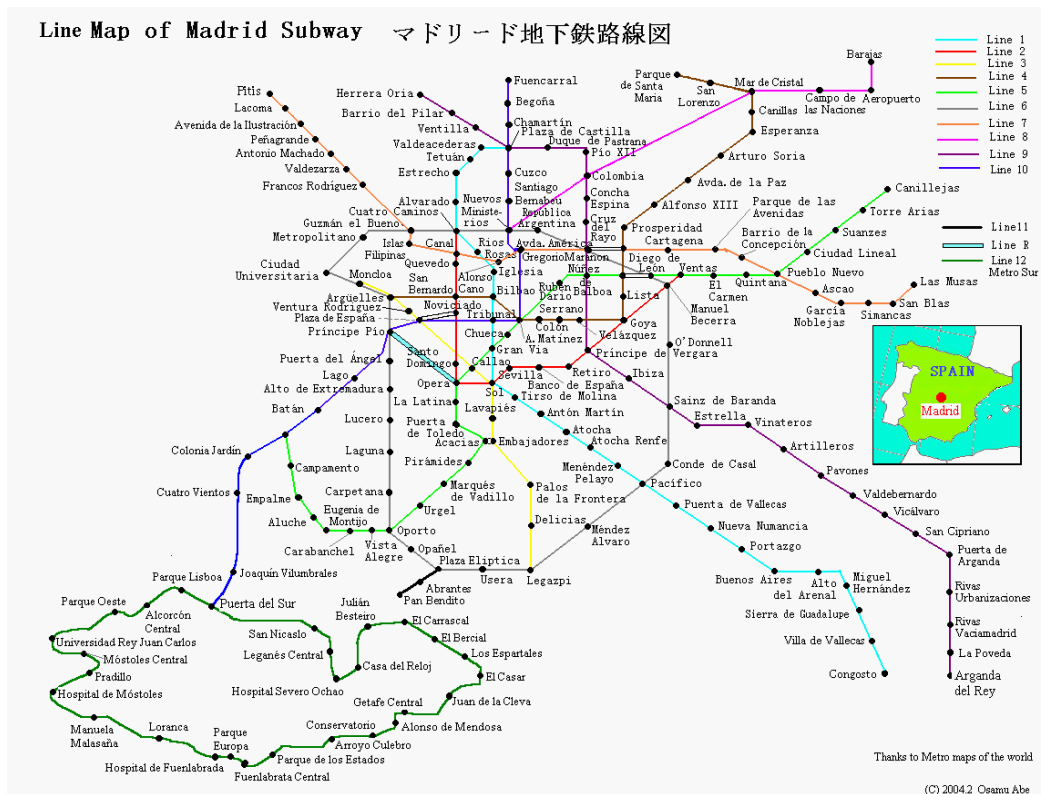
**October 2002** - the government pursued a policy to privatise the state-owned Electricity (EDF) and Gas (GDF) distribution companies. Public sector workers demonstrated against this policy. The Paris demonstration, which was between sixty and eighty thousand strong, saw Air France employees opposing privatisation demonstrating alongside the EDF and GDF workers, RATP, SNCF employees postal service members, France Télécom workers and various consumer groups and other protest organisations.

**March 2005** - Tens of thousands of workers throughout France joined a national strike, called by the main trade unions covering private and public sector workers, including all the major transport unions. The strike was called to oppose plans by the government of Prime Minister Jean-Pierre Raffarin to extend working hours beyond the current 35-hour week and to undermine social welfare benefits, including health care and pension rights. The strike paralysed the country, disrupting transport and services in 55 towns and cities nationwide. In Paris, 80 percent of suburban lines were suspended and 75 percent of services run by RATP were halted.

**May 2005** - The government cancelled the Pentecost holiday, however millions of French workers stayed at home. Public transport came to a standstill in nearly 100 towns and cities and many municipal offices were closed. The government wanted to change the holiday to a normal working day and use the extra tax revenue to pay for care for the elderly. It was reported that many of those who stayed away were defying a centre-right government they accuse of abandoning social benefits for workers in favour of US-style free market policies.

In summary the major disruptions to public transport over the past 10 years have been a result of national opposition to government policies rather than specific transport issues. The strength of the transport unions has enabled them to demonstrate their views in a way which would not have been possible in for example New York.

## 6. International Comparisons: Madrid



### Introduction

The Consorcio Regional de Transportes de Madrid was established in 1986 and is the coordinating authority for networks and public transport services in Madrid. The Metro System operates twelve lines with a total length of 226.790 km and with 236 stations.

There are two large Spanish trade unions representing Metro staff. These unions also represent staff in other parts of the public sector and each has over one million members.

There is a history of deteriorating relationships between Metro management and staff since 2001 especially among the train cleaning staff. Causes of disputes are the larger issues of pay and conditions, privatization and deterioration of the infrastructure due to lack of investment.

There have been a number of threats of strike action but few actual strikes. The unions through robust (and sometimes acrimonious) negotiations have been able to reach agreement without a strike.

There are two large Spanish trade unions representing Metro staff:

**Trade Union Confederation of Workers' Commissions (CC OO)** which has about one million members. Formerly closely associated with the Spanish Communist Party, it is now a largely independent body which favours large-scale collective bargaining structures covering whole sectors.

**The General Workers' Confederation (UGT)** which also has about one million members. It is a socialist trade union traditionally linked to the PSOE political party and favours workplace representation, rather than sectoral initiatives.

## History of disputes – 2001 -

**June 2001** - the unions concluded a satisfactory agreement with the Metro management on wages, terms and conditions. The unions felt that the rights of the workers were respected.

It seems that relationships have deteriorated from the time of this agreement with the introduction of privatization, lack of investment in the infrastructure and several disputes with the train cleaning staff.

**March 2002** - the CTM began to privatize the Metro starting with the most profitable lines. This resulted in lower wages and changes to terms and conditions. However this did not lead to a strike since some unions were broadly in favour of privatization while others were against.

**June 2002** - a dispute with the train cleaners threatened a strike. In negotiations agreement was obtained for: acceptable pay increments immediately and in January 2003; changes to night allowance; and some temporary contracts converted to permanent. As a result of the agreement, the strike was called off.

**October 2003** - The UGT drew to the Metro Management's attention the deterioration of the infrastructure due largely to lack of investments. The union section of the UGT demanded that management implement appropriate measures to safeguard the quality of service for the users.

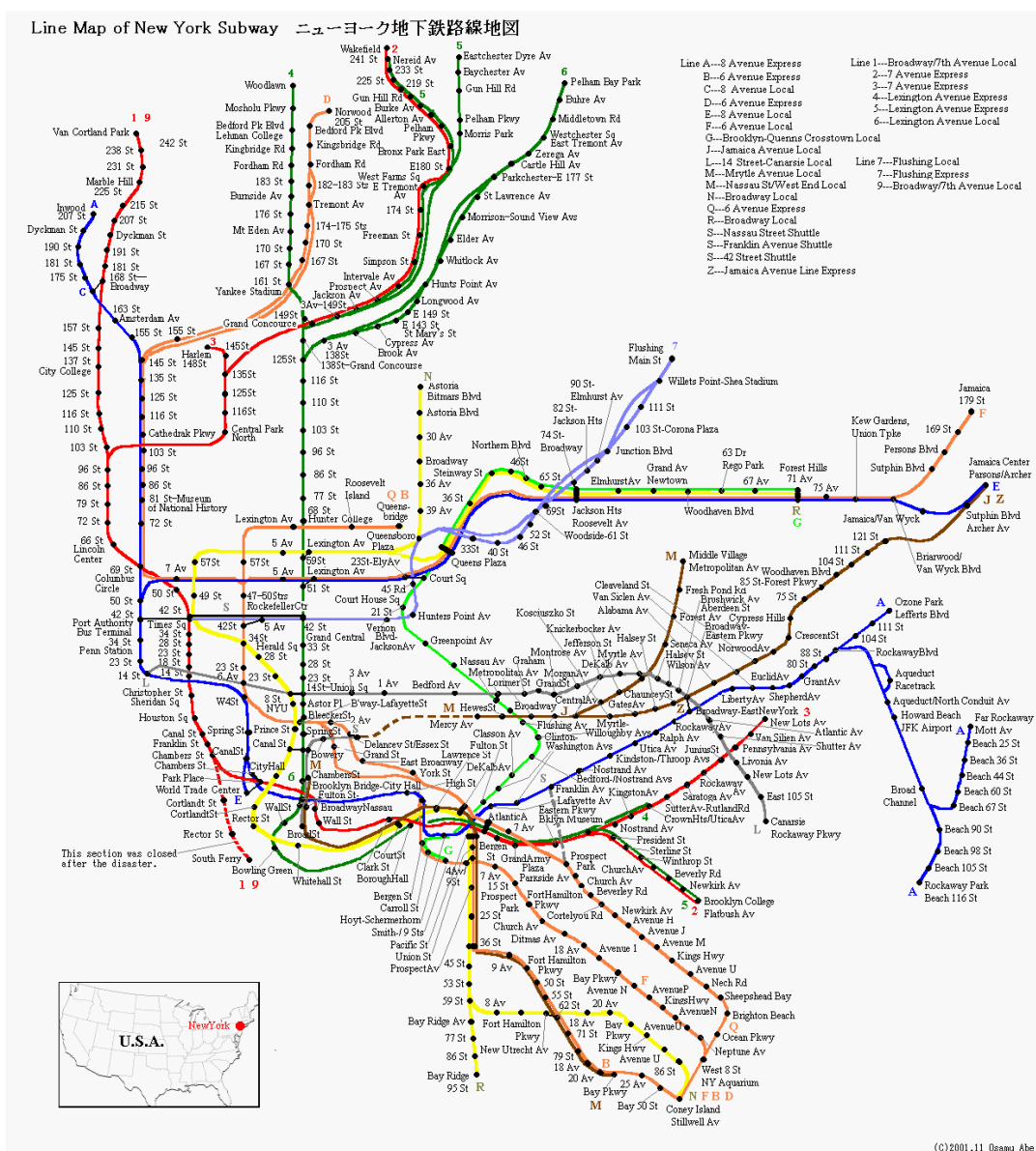
**November 2003** - the train cleaners were again in dispute and called an indefinite strike. The unions alleged that the cause was management's refusal to implement a wage structure agreed in June 2003. After announcing the strike, the company met with the unions' strike committee and accepted most of the terms. After presenting the terms to the cleaning staff, a vote to call off the strike was passed.

**March/ April 2005** - there was a further dispute with unions representing the cleaning staff of the Madrid Metro. Again the primary cause of the dispute was, according to the unions, wages. The union alleged that the settlements in several previous agreements have not kept pace with inflation and cleaners' wages were below the average. Negotiations were protracted and at times acrimonious. The unions called a strike but the workers were generally apathetic and it quickly collapsed.

**May 2005** the Metro unions representing all staff were in dispute on wages terms and conditions, and a strike was threatened. The strike was called off after reaching agreement on a four year contract (from 2005 to 2008), to include a wage increase of 3% in 2005, and a rise of 0.5, 0.7 and 0.8 points above inflation for the years 2006, 2007 and 2008 respectively. Also it included an agreement to reduce the employee absenteeism. The Metro unions and management also agreed to include in the negotiation of the collective agreement on the retirement.-



# 7. International Comparisons: New York



## Introduction

The Metropolitan Transportation Authority (MTA) is the operating authority of the New York subway system. It has 64,000 employees, carries 7.7 million weekday passengers with an annual budget of \$8.0 billion (2004)

The MTA industrial relations environment is governed by the New York state Taylor Law, enacted in 1967 which provides for significant penalties to be imposed on each striking worker with a view to preventing strikes but, at the same time, lays down a code of practice for dispute and contract negotiations.

There have been two major strikes on the New York Metro since the implantation of the Taylor Law. In April 1980 a strike of 11 days resulted in the introduction of financial penalties levied on the unions. These penalties were implemented during the strike of December 2005 when unions were threatened with fines of \$1 million for every day their union withdrew their labour.

The process for negotiation which is conducted by the Public Employees Relations Board (PERB) consists of four steps:

- Mediation
- Fact Finding
- Conciliation
- Binding Arbitration

The processes involved in these steps are defined in the Taylor Law (see below).

### **Recent history of disputes – 1967 onwards**

**September 1967** - The Taylor Law, came into force and this forms the legal foundation for negotiations with New York State's public employee unions including subway employees. It was the first comprehensive labor relations law for public employees in the State, and among the first in the United States. Part of the legislation provides for individual fines on striking subway employees equivalent to two day's pay for each day on strike. Furthermore the unions could also be fined if they perpetrated a strike of their members.

**April 1980** - The TWU and the ATU representing subway employees engaged in a strike in violation of 210.1 of the Taylor Law which shut down bus and subway service for 11 days. Fines were levied by the court in contempt proceedings which assessed an 18-month forfeiture of dues deduction and agency shop fee privileges. The cause of the strike was that the rapid transit infrastructure of NYC had deteriorated significantly in the 1970s.

**1980's and 1990's** - The MTA management's position has strengthened. As a result of this legislation there have been no strikes but robust negotiations each time the employees' contract is renewed.

**January 2000** - On the eve of the contract deadline and in the face of a strike threat, Mayor Rudolph Giuliani obtained a court injunction that would have fined transit workers \$25,000, to be doubled each day that they remained on strike. It also forbade workers or the union from even discussing a strike. A walkout was averted when the MTA and the union reached a last-minute deal.

**January 2003** - New York City transit workers narrowly ratified a three-year contract negotiated between the MTA and Transport Workers Union (TWU) Local 100. TWU Local 100, representing 34,000 bus and subway workers, announced that with 19,582 ballots counted 11,757 voted yes and 7,825 voted to reject the offer. The 40 percent "no" vote reflected broad dissatisfaction with the final settlement, which provided almost no increase in real wages and included significant concessions to management.

The settlement was reached in December in the face of an anti-strike injunction threatening transit workers with massive fines and possible imprisonment if they struck. In addition to the draconian penalties imposed under the state's anti-union Taylor Law, Mayor Michael Bloomberg went to court seeking a second order that would have fined transit workers \$25,000 each on the first day of a walkout, with the amount doubling for each additional day on the picket lines. Even bigger fines would have been levied against the union.

### **December 2005**

A dispute over wage rises, health care provision, pension costs and the retirement age led members of the TWU to withdrawing their labour between 20-22 December 2005. The three day strike, which received little public support, caused widespread chaos and prompted Mayor Bloomberg to implement several emergency measures such as compulsory car sharing. It was estimated by BBC sources to have cost New York up to a \$1 billion dollars.

Judge Theodore Jones threatened three union leaders with jail and imposed fines of \$1 million for every day the TWU were on strike.

The strike was called off after the resumption of negotiations were agreed to be conducted in private. A new deal has been secured and currently the leadership of the TWU are urging their membership to vote in favour of the new deal.

## The Taylor Law

The Public Employees Fair Employment Act, commonly known as the Taylor Law, is a labour relations statute covering most public employees in New York State-- whether employed by the State, or by counties, cities, towns, villages, school districts, public authorities or certain special service districts. It became effective September 1, 1967 and was the first comprehensive labour relations law for public employees in the State, and among the first in the United States. It is the legal foundation for negotiations with New York State's public employee unions.

The Taylor Law:

- grants public employees the right to organize and to be represented by employee organizations of their own choice;
- requires public employers to negotiate and enter into agreements with public employee organizations regarding their employees' terms and conditions of employment;
- establishes impasse procedures for the resolution of collective bargaining disputes;
- defines and prohibits improper practices by public employers and public employee organizations;
- prohibits strikes by public employees; and
- establishes a state agency to administer the Law- The Public Employment Relations Board (PERB).

The New York State **P**ublic **E**mployment **R**elations **B**oard (PERB) was created as an independent, neutral agency to administer the Taylor Law. The three member Board is appointed by the Governor, with the consent of the State Senate. The Board's major responsibility is to act as an umpire in disputes arising under the Taylor Law. Other responsibilities include: administration of the Taylor Law statewide; resolution of representation disputes; provision of impasse resolution services; adjudication of improper practice charges; designation of management/confidential employees; determination of employee organization responsibility for striking and ordering forfeiture of dues and agency fee check-off privileges; and, administration of grievance and interest arbitration panels.

## **Appendix A – London Underground Written Evidence**

### **RESPONSE TO LETTER FROM ROGER EVANS TO TIM O'TOOLE ON INDUSTRIAL RELATIONS ON LONDON UNDERGROUND (File 1250)**

#### **Statistics**

- Q1. Please give details of the number of days affected by (including dates) industrial action per year since 2000, including a breakdown of a) the union taking the action, b) the specific demands/cause, c) the number of workers taking part, d) the number of trains cancelled (peak time and non-peak).**
- A1 Please see Appendix 1 and 2 which gives details of those disputes on which the trades unions have balloted. Inter alia, this shows the number of strikes each year since 2000, together with the union involved, the cause and the number of workers taking part. Details relating to the effect on the train service are currently being sought.
- Q2. How were each of these demands resolved or dealt with?**
- A2. Appendix 1 includes a column headed "Action taken to Resolve Dispute" that answers this question.
- Q3. How many threats of industrial action per year have there been from the unions since 2000? What number and percentage were averted?**
- A3. This information is contained in the Summary at the beginning of Appendix 1.
- Q4. How many times have disputes been referred to ACAS? How many strikes have gone ahead after mediation?**
- A4. The number of issues that have been referred to ACAS (not necessarily where there is a ballot, as the negotiating machinery provides for an ACAS referral as a final stage) is set out in Appendix 1. On 3 occasions strike went ahead despite the intervention of ACAS. In 2001 strikes went ahead despite the issue having been referred to/ discussed at ACAS. In 2002, management went to ACAS for conciliation when talks originally broke down, but refused to go to mediation when strike action was threatened. The strike action went ahead. The issue was eventually referred to mediation in 2003. In 2005, the Acton Town Remote Booking On issue was referred to ACAS without being resolved.
- Q5. What is LUL's policy for referring industrial disputes to ACAS?**
- A5 LUL's machinery of negotiation provides for disputes to be referred to ACAS by either management or the trades unions. The machinery actually says that no form of industrial action should take place until 28 days after the procedure has been exhausted, nor should management impose a settlement while discussions at ACAS continue. LUL will refer an issue to ACAS if management feels the negotiating procedure has been exhausted, or if it will help to avoid industrial action.
- Q6. How many times has a union grievance been taken to and upheld in the courts?**
- A6. Trades unions do not normally refer issues to the courts. The trades unions will sometimes encourage individuals to take grievances to Employment Tribunals.

## Policy

**Q7. Can you provide examples of where LUL and the unions have worked constructively and effectively together to the benefit of passengers on the Tube?**

A7. Professional Train Operators Agreement (PTOA), Competence Assurance Reasonable adjustment procedures to get people back to work rather than having to resort to medical retirement. There are many examples of trades unions working constructively on health & safety issues.

**Q8. Have LUL noticed a tangible difference in negotiating with the Unions since LUL became part of TfL in July 2003?**

A8. LU management in this area is new since the transfer, which makes any comparison difficult.

**Q9. Why was there such a dramatic increase in the amount of peak time trains affected in 2003/04 and 2004/05**

A9. We have analysed the data from 02/03 as well as that from 03/04 and 04/05 and the results are as follows:-

Cancellations 02/03	1957
Cancellations 03/04	3039
Cancellations 04/05	1927

04/05 cancellations are the lowest of the three years detailed. 03/04 data was affected by the Chancery Lane incident and the cancellation of all Central line services for a number of weeks afterwards.

**Q10. What have LUL learnt from the disputes in 04/05 that could usefully prevent similar action in the future?**

A10. Transparency and fairness in dealing with employees is the key to avoiding industrial action over the long term. Trade union strategy is the key variable in the short term.

**Q11. Are TfL happy with the current legal framework that industrial relations are conducted within?**

A11. It is impossible to be happy with a legal framework that facilitates industrial action regardless of merit, but it is the accepted system in this environment.

**Q12. What is the difference between how senior management deals with local and contractual disputes? For example, at what point do senior managers or the LU director become involved in either?**

A12. The machinery of negotiation lays down the type of manager is involved at each level. For issues other than pay and main terms and conditions of employment LU directors do not get involved until the final stage of any dispute, prior to it being referred to ACAS. For pay and main terms and conditions of employment LU directors are normally involved from the outset.

**Q13. At what stage is LUL with RMT (and other Trades Unions?) in renegotiating a new pay deal for underground staff that expires at the end of 2005/06? How confident is LUL that the threat of strike action will not be needed?**

A13. We are currently at the planning stage, with negotiations likely to start in the coming months. Whether or not we can avoid strike action is difficult to assess at this point.

## TRADES UNIONS' BALLOTS - 2000 TO 2005

## SUMMARY

YEAR	NO OF BALLOTS	NO OF STRIKES/ACTION SHORT OF STRIKE	PERCENTAGE AVERTED
2000	4	0	100
2001	5	2	60
2002	8	7	12.5
2003	4	1	75
2004	5	4	20
2005	2	0	100

**ACAS Referrals**      2005    4 (Acton Town Remote BO, ELL, Contractor Access,  
Remote monitoring of gatelines)

                                 2004    1 (N Greenwich)

                                 2003    2 (2002 pay claim, miscellaneous issues)

                                 2002    2 (2002 pay claim, E&C nights,)

                                 2001    3 (2001 pay claim, jobs for life, Shorter Working Week)

                                 2000    1 (2000 pay claim)

<b>DATE OF BALLOT</b>	<b>REASON</b>	<b>TU(S) INVOLVED</b>	<b>TOTAL VOTES CAST (% Voting)</b>	<b>RESULTS Voting in favour of industrial action</b>	<b>INDUSTRIAL ACTION</b>	<b>DAYS LOST</b>	<b>STAFF TAKING PART</b>	<b>ACTION TAKEN TO RESOLVE DISPUTE</b>
<b>2000</b>								
8 – 22 March 2000	Disciplinary action – Alan Watson – Station Supervisor, Holborn Ballot of station staff in the Bank/Oxford Circus groups	RMT	ND	ND	-----	-----	-	Dispute resolved prior to ballot results being disclosed
13 – 27 March 2000	Dismissal following assault on duty – B. Ogun, SA Northern Line Ballot of station staff in the Oval/Kennington group	RMT		-----	-----	-----	-	Dispute Resolved & Ballot Suspended
2 – 13 September 2000	Senior Signal Operators at Earls Court Regulating Room - regarding changes to rosters	RMT		-----	-----	-----	-	Dispute Resolved & Ballot Suspended
22 November – 11 December 2000	New Year arrangements 2000 /2001	RMT		-----	-----	-----	-	Dispute Resolved & Ballot Suspended

DATE OF BALLOT	REASON	TU(S) INVOLVED	TOTAL VOTES CAST (% Voting)	RESULTS Voting in favour of industrial action	INDUSTRIAL ACTION	DAYS LOST	STAFF TAKING PART	ACTION TAKEN TO RESOLVE DISPUTE
<b>2001</b>								
11 - 25 January 2001	Safety and Job Security concerns over PPP:	<u>RMT</u>  LUL Infraco JNP Infraco BCV Infraco SSL	2436 (49 %) 213 (49%) 397 (48%) 381 (52%)	2146 (44%) 193 (45%) 359 (43%) 347 (47%)	----- ----- ----- -----	----- ----- ----- -----	-	High Court Injunction against the Ballot  ----- ----- ----- -----
11 - 25 January 2001	Safety and Job Security concerns over PPP	<u>ASLEF</u>  LUL Infraco JNP	1232 (57%) 32 (53%)	908 (42%) 27 (44%)	From 17:30 4 February to 17:29 5 February 2001	1 day (24 hrs)	1453	Strike took place despite going to ACAS the following day. Eventually resolved by "Jobs For Life" Agreement following intervention of ACAS.



DATE OF BALLOT	REASON	TU(S) ) INVOLVED	TOTAL VOTES CAST (% Voting)	RESULTS Voting in favour of industrial action	INDUSTRIAL ACTION	DAYS LOST	STAFF TAKING PART	ACTION TAKEN TO RESOLVE DISPUTE
<b>2001 (cont)</b>								
1/2 – 9 March 2001	Safety and Job Security concerns over PPP	<u>RMT</u>  LUL Infraco JNP Infraco BCV Infraco SSL	2249 (44%) 193 (41%) 351 (43%) 364 (46%)	2071 (42%) 174 (37%) 316 (39%) 331 (42%)	From 2000 28 March to 1959 29 March 2001	1 day (24 hrs)	3479	Eventually resolved by “Jobs For Life” Agreement following intervention of ACAS
26/7 April - 16 May 2001	Remote Booking On and Off Locations Train Operators	ASLEF/ RMT	ND	ND	-----	-----	-	Dispute resolved prior to ballot results being disclosed

DATE OF BALLOT	REASON	TU(S) ) INVOLVED	TOTAL VOTES CAST (% Voting)	RESULTS Voting in favour of industrial action	INDUSTRIAL ACTION	DAYS LOST	STAFF TAKING PART	ACTION TAKEN TO RESOLVE DISPUTE
<b>2001 (cont)</b>								
18 – 27 September 2001	Pay	<b>ASLE</b> <b>F</b> LUL Infraco JNP  <u>RMT</u> LUL Infraco JNP Infraco BCV Infraco SSL	987 (49%) 26 (42%)  2189 (41%) 222 (49%) 331 (44%) 369 (51%)	768 (38%) 11 (18%)  1594 (30%) 130 (29%) 198 (26%) 242 (33%)	-----   -----	-----   -----	-	Issue referred to mediation under facilitation of ACAS   -----
7/8 – 20 February 2002	Passenger Train Operators' Pay – Parity with Transplant Train Operators (5.7%)	<b>ASLE</b> <b>F</b>    <b>RMT</b>	1038 (55%)  524 (46%)	847 (45%)  460 (40%)		-	-	Ballot initiated in order to “persuade LUL to make acceptable offer”. No strike action taken following introduction of PTOA and 5.7% increase in pay.

DATE OF BALLOT	REASON	TU(S) INVOLVED	TOTAL VOTES CAST (% Voting)	RESULTS Voting in favour of industrial action	INDUSTRIAL ACTION	DAYS LOST	STAFF TAKING PART	ACTION TAKEN TO RESOLVE DISPUTE
20 August – 3 September 2002	Pay	<b>RMT</b>			From 2000 on 24 September to 1959 on 25 September and From 2000 on 1 October to 1959 on 2 October 2002	1 day (24 hrs)	3972	Mayor gave an assurance that the issue would be referred to independent mediation.
		LUL Infraco BCV Infraco JNP Infraco SSL REW	2332 (40%) 287 (40%) 218 (42%) 289 (41%) 43 (46%)	1848 (32%) 231 (32%) 167 (32%) 236 (34%) 36 (39%)		1 day (24 hrs)	4442	
23 August – 16 September 2002	Pay	<b>ASLEF</b>			From 2000 on 24 September to 1959 on 25 September and From 2000 on 1 October to 1959 on 2 October 2002	1 day (24 hrs)	3972	Mayor gave an assurance that the issue would be referred to independent mediation.
		LUL	1104 (49%)	669 (30%)		1 day (24 hrs)	4442	

<b>DATE OF BALLOT</b>	<b>REASON</b>	<b>TU(S) INVOLVED</b>	<b>TOTAL VOTES CAST (% Voting)</b>	<b>RESULTS Voting in favour of industrial action</b>	<b>INDUSTRIAL ACTION</b>	<b>DAYS LOST</b>	<b>STAFF TAKING PART</b>	<b>ACTION TAKEN TO RESOLVE DISPUTE</b>
9 – 18 September 2002	Command & Control Operational Managers – Pay and Restructuring	<b>RMT</b>	36 (55%)	30 (46%)	From 2000 on 1 October to 1959 on 2 October 2002	1 day (24 hrs)	4442	While Mayor gave an assurance that the issue would be referred to independent mediation, the issue was absorbed into the Service Control review
9 – 18 September 2002	Signal Operators Pay	<b>RMT</b>	95 (57%)	90 (54%)	From 2000 on 1 October to 1959 on 2 October 2002	1 day (24 hrs)	4442	While Mayor gave an assurance that the issue would be referred to independent mediation, the issue was absorbed into the Service Control review
9 – 18 September 2002	Regrading of Signal Operators at Waterloo SCC	<b>RMT</b>	3 (60%)	3 (60%)	From 2000 on 1 October to 1959 on 2 October 2002	1 day (24 hrs)	4442	While Mayor gave an assurance that the issue would be referred to independent mediation, the issue was absorbed into the Service Control review

DATE OF BALLOT	REASON	TU(S) INVOLVED	TOTAL VOTES CAST (% Voting)	RESULTS Voting in favour of industrial action	INDUSTRIAL ACTION	DAYS LOST	STAFF TAKING PART	ACTION TAKEN TO RESOLVE DISPUTE
31 January – 12 February 2003	Victimisation A Whitecross, SA North Greenwich	<b>RMT</b>	43 (30%)	34 (22%)		-	-	Dispute resolved. No strike action taken.
31 July – 16 September 2003	Dismissal of Mr M Tubl	<b>ASLEF</b>	ND	ND	-	-	-	Dispute resolved prior to ballot results being disclosed
15 October – 5 November 2003	Dismissal of Chris Barrett, TO Edgware Road	<b>RMT</b>	47 (45%)	32 (30%)	From 21.30 on 13 Nov to 21.29 on 14 Nov	1 day (24 hrs)	80	No further action taken.
4 – 17 November 2003	Safety Issues – Condition of track on LUL following derailments at Hammersmith & Camden Town	<b>RMT</b>	<u>Strike Action</u>  3125 (LUL & Infracos)  <u>Action short of Strike</u>  3125 (LUL & Infracos)	1673    2427		-	-	Industrial action called off following agreement to set up working groups to review status and frequency of track patrols.

DATE OF BALLOT	REASON	TU(S) INVOLVED	TOTAL VOTES CAST (% Voting)	RESULTS Voting in favour of industrial action	INDUSTRIAL ACTION	DAYS LOST	STAFF TAKING PART	ACTION TAKEN TO RESOLVE DISPUTE
<b>2004</b>								
21 May – 2 June 2004	Pay	<b>RMT</b>	2471 (42%)	2047 (35%)	From 1830 hours on 29 <sup>th</sup> June to 1829 hours on 30 <sup>th</sup> June 2004	1 day (24 hrs)	2470	Continued negotiating - eventually reached a deal in November 2004
28 October – 11 November 2004	Breakdown of employee relations at North Greenwich	<b>ASLEF</b>	52 (58%)	39 (44%)	Industrial action called off	-	-	Referred to ACAS, where agreement was reached
8 November – 14 December 2004	Remote Booking On Acton Town	<b>ASLEF</b> RMT	59 (57%) 34 (69%)	53 (51%) 33 (67%)	Refusal to remotely book on/off after 5 <sup>th</sup> January 2005	0	-	Referral to ACAS in 2005 unable to resolve dispute – ongoing.

<b>DATE OF BALLOT</b>	<b>REASON</b>	<b>TU(S) INVOLVED</b>	<b>TOTAL VOTES CAST (% Voting)</b>	<b>RESULTS Voting in favour of industrial action</b>	<b>INDUSTRIAL ACTION</b>	<b>DAYS LOST</b>	<b>STAFF TAKING PART</b>	<b>ACTION TAKEN TO RESOLVE DISPUTE</b>
8 November – 14 December 2004	M Vachos SPAD DB Arnos Grove	<b>ASLEF</b>	92 (63%)	77 (52%)	From 00:01 hours to 23:59 on 24 <sup>th</sup> December 2004.	1 day (24 hrs)	223	Financial penalty reduced. Further planned action called off.
13 – 23 December 2004	Service Control Organisation Proposals	<b>RMT</b>	199 (60%)	186 (56%)		-	-	Industrial action called off as a result of further negotiations.

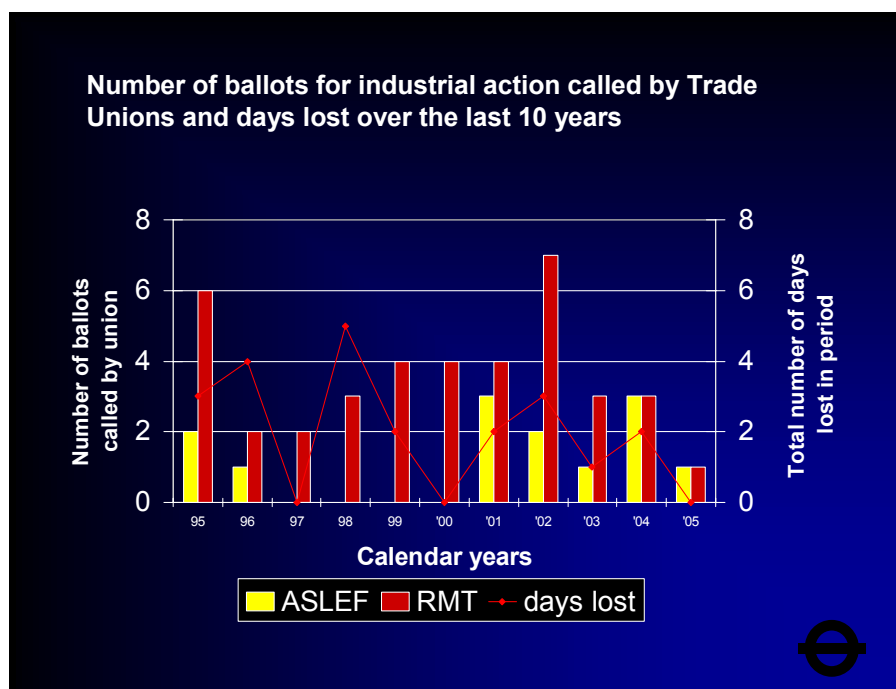
DATE OF BALLOT	REASON	TU(S) INVOLVED	TOTAL VOTES CAST (% Voting)	RESULTS Voting in favour of industrial action	INDUSTRIAL ACTION	DAYS LOST	STAFF TAKING PART	ACTION TAKEN TO RESOLVE DISPUTE
<b>2005</b>								
21 <sup>st</sup> April – 11 <sup>th</sup> May 2005	Violence & Vandalism on the District Line	<b>ASLEF</b>	201 (58%)	170 (49%)		-	-	Industrial action called off following programme of works agreed at Director Level.
3 <sup>rd</sup> – 12 <sup>th</sup> May 2005	Imposition of Rosters & Breakdown in Industrial Relations – TOs East London Line	<b>RMT</b>	19 (53%)	9 (47%) Strike 10 (53%) Action short of strike		-	-	Industrial action called off following ACAS discussion

ND Not Disclosed.

Corporate Employee Relations LUL  
August 2005



## APPENDIX 2



### Strikes in question

Start Date	Start Time	Finish Date	Finish Time	Area Affected
04/02/2001	1730	05/02/2001	1729	All lines
28/03/2001	2000	29/03/2001	1959	All lines
17/07/2002	2000	18/07/2002	1959	All lines
24/09/2002	2000	25/09/2002	1959	All lines
01/10/2002	2000	02/10/2002	1959	All lines
13/11/2003	2130	14/11/2003	2129	Edgware Rd TO's (H&C)
29/06/2004	1830	30/06/2004	1829	All lines
24/12/2004	0001	24/12/2004	2359	Piccadilly Line TO's

### Notes

x = information unavailable or not required

Peak Time = 0900 snapshot - chosen on second day as in the middle of the strike period

Non-Peak Time = 12.00 snapshot - chosen as second day as in the middle of the strike period

\* = Be aware that this strike was held on a single day (0001 until 2359hrs) so did not involve a second day

<b>Number of trains cancelled</b>			
<b>Peak Time</b>		<b>Non-Peak Time</b>	
<b>0900 (main day)</b>	<b>%</b>	<b>1200 (main day)</b>	<b>%</b>
452/493	91.68	387/387	100.00
257/494	52.02	346/392	88.27
509/553	92.04	335/388	86.34
509/509	100.00	388/388	100.00
501/511	98.04	378/393	96.18
28/30 (total = 512)	5.47	23/28 (total = 397)	5.79
419/516	81.20	299/407	73.46
35/36* (total = 512)	6.84	21/56* (total = 406)	5.17



**RMT memorandum to the GLA  
Transport Committee investigation  
into Industrial Relations on the  
London Underground**

**October 2005**

## **Introduction**

The National Union of Rail, Maritime and Transport Workers (RMT) welcomes the opportunity to provide written evidence to the Greater London Authority Transport Committee inquiry 'Industrial Relations on the London Underground'. We further welcome the Committee's invitation to provide oral evidence on 20 October.

RMT would also be available in the future to provide both written and oral evidence on other London Underground issues including: the safe and secure operation of the network following the July 2005 terrorist attacks, the performance of the Public Private Performance, the rise in the number of assaults on LU staff, the RMT campaign for a living wage for workers employed by private cleaning contractors and our opposition to Government plans to revoke the Fire Precautions (Sub-Surface Railway Stations) Regulations 1989 which were introduced following the Fennell report into the 1987 Kings Cross fire disaster.

Since the early 1990s a number of reports have made reference to industrial relations issues on the London Underground. These include a 1991 Monopolies and Mergers Commission report which concluded that at that time industrial relations on the Underground were good. In 1996 an internal report written by LU (Dispute Review Report) following a train drivers strike found that 32% of those asked found managements tactics "macho and inflexible". A further report, by an independent panel adjudicating on a pay disagreement, argued, "the failure to bridge this dispute was largely due to management's failure to negotiate".

Finally in 1997 the Wages Board recommended that "The Board believes that a failure by LT/LUL to address the internal anomalies in the length of the working week will cause industrial relations problems in the future. It recommends, therefore, that a Joint Working party be set up within three months of the date of the Wages Board to start addressing a phased movement towards shorter hours".

As the Committee will be aware, the thirty-five hour week for station staff on London Underground should be introduced from November 2005. However this will now be delayed due to negotiations over implementation becoming protracted. The eight year wait for a reduction in the working week has led to a great deal of resentment amongst RMT station staff members. We are of the view that the 24 hour strike on

29/30 July 2004, called in part to secure a shorter working week for station staff, confirmed the accuracy of the Board's 1997 statement.

### **The effects of fragmentation on industrial relations**

Before moving on to deal with some of the specific questions the Committee has raised we want to make some general remarks about the negative effective that fragmentation has had on industrial relations on both the privatised national rail network and the London Underground post-PPP. We hope that the issues which we raise will address many of the issues identified by the Committee. Where we feel they do not, RMT has provided separate answers at the end of our submission.

The post-privatisation experience on heavy rail is one where industrial relations suffered as operational and health and safety interfaces mushroomed leading to lines of management accountability and responsibility becoming blurred, confused and ultimately broken. This led to inadequate performance, buck-passing, a weakening of staff morale, avoidable industrial disputes and the development of a health and safety regime which led to unnecessary deaths and injuries to both the travelling public the railway workforce.

Commenting on the tensions which fragmentation had brought to the relationship between Railtrack/Network Rail and the Train Operating Companies the Government's July 2004 Future of Rail White Paper said "Relationships at the front-line have too often been adversarial, with problems being passed up the chain rather than tackled through collaborative working. Where performance has deteriorated, there has been scope for the two sides of the industry to blame one another and pass the buck, rather than working in partnership to deliver improvements for their customers". The breakdown in the relationship between the operational and infrastructure functions not only adversely affected the travelling public but also impacted negatively on industrial relations.

The industrial relations problems posed by the PPP were set out in January 2001 by Transport for London, which at that time faced the possibility of being handed one of the PPP Infraco contracts. In a supplementary note to a Transport, Local Government and the Regions Select Committee inquiry into the Public Private Partnership, TfL said that being handed one of the contracts could lead to

“Potentially severe complications in industrial relations regarding working conditions, pensions etc, as now seen on national rail”. As your Committee will be well aware TfL was not, in the end, handed one of the Infraco contracts. However the ill-conceived PPP has indeed gone on to create industrial relations complications which are in danger of replicating the problems on the national rail network.

An example of where a blurring of the lines of management accountability and responsibility on the London Underground has caused resentment and mistrust between RMT and LUL/Infracos is in relation to RMT fleet engineering grades. Previously employed by LUL two-thirds of the fleet engineers became Metronet employees post-transfer, with the remaining third transferring to Tube Lines. The Metronet engineers are now being required to make a further transfer of employment to Bombardier, one of the companies who make up the Metronet consortia.

Metronet confirmed to the RMT in May 2003 that during the PPP process it had made LUL aware of its intention to further transfer their fleet engineers to Bombardier from 2006 at the earliest. However during the course of the PPP contract signing process the Infracos were explicitly excluded from negotiating directly with RMT and our sister unions. The consortia believed that as LUL was aware of its intentions they would take responsibility for informing the unions. This did not happen.

This replicates many of our experiences on heavy rail. The mushrooming of management interfaces combined with complex contractual regimes often precludes one management team from dealing with RMT and our sister unions directly. The other management team, which can negotiate with the trade union side, does not provide the necessary information largely because the group of workers affected will not be its responsibility in the future. This result is confusion, bad feeling and mistrust.

Two years into the PPP Metronet is currently carrying out a major reorganisation. The outsourcing of fleet maintainers to Bombardier will be followed by the transfer of infrastructure logistics and the Railway Engineering Workshop at Acton. RMT believes that these transfers represent the thin end of the wedge. We hold that the Metronet reorganisation is simply taking place in order to prepare the ground for the

outsourcing of all major works, for example track maintenance to Metronet consortia members Balfour Beatty or WS Atkins.

### Pay and conditions differentials

In the first two years of the PPP significant pay and conditions differentials have already developed between RMT members who were previously employed under a unified management structure by London Underground Limited. (See table).

<b>Company</b>	<b>London Underground</b>	<b>Metronet</b>	<b>Tubelines</b>
<b>Pay Award</b>	2-year deal Yr 1 3.5% Yr 2 Feb 2005 RPI + 0.5% (min 3%)	1-year deal 3% on basic rates plus a further 0.2% in recognition of cooperation with negotiations for change Enhanced increase to basic rates for some Apprentices and Workshop staff	2-year deal Yr 1 3.1% Yr 2 2.5% plus an extra 0.575% for each 1% reduction in sickness absence Total Yr 2 award will not be less than Feb 2005 RPI
<b>35-hour week</b>	Offer to implement for station staff and RPI's from November 2005. Implementation will be delayed.	Agreed to introduce from January 2005. 35 hour week not yet been introduced.	December 2006
<b>Residential Travel Facilities for non-protected staff*</b>	LUL network: Full travel facilities  National rail: 75% subsidy of the cost of an annual season ticket	LUL network: 75% refund for residential travel for trainees only  National Rail: nothing	LUL network: 25% subsidy (Apprentices 75%) 50% April 2005 75% April 2006  National Rail: nothing

\* Staff recruited by LUL post 1996 and then transferring to the private sector if performing maintenance and engineering work

Disparities in terms and conditions are compounded by the issue of pensions. The LRT Pension Fund was amended to allow participation by other employers following PPP. The TfLPPF (formerly the LRTPF) is a defined benefit final salary pension scheme. However, Tubelines, which awarded its chief executive a £100,000 bonus in 2004 despite missing key targets to reduce the number of lost customer hours in

February 2004, closed its section of the scheme to new entrants shortly after asset transfer and established an inferior Defined Contribution (Money Purchase) Scheme. From 1 April 2005 Metronet also closed its final salary scheme to new entrants. The Company is set to launch an inferior Defined Contribution scheme with effect from 1 October 2005.

The closure of access to the final salary scheme is somewhat surprising given that the PPP contract indemnifies the three consortia against rises in pension costs over the first 7.5 years in respect of employees at the date of transfer. The contract then provides for this indemnity to be renegotiated for a further 7.5 years. In view of the fact that the last actuarial valuation of the LRT Pension Fund (as 31 March 2003) identified a future employer contributions multiple of members contributions of 3.50 and 3.55 for Metronet BCV and SSL respectively, and 3.45 for Tubelines, compared to the 3.25 multiple currently being paid, this saving is considerable. In addition, the LRTPF is currently in deficit and additional funding is required to rectify the situation. Annual additional payments are BCV £3.075m, SSL £2.869m and Tubelines £2.697m. However, although the consortia remits these additional payments to the Fund, the indemnity provides for the refund of an amount relating to staff employed at the transfer date.

This represents a win-win situation for the Infracos. They are not required to pay the increased contributions necessary to fund future benefits for protected employees, they also avoid funding the deficit and changes to new recruits' pension entitlements therefore meaning further savings on employment costs.

These development have led to growing resentment amongst RMT members who now find themselves facing different terms and conditions of service to their former colleagues who post-PPP now work for another employer. RMT would ask the Committee to consider how it would respond to proposals which saw members having to work longer hours for fewer benefits, a lower salary and worse pension provision than GLA colleagues performing the same duties.

## **1) Strike details**

### **2000**



No strikes

### **2001**

- a) A 24 hour official strike on 28/29 March.
- b) 7,384 RMT members.
- c) Yes 38.5% of the total membership balloted. No 3.5% of total membership balloted.
- d) The strike was called to address contractual and safety issues associated with the introduction of the PPP.
- e) The issues were resolved and guarantees issued in relation to job security, safety and conditions of employment. In addition it was agreed to establish a joint LUL/Infracore Safety Forum which should meet three or four times a year.

### **2002**

- a) A 24 hour official strike on 17/18 July
- b) 7,798 RMT members
- c) Yes 36.8% of total membership balloted. No 4% of the total membership balloted
- d) The strike was called over safety concerns
- e) Assurances were given on the impact of sub contracting, the fragmentation and breakdown of unified management and the safety implications of nature of PPP contracts.

### **2002**

- a) Two 24 hour official strikes on 24/25 and 1/2 October.
- b) 7,891 RMT members
- c) Yes 32% of total membership balloted. No 8.2% of total membership balloted.
- d) The strike was called over rates of pay and conditions of service.
- e) The dispute was referred to ACAS for binding arbitration underpinned with assurances from the Mayor of London.

### **2003**

- a) A 24 hour official strike on 13/14 November
- b) 94 RMT train operators from the Edgware Road and Barking depots.
- c) Yes 34% of total membership balloted. No 15% of total membership balloted.

- d) In support of sacked colleague
- e) The case went to industrial tribunal where the RMT member was found to have been unfairly dismissed.

## **2004**

- a) A 24 hour official strike on 29/30 June.
- b) 5,933 RMT members employed by LUL and 1,445 RMT members employed by Metronet
- c) Metronet – Yes 31% of total membership balloted. No 8.5% of total membership balloted. LUL – 34.5% of total membership balloted. No 7% of total membership balloted.
- d) The strikes were called over rates of pay and conditions of service.
- e) Issues were subsequently resolved in negotiations which followed the strike action.

## **2 & 3) Dispute avoidance, contractual demands and ACAS referral.**

RMT operates within the framework of a Machinery of Negotiation which has been agreed by the RMT and London Underground management. Contractual issues and other matters of concern to the RMT are raised using the structures created by that agreement. In order to help the Committee with their inquiry, RMT has attached to our submission a copy of the Machinery of Negotiation. Dispute avoidance procedures are covered on pages 10 & 11.

## **4) RMT membership on London Underground**

As of 7 September 2005 RMT has 9,812 members employed across the London Underground. This includes LUL, Metronet BCV, Metronet SSL, Tube Lines and the companies who were privatised before the PPP including the ISS, Blue Diamond and GBM private cleaning contractors, Viacom Outdoor, GEC Alstom Train Services, and Cubic Transportation.

- As of 27 September RMT has 1,496 train drivers/operators members employed by LUL.
- As of 27 September RMT has 4,096 station staff members employed by LUL.
- As of 27 September RMT has 1,762 members directly employed Metronet.
- As of 27 September RMT has 774 members directly employed by Tube Lines.

## **5) Working for the benefit of the travelling public**

RMT members work and negotiate with LUL and Infracore management teams to provide a safe and reliable service to the travelling public. Physical and verbal assaults on passengers and staff are a matter of serious concern for both RMT and LUL. The company and the trades unions continue to work to minimise crime levels on the Underground.

The RMT has recently agreed a 35 hour week agreement for station staff. As part of that deal discussions are on-going with regard to the extra hour's running on Friday and Saturday night; the extra hour of services will enable the travelling public to make fuller use of the Underground after they have enjoyed a night out.

Well trained staff provide assistance and advice to members of the public as well as being on hand to assist in the event of an incident or emergency. The most recent high-profile occasion where RMT members performed duties which were a huge benefit to passengers was in the immediate aftermath of the 7 July terrorist attacks. Our members were first on the scene to provide comfort, support and first-aid to those passengers injured and trapped as a result of the bombings. The ongoing safety training which our members receive enabled them to deal with crisis on 7 July in an effective and efficient manner; a clear benefit to the travelling public. Since the attacks RMT members and negotiators have sought to ensure that the London Underground provides a safe, secure and reliable service for the travelling public.

## **6) ACAS referrals**

The procedures to be followed in terms of ACAS referrals are set out on page 6 of the Machinery of Negotiation.

## **7) Changes to the conduct of negotiations post transfer of LUL to TfL**

Since LU became part of TfL in July 2003 there have been no significant changes to the conduct of negotiations.

## **8) Do we welcome that LU is now part of TfL and has a measure of local political accountability**

Yes

## **9) Differences in relationships between RMT and LUL and where relevant**

### **a) Tube Lines and Metronet**

Most of this is dealt with in the text. We would repeat that we are concerned that since transfer different terms and conditions have emerged post-PPP in relation to travel facilities, the shorter working week and pay settlements.

### **b) DLR**

The relationship with DLR is on the whole healthy and constructive

### **c) Buses**

RMT is not recognised by any bus companies in London

## **10) 2005/06 LUL Pay Deal**

In 2004/05 the RMT concluded a two year deal with LUL which covers 2005/06. The next pay and conditions review is 2006/07.

## **Conclusion**

The decisions to close final salary schemes, make large bonus payments to directors who miss performance targets taken together with large Infracore profit margins and the deepening of the disparities in relation to the terms and conditions between colleagues formerly employed by a unified management structure have all combined to increase tensions between management and the Underground workforce to the detriment of good industrial relations.

RMT is firmly of the view that good, constructive industrial relations are best fostered where information is conveyed to the Trades Unions quickly, accurately and openly. This can best be achieved under a unified management structure without the plethora of complex interfaces which continue to beset the national network and are now becoming a feature of industrial relations on London Underground.

## **Appendix C – ASLEF Written Evidence**

### **INDUSTRIAL RELATIONS ON THE LONDON UNDERGROUND**

#### **Statistics & Process**

1. Please give details of the number of strikes (including dates) undertaken on London Underground by your members per year since 2000.

Since 2000, ASLEF has taken industrial action consisting of 24 hour strikes on 4/5 February 2001, 24/25 September 2002 and 1/2 October 2002.

#### **Safety Dispute - 4/5 February 2001**

In January 2001, we balloted our 2157 train operator and train manager members on London Underground Ltd for industrial action consisting of a series of 24 hour strikes.

43.2% of the total LUL membership voted for industrial action (73.7% of the valid vote) and 15.3% voted against (26.1% of the valid vote).

The dispute arose out of the serious concerns ASLEF had over the potential impact of PPP on the safety of our members. Fragmentation and artificially divided responsibilities were in danger of creating an adversarial structure with different sections of the industry pulling in different directions against the overall safety interest of the network and our members.

The PPP would also break up a unified railway into an operating company with numerous contractors and sub contractors. The fear was that this was leading to the demolition of the LUL safety regime and clear lines of responsibility that had previously been essential for the protection of our members' safety at work.

The following undertakings were sought from the Managing Director LUL: -

1. Joint LUL/Infraco/Trade Union Body on Safety to be established
2. LUL commitment to no compulsory redundancies
3. Establishment levels of staff to be agreed between the unions & employer and no reduction of staffing that might adversely impact on safety
4. All employees as at 22 December 2000 to remain on existing terms and conditions

One 24 hour strike took place on 4/5 February 2001. Following talks at ACAS, the dispute was resolved and the following was agreed:-

1. A national Joint Safety Forum was established that can resolve issues and into which trade unions had direct input with LUL and the Infracos.
2. A no compulsory redundancy agreement was made and a proper

negotiated framework of agreement on work/lifestyle balance and family friendly policies.

3. Local level and safety representatives to have an input on the level of establishments.
4. The protection of terms and conditions of employment in the event of people moving from LUL to Infracos or subsidiaries and this protection, in the form of a Code of Practice, would be contractually binding.

### **Harassment policy and Pay and Performance 2002/3 : 24-25 September 2002 & 1-2 October 2005**

In September 2002, we balloted our 2229 members on LUL for industrial action consisting of 24 hour strikes. 30 % of the total LUL membership voted in favour of industrial action (60 % of the valid vote) and 19 % voted against (40% of the valid vote).

2229 members took industrial action consisting of 24 hour strikes on 24/25 September 2002 and 1 to 2 October 2005.

The dispute was over the imposition by management of an unacceptable 2002/2003 pay offer and ASLEF's concerns about some aspects of the LUL Harassment policy.

On 9 October 2002, the Mayor of London, Ken Livingstone met a joint meeting of the ASLEF & RMT Executive Committees and offered to institute independent non-binding mediation for the 2002/2003 pay round when the Transport Commissioner took over the Underground network in April 2003. The recommendations of the mediator on pay and conditions would be backdated to April 2002. In August 2003, the ACAS mediator awarded an increase for 2002/2003 of 3.75%, that is 0.75% higher than the imposed pay offer.

The Mayor also offered to review immediately any cases of alleged victimisation arising out of the 2002 pay and conditions dispute and the LUL harassment procedure and associated disciplinary action against ASLEF members.

### **2. Please give details of the union process for raising contractual demands with LUL and deciding to initiate industrial action.**

ASLEF, together, with the other rail unions, is party to the collective bargaining agreement with London Underground.

ASLEF has 6 representatives on the Trains Functional Council. The following questions for negotiation are dealt with at this level:-

*Framework agreements, failure to agree on issues recorded at local level, impact upon staff of the introduction of new timetables and schedules.*

In the event of a failure to agree at Functional Council on an issue of principle the matter can be referred to an ad-hoc meeting with the appropriate LUL Director. ASLEF has 3 representatives at Director's Meeting level including full-time trade union officials.

The Company Council deals with general pay awards, general terms and conditions of employment and principles of employment. The Company Council includes 3 nominated trade union representatives.

A failure to agree at Director's Meeting or Company Council can be referred to ACAS, or an alternative body, if agreed by the parties.

An unresolved issue is put before the ASLEF Executive Committee for consideration. If the Executive Committee decides to hold a ballot, they will then instruct the General Secretary to conduct a ballot for industrial action using an independent scrutineer. When the ballot has been concluded, the result will be considered by the Executive Committee who will decide on specific dates for industrial action, if appropriate.

**3. Please give details of the union process for raising local disputes with LUL and deciding to initiate industrial action.**

ASLEF is represented at local level by a minimum of 2 representatives per depot. The questions for negotiation include the local applications of agreements reached at other levels within the collective bargaining machinery, collective grievances and individual grievances. In the event of a failure to agree at local level, the matter will be referred to the Employee Relations Manager. If the matter remains unresolved, it will be referred to the Functional Council.

**4. Please provide a breakdown of ASLEF's membership:**

- (a) ASLEF currently has a total of 16,681 members
- (b) (i) 1828 drivers in LUL      (ii) 54 station staff in LUL
- (c) 98 members in Tube Lines  
2 members in Metronet

**Policy**

**5. Can you please provide examples of where LU and the unions have worked constructively and effectively together to the benefit of passengers on the tube?**

The most outstanding example is post July 7<sup>th</sup> and the following events. To reassure staff and deal with their concerns, safety conferences were held at combine and local level involving managers and TU health and safety representatives. Although there were areas of disagreement, by and large

ASLEF and management worked together to restore services in as timely and safe a manner as possible.

ASLEF representatives and managers also worked together to assist drivers and other staff members who were traumatised as a result of these tragic events.

Over the last three years ASLEF have successfully worked with management on a number of initiatives to increase Train Operator availability thus reducing train cancellations.

### **Changes to Annual leave rotations**

We worked successfully with management to develop a new annual leave rotation for train drivers that more evenly balanced holiday periods through out the year. The result was to increase Train Operator availability thus reducing train cancellations

### **Joint training to assist drivers following suicides on the track**

When a suicide or similar incident takes place, the resulting trauma can often result in the driver concerned being away from work for a long period. Our senior representatives worked with management to jointly develop and deliver a training program to equip local managers and representatives with the skills to assist drivers in returning to work. As a result Train Operator availability is increased, thus reducing train cancellations.

### **Trade Union & Management Partnership for Equality**

ASLEF worked with LUL and the other trade unions through the Trade Union and Management Partnership for Equality, on projects including developing and monitoring the LUL harassment policy, establishing equality targets and the successful joint bid to the DTI Partnership at Work fund for Equality Listening Panels.

### **Equality Listening Panels**

ASLEF and the other unions co-sponsored with management the Equality Listening Panels. Designed to increase the understanding of equal opportunities issues throughout the company, this included ASLEF Head Office staff working directly with LU managers in organising and delivering workshops to staff.

### **Work/Life Balance**

Train drivers are rostered to work shifts that cover 24 hours of the day 364 days a year. This naturally makes Work /Life Balance a challenge especially for carers and those with young children. Our representatives have worked with management to successfully develop new forms of rostering that allow drivers better forward planning to deal with family or other issues. This means less time lost in dependency and other forms of special leave and greater train operator availability.

We are also jointly developing a range of other Work/Life Balance initiatives designed to assist those with caring responsibilities. The result will be improved staff retention thus reducing training costs.



### **New Attendance and Discipline procedures.**

We worked with management to develop new attendance and discipline procedures that comply with changes to employment law. The result has been to ensure that disciplinary issues are dealt with in a fairer manner thus reducing the scope for staff / management conflict and possible industrial disputes.

### **Trade Union Learning Reps.**

We are currently working with management to develop learning arrangements utilising funding available through the Union Learning Fund (ULF).

### **Health and Safety**

On a daily basis ASLEF health and safety representatives work with their managers to identify and eliminate or mitigate potential dangers to staff and the travelling public. The result is a safer railway.

### **Industrial Relations**

Working “constructively and effectively together to the benefit of passengers on the tube” is not the exception; it is what our representatives do every day.

#### **6. What is ASLEF’s policy for referring industrial disputes to ACAS?**

As part of the agreed Machinery of Negotiation, a failure to agree at Director’s meeting or at the Company Council can be referred to ACAS. ASLEF endeavours wherever possible to resolve disputes before they get to that stage, but where appropriate we are prepared to go to ACAS.

#### **7. Since London Underground became part of TfL in July 2003 have ASLEF found that negotiations are conducted any differently?**

There have been a number of personnel changes in LUL Human Resources Management that have disrupted the continuity of working relationships between ASLEF and LUL.

#### **8. Does ASLEF welcome that London Underground are now part of TfL and consequently have a degree of local political accountability?**

ASLEF recognises Transport for London as the integrated body responsible for the capital’s transport system.

We welcome the fact that TfL is accountable for both the planning and delivery of transport facilities, which enables it to take an integrated approach to transport services around London.

#### **9. Relationships between ASLEF and London Underground**

Good relationships between drivers and their managers are vital to deal with the numerous challenges involved in transporting three million passengers on a system that is badly in need of modernisation.

Our representatives work with their managers to ensure grievances are resolved and problems solved as quickly and effectively as possible.

Since the implementation of the Company Plan in 1992, LUL has gone full circle and returned to a line based management structure. This has led to disputes at local level, for example, at Arnos Grove depot, Acton Town depot and North Greenwich depot or line based disputes, for example, the District Line and East London Line.

Yours sincerely

**Keith Norman**  
General Secretary

S.Grant District Organiser District No.8

## **Appendix D – TSSA Written Evidence**

### **INDUSTRIAL RELATIONS ON THE LONDON UNDERGROUND**

Jerry Wines our Senior Regional Organiser with responsibility for London Underground (LU) and myself will be attending the session on 20 October 2005.

#### **Statistics & Process**

1. We have not taken industrial action on LU since 2000.
2. We have always followed the internal procedures and then made references to ACAS where agreement was not possible. To date we have found this satisfactory.
3. As above.
4. a) We have approximately 4000 members employed by LU, TfL and associated activities.
  - b) i. We do not have train drivers in membership.
  - ii. We have approximately 2500 members employed on the stations and related activities.
  - iii. We have approximately 600 members employed by Metronet and Tubelines.

#### **Policy**

5. Much of the progress around issues relating to equality and health and safety have been achieved through joint working. This has been done in a constructive and effective manner. Over the years technological change has been a constant. We have worked together with LU to introduce change, most recently in terms of Oyster and Connect.
6. Whenever we have reached failures to agree within the machinery, we have always referred the matter to ACAS before considering industrial action.
7. There has recently been a more constructive approach by LU towards industrial relations. We feel this has been a result of LU coming under the TfL umbrella. We believe that having the Mayor and the Assembly in a position to exert political control is beneficial.
8. TSSA welcomes the fact that there is more political accountability. This has been a longstanding policy of our union. We believe that public transport should be publicly owned and accountable. In broad terms, TSSA supports TfL's strategic vision of improving the capacity, quality and availability of public transport in London. We strongly believe that PPP is failing to deliver the improvements that LU needs. Consequently, we favour scrapping the scheme and giving the Mayor responsibility for LU's infrastructure.
9. a) The relations between TSSA and LU are healthier than with the Infraco's. Regretfully, we think that this is an unavoidable consequence of PPP. The Infraco's are more interested in short term profit than London's transport priorities. Our members are dedicated public servants who find this wholly

unacceptable. The recent announcement by Metronet that it intends to shed 300 jobs from October 2005 has not helped matters. We question how a company that has been criticised by the Transport Select Committee for failing to reach its engineering targets is going to be able to achieve them with fewer staff. Notwithstanding this, the fact that Channel 4 discovered - through a leaked document - secret plans to shed 100's of more jobs is hardly conducive to building a climate of industrial harmony. In addition to this, both companies have closed their final salary pension schemes to new entrants. It is our view that this deprives our members the possibility of dignity in retirement. TSSA will be looking at ways of trying to get these companies to reverse this decision.

b) TSSA does not organise operational staff on DLR

c) Our relation with the bus operators varies from company to company. However, it is our view that the fragmentation of bus services runs contra to TfL's aspiration to fully integrate London's public transport networks. Consequently, TSSA strongly believes that TfL should take all bus franchises in-house. This will put an end to the costly and fragmented structure that we currently have.

10. Our current two-year deal finishes in April 2006. We will then engage in discussions with LU towards securing a new pay settlement. Throughout this process, we will continue to follow the agreed machinery of negotiation and seek to settle disagreements through the existing dispute procedure, thus hopefully avoiding industrial strife. Suffice to say that this will be wholly dependent on the actions and behaviour of LU management.

I look forward to meeting you on the 20<sup>th</sup> October 2005.

Yours sincerely,

Manuel Cortes,  
Assistant General Secretary.

## **Appendix E – Tubelines**

Tube Lines is delighted to respond to the Transport Committee's call for evidence in relation to the inquiry into industrial relations. Our answers to the Committee's questions are set out below.

- 1. Please give details of the number of days affected by (including dates) industrial action per year since Tube Lines assumed control of tube maintenance, including a breakdown of the following information:**
  - 1. the union taking the action**
  - 2. the specific demands/cause of the union on each occasion**
  - 3. the number of workers taking part**
  - 4. the number of trains cancelled (peak time and non-peak)**

There have been no incidents of official industrial action since Tube Lines assumed control of maintenance and renewal of the Jubilee, Northern and Piccadilly Lines. There have been two minor incidents of days lost due to unofficial secondary action by isolated union members in relation to disputes with the other companies. Both instances were in respect of RMT members.

- In June 2004, two members refused to cross a picket line in support of the LU/Metronet pay dispute.
- In August 2004, five members refused to cross a picket line in respect of the dispute between Metronet and RMT over the dismissed workers at the Farringdon site.

Both matters were dealt with internally without rise to disciplinary proceedings.

- 2. How were each of these demands resolved or dealt with?**

Not applicable

- 3. How many threats of industrial action per year have there been from the unions since PPP start up? What number and percentage were averted?**

In 2003 there were two threats of industrial action, both were from the RMT and both were averted. In 2004 there were two threats of industrial action, both were from RMT and both were averted. There have been no threats in 2005.

- 4. How many times have disputes been referred to ACAS? How many strikes have gone ahead after arbitration?**

There have been no referrals to ACAS.

- 5. What is Tube Lines' policy for referring industrial disputes to ACAS?**

Tube Lines' agreed Machinery of Negotiation and Consultation with the trade unions provide for either party to refer a dispute to ACAS under jointly agreed terms of reference.

- 6. How many times has a union grievance been taken to and upheld in courts?**

Only one union grievance has been pursued through legal channels. In 2003, the RMT submitted a claim to employment tribunal in respect of a historical pay claim predating transfer to Tube Lines. RMT subsequently withdrew the application before it was due to be heard.

**7. Can you provide examples of where Tube Lines and the unions have worked constructively and effectively together to the benefit of passengers on the Tube?**

Tube Lines' approach to industrial relations has been to create an atmosphere of openness to the trade unions. It has sought to engage trade union representatives in improvements in the operational maintenance of the lines such as:

1. The introduction of new technology such as handheld IT devices and new software systems for use by employees in maintenance activities
2. The ongoing introduction of a competency management system to improve skills levels and confidence in the quality of work undertaken in maintenance; and
3. The implementation of an improved attendance at work system to increase employee attendance and the linkage of this to a 2-year pay deal to ensure stability of industrial relations.

We would be happy to provide further information, should the Committee require it.

Best regards,

**Paul Lehmann**  
**Head of Public Affairs**

## **Appendix F - Metronet**

### **INDUSTRIAL RELATIONS ON THE LONDON UNDERGROUND**

I refer to your letter of 23<sup>rd</sup> August 2005 addressed to Andrew Lezala which has been passed to me for response.

I give below the answers to your questions:-

1. Since Metronet assumed control of tube maintenance there have been four incidents of threat of industrial action, of which one resulted in strike action. They are listed below:

09/12/03 Strike action called off

25/05/04 Strike action called off

10/06/04 Strike action suspended pending further negotiations

29/06/04 Strike action taken

Of the 1400 RMT members in Metronet, only half chose to strike. We were able to offer into service the number of trains that LU required and we were able to keep the network running. Additionally significant maintenance of the infrastructure was also undertaken.

2. The pay offer was increased from 3% to 3.2% with a recommendation to accept from the RMT. This was accepted.
3. Four – three of which were averted, although two were related to the same issue (June 2004). Therefore three of four (75%) or two of three (66%).

4. No disputes have been referred to ACAS & no strikes have gone ahead after arbitration.
5. There is provision within our procedures to go to ACAS but we would seek to resolve in-house and go to ACAS as a last resort. I enclose the Resolution of Disputes Procedure for your attention. Dependant upon the issue we would then determine our approach/policy.
6. None. Although we have had dismissal cases taken to court (Farringdon) but were not upheld by the court.
7. We have a good relationship with the unions and like to talk to resolve issues. Instances of Metronet and the Unions working together effectively are as follows:-
  - a. In the aftermath of the terrorist bombings on 7<sup>th</sup> July, there was a good response from the maintenance employees at Metronet.
  - b. The 2005 pay deal was concluded on time, therefore limiting the risk of any passenger disruption.
  - c. Reasonable level of acceptance of change across the businesses, i.e. Fleet re-organisation & Scarce Resource Alliance re-organisation.
  - d. The Unions approach to Health and Safety initiatives has been helpful in ensuring a safe and reliable railway operation.

Nigel Hague  
**Senior Vice-President, Human Resources**



## Appendix G - Orders and Translations

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