

October 2009

→ **First Manchester West strikes**



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Passenger News

0% pay row rumbles on

Unite members at FirstGroup are still at logger-heads with the company over its imposed 0% pay policy. First refuses to let managements of its many subsidiaries give a pay rise for its employees, unless they already have one planned, or will agree to reduced conditions. The union's National Delegate Conference has registered serious concern with Moir Lockhead.



Illustration above - new badge now available

more on this story over...

UNITE TO SEEK TOP-LEVEL MEETING

Unite has publicly warned that the company's strategy of forcing re-ballots, by dragging the union into expensive legal complications, is backfiring on it with majorities for strike action rising massively each time. Unite has also recently increased strike pay to member to £150 a week from day one and has over £170 million in reserves.

In a statement issued following a recent National Delegates' Conference, Unite's national organiser for transport, Graham Stevenson said: *Our members up and down the country are simply furious at First's imposed zero per cent pay freeze.*

Unite is further concerned that industrial relations at FirstGroup will be damaged for the long-term by the company's determination to impose the pay freeze nationally, by-passing the national forum established to resolve terms and conditions matters on the basis of mutual co-operation. Graham Stevenson added: *"This imposition of a national pay freeze places in jeopardy all national understandings between us. I appeal to First to meet us nationally and confirm that they are willing to reconsider the aggressive and hostile stance they have adopted in the last few months. Unite will place this on and will not accept it. First must rethink its position. This is a company with record £134 million in annual profits but it refuses a fair*

FIRST WEST MANCHESTER



First Manchester at Bury Depot (277), Bolton Depot (340) and Wigan Depot (216) platform staffs have already taken four days of strike action and have announced further dates in October. Unite's attempts to resolve the pay deal by engaging the help of the conciliation service ACAS in an attempt to break the deadlock have come to nothing as FirstGroup refused to budge on fair pay. *Pic below: FM West members*



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pay rise to those who earn this for them. Other companies in the same industry are settling at around 2.5%.

"Forget the ending of the bonus culture, it's alive and well in First's board room. At the beginning of 2009, they confirmed a 15 per cent bonanza for shareholders for each of the last five years, funding this by slashing jobs, wages and terms and conditions. Enough is enough. Bus workers are only asking for a fraction of what the fat cat executives have given themselves so that they can support their families and keep pace with the cost of living." record. From today, the die is cast. Unite cannot and will not walk away from its thousands of members."

Unite has formally registered at a national level its failure to agree with First on: a) First's imposed national pay freeze as a breach of agreement on local determination of pay. b) First's imposed policy on spare drivers as a breach of all local agreements, as well as a breach of the national consultative procedure obliging consultation on all national policies impacting upon Unite's members c) First's failure to apply the national agreement on uniforms, breaching the procedure agreement in respect of consultation. The separate issue of an imposed position on Green Roads awaits a further meeting but could see the union withdraw co-operation

Unite's industrial organiser Bobby Morton said: "This decision to impose a zero per cent pay deal is based on greed. First Group made millions of pounds in profit this year, despite the recession, yet are refusing to play fair by the employees who helped deliver these results.

"These workers are already struggling in the recession to support their families - they need support from their employer and this insulting pay offer is simply not acceptable. This dispute could be resolved if the company returns to the table with a reasonable pay offer." The local company has said that its employees are "in a far better position than many people are facing in a difficult economic climate". So, some pigs must be more equal than others?



South Yorkshire STRIKES ON AGAIN After Decisive Vote!

SOUTH YORKSHIRE: After re-ballots due to legal complications, absolutely decisive strike ballots at First South Yorkshire, announced on Monday September 28th, seemed to place the company facing three simultaneous disputes.

One was a re-ballot on wages covering Sheffield, Rotherham and Doncaster. Another new ballot on Banked Holidays also covered all three depots and concerned the company deciding to pay accrued holidays to leavers at 2003 rates of pay rather than current rates. Both these ballots saw 82% vote for strike action. Olive Grove (Sheffield) depot also had its own ballot covering 7 collective grievances, including disciplines, sickness management and bullying. This ballot saw a stunning 91% vote for action!

The central negotiating committee for First South Yorkshire (Sheffield, Rotherham and Doncaster depots) announced three one-day strikes on two issues, the 2009 zero per cent and also an imposed banked holidays' deduction. First South Yorkshire Sheffield branch also announced 3 strikes on local collective grievances (disciplines, rotas etc).

Lengthy talks ensued, finally resulting in the UNITE CNC suspending strike action to enable a ballot on a 2 year deal, which gave nothing for 2009 but 2.5% for 2010. All accrued holidays would also be restored to full current rate of pay and paid as a lump sum prior to Christmas 2009. An extra day's holiday for 2010 and a sum of money to assist the subsidising of canteen prices in all locations was also on offer in, other than 200 looming redundancies, a 'no-strings' deal. Despite a CNC recommendation to accept, members then voted decisively by 514 to 379 to reject the offer.

Given the resolve of our members, a new strike date was imminent, with Monday October 26th, the same day as Manchester and Essex looking likely as PN went to press.

The separate issue over grievances at Sheffield also saw strike action suspended to allow members to ballot on a negotiated offer possibly resolving these.

FIRST ESSEX: Members in Chelmsford, Colchester, Braintree, Clacton, Harwich, Basildon and Hadleigh announced a series of 24hr strikes from *Monday 12th October 2009*, with subsequent walkouts planned for: *Monday 26th October, Monday 9th of November, and Monday 23rd of November*. In most depots, the first day of action was pretty firm. First tried hard to break the strike, though. Sadly, 9 non-union drivers crossed the picket line in Chelmsford, now strong after once having been the site of a fierce struggle. (Pic: Clacton-on-the-line!)



MORE? First Southampton is going to postal ballot, starting 14th Oct. First Leicester is not far behind (see *separate article*) Procedures are at an advanced stage in First's large East and West London – about to ballot - and West Yorkshire subsidiaries, both likely to join the growing rejection of the zero per cent pay policy. First Glasgow are on the second part of a 3 year deal of 4%, 2008 4% 2009 and 3.3% 2010; others are in a similar position.

FIRST LEICESTER NOW IN PAY ROW

200 workers in Leicester, including drivers, cleaners, supervisors and engineers, have agreed to hold a ballot on industrial action against the national pay freeze. Members voted 182 to 16 in favour of holding a formal ballot.



Harish Patel, regional industrial organiser for Unite, said: "First Bus has always held local discussions with unions about pay levels so decisions are made at a local level. But the national company has now ordered a 12-month pay freeze which does not respect that agreement. There was an expectation that there would be negotiations at least." (Continued over)

Unite has been having other problems with the company. Harish Patel said: "There are separate concerns about the wording of disciplinary procedures and the fact that drivers can have their licences endorsed by the police if they have a defective vehicle. Even when drivers take over buses from other drivers on the street and can't check a vehicle properly, the company makes them pay police fines."



Retirement age of 65 "does not breach European law", yet

The High Court has ruled that the UK Government was justified in allowing employers to apply a default retirement age (DRA) of 65. However, the Government is to review this soon and many expect the age to be either increased or removed altogether. Until then employers can terminate at the age 65 and refuse to recruit over that age.

STAGECOACH UNDERWEIGHT CAB SEATS



The union in Stagecoach recently participated in a Working Party that was set up to try to deal with the issue of overweight employees that includes drivers. The issue arose from a meeting that we had with the company directors in July where they reported that it has been established that the recommended weight limit on the Optare bus drivers cab seats was 20 stone and on the Alexander Dennis buses 23 stone.

The Company had strong advice that this was a Health and Safety issue that could not be ignored and that needed to be dealt with, especially when one of the first drivers identified in Liverpool weighed over 29 stones. The company has a big fear of what would happen if one of those seats collapsed whilst in service and somebody was either killed or seriously injured and points to its legal obligations.

We immediately asked that the company look at a new drivers' cab seat that will take weights of up to 30 stones. They agreed this but we had to accept that this could take some time and a great deal of money. We then had to make up our minds on how we believed that the issue should be dealt with and we decided that we felt that the best way would be was if we treated the issue the same as when the company wanted to introduce a random Drugs and

Alcohol testing scheme. What we did then was to agree a set of guidelines that would apply uniformly in EVERY single Stagecoach company. That was introduced over 10 years ago and we have not had one single problem since. This is what we have now done with this issue. A set of guidelines have now been adopted that ensure that any employee who comes forward with a weight problem will be treated in a positive and sensitive way – we are very clear on that.

They will be referred to the company's occupational health provider for assessment and advice on how they can lose weight. Only then will the manager meet with the employee to confirm the advice, the target weight and timescale to try to achieve the weight loss. If the employee requests it, then a Trade Union Steward can attend the meeting. This will be monitored on a monthly basis.

Companies are being asked in consultation with the local union reps to look for local initiatives such as a corporate membership to a local gym etc. and a national scheme is to be introduced, whereby an employee can purchase a cycle from a locally identified shop and have the payments spread over 18 months deducted from their wages, which will also receive tax relief. A competition is being run for the best ideas.

Alternative employment will be looked at until the employee is at a safe weight to drive again and that will be on full pay. Provided that the employee is achieving the targeted weight loss then there is no permanent time scale made.

This is a big and difficult issue that we had to deal with. The lay National Delegate Conference has unanimously agreed to promote a supportive policy of guidance towards healthy options, which we believe would benefit our members who may be disproportionately subject to diabetes and heart illnesses.

The first indications that we are having is that having spoken to their managers, the vast majority of affected employees are, often after speaking to their partners, coming forward and volunteering to come on board with the scheme.

Rest assured - we will tackle the need for the company to provide adequate equipment. We don't want to have to problems when we start to get 31 stone drivers! We hope members will be patient and accept that we will solve the difficult problems immediately; the impossible might take a little longer!

Frank Llewellyn

Secretary Stagecoach National Liaison Committee



QUESTION: What's wrong with Britain?

ANSWER: The ratio between those on the top of the pay league and those on the bottom has risen from 15.1 to 75.1 - or over 500% - in the last 20 years! QED!



PICKETING

In the Manchester West dispute, the company has been granted a very severe injunction with regard to what may to some seem new levels of requirement relating to picketing. This issue has arisen elsewhere, and it is now not unusual for an injunction to demand that our members do not call anyone who is strike breaking a 'scab'.

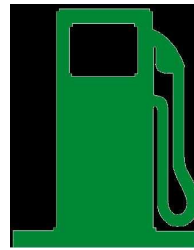
One order has required the Union to ensure that those involved in the picket do not: - 1. Obstruct any path, road, entrance or exit to any of the company's workplaces.

2. Use abusive or threatening language to any person entering or leaving the workplaces to include but not limited to the phrase "scab".
3. Throw any objects at any of the company's vehicles and /or employees.
4. Picket any entrance to or exit from any of the workplaces in numbers of more than 6.

The union has had to supply the company with the names of members instructed to picket at the entrance to or exit from any of the workplaces. The injunction is associated with a Penal Notice which includes the following: "if the order is disobeyed you may be held to be in contempt of Court and may be imprisoned or fined or you may be found to be guilty of a criminal offence for which you may be imprisoned or fined or both".

These terms of the order are strict and non-compliance with the order will have very serious consequences. Groups of workers standing in proximity to an entrance/exit are very likely to be classed as pickets and this would be treated as a breach of the order.

It is important for the union to ensure that all members understand that such injunctions must be adhered to.



TRANSDEV AGREES TERMS ON GREEN ROADS

At Transdev Harrogate our negotiating committee has been able to discuss 'Green Road' equipment being fitted. Thanks to Jim Moran's advice [Passenger News 59]), we have reached a good agreement with the company. Like Arriva, we support measures that encourage fuel efficiency and have agreed the following:

1. No driver will be subject to formal disciplinary action as a result of information gathered by Green Road. A driver who is consistently over the average can be counselled and guided as to how s/he can improve, but will never be disciplined.
2. A proportion of any cost savings will be shared with the staff. The company wanted an individual bonus to individuals who reach targets. We opposed this and still have some work to do. The company have agreed to the principle but we want a bonus paid to all drivers if we meet a depot target. We have always opposed individualising things - with a depot target we all work together and all reap the bonus!

The key factor in reaching an agreement was that the company are desperate for our support to 'sell' Green Road to our members. They could not afford the shop stewards to be negative. I'd like to thank Jim, through Passenger News, for his advice and information.

*Daniel Maguire, Branch Chair - 8-9/104
Unite, Transdev Harrogate & District*



METROBUS

A Court of Appeal ruling on a case concerning Metrobus and Unite saw the union loose an appeal against the injunction which stopped the London strikes in the autumn of 2008. (cont'd)

Unite had solid advice that it had a good case, but, in a shock majority decision on a two to one vote of the judges, the original judge's decision on two of three counts was upheld. However, the court over-ruled the granting of an injunction on the basis of a small discrepancy in the declared number of members. Small errors in the union's records of membership were to be expected.

However they did uphold the granting of an injunction on two other minor technical breaches. These were, firstly, failure to notify the employer of the result of the ERS ballot "as soon as practically possible", i.e. within hours of the result. This interpretation of the law placed an employers' right to plan to break the strike above the democratic vote of 90% vote of our members.

The second minor breach relates to the disclosure of specific information on members affected by the strike, including payroll deduction as well as direct debit as well as an "explanation" on how the latter is arrived at. New procedures for full-time officials are already in place and no reoccurrence can happen.

Martin Mayer, elected Unite Executive Committee for Passenger Transport told PN: "Companies, in the bus industry or anywhere else, that seek to wear down Unite by undermining the right to strike ought to be careful what they wish for. The state of the anti-union laws in Britain today is nothing short of a disgrace. But Unite has the strongest resourced legal facilities of all unions. We will stand by our members whatever it takes."

STEEL SCHOOL BUS UNION

At a time when millions are laid off and unemployed throughout America during the worst economic crisis since the 1930s, the Boston School Bus Union— US Steelworkers Local 8751—has succeeded in round one of a long fight to protect jobs and vital services to the communities the union serves.

First Student and the Boston School Department planned to eliminate 46 jobs by creating unsafe speedup conditions just as the school year began.

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As soon as the USW learned of the attack, it swung into action and notified all the drivers. Within a day it produced a bulletin, scheduled and organised an emergency membership meeting overnight, and met



with community leaders to alert the parents and community of the attack on their rights. The union's Web site carried up-to-the-minute bulletins on the struggle.

The union demanded an immediate high-level negotiating session, making clear that serious consequences would result. Five top School Department and company representatives came to the negotiations, finding themselves surrounded by 50 militant rank-and-file bus drivers—many of whom faced layoffs due to the sneaky job-cut proposals—who were making placards and preparing materials for the struggle.

Negotiations lasted several hours. In the end, not one driver was laid off. The union won restoration of 22 full-time jobs with full benefits, with other jobs to be added. A historic agreement was reached to end outsourcing and a process put in place to correct unsafe routes that would have required double and triple loads. .

STAGECOACH SOUTH EAST ROCKS!!!!

Following an initial planning conference, members in Stagecoach South East have begun their drive towards establishing company bargaining across the many depots in what covers pretty much half of the new Unite region in South-East England.



In both companies, the posters and badges (*illustrated*) in support of the campaign have caused a stir. The employer has sought to oppose this but the strong support amongst members has worked well for morale. Grievances were lodged in Worthing, Chichester, Canterbury and Herne Bay in response to this.



A petition for a single bargaining unit got a massive response. An e-mail campaign is planned, perhaps followed by a text campaign. Should the company continue to ignore our wishes, it

is also likely that the East Kent campaign, at least, will culminate in ballots across all of its eight depots.

Sheffield campaigners back Unite's pay claim action

Dozens of campaigners wanting Sheffield buses returned to public control gathered outside the town hall to collect signatures in support of First drivers in their pay dispute recently. The public readily gave their support to a petition organised by the "We Want Our Buses Back" local campaign.

Organiser Calvin Payne said: "There was a lot of support. People do not think it is fair that a profitable company like First should not let the drivers have a share by getting a pay rise."

First drivers have already held a one-day strike in protest at the company refusing to increase their £9.13 hourly wage to the £10 paid in West Yorkshire.

Mr Payne took a break from collecting signatures to speak to Sheffield councillors. He called on the council to make good its pledge to introduce Quality Contracts. The council powers over frequency and quality of services.

SETTLED ... OR NOT?

First Aberdeen, first out of the trap early on in the gathering 0% pay storm has settled for could be up to 3.5% over two years. All local conditions were safeguarded and many new improvements won.

After bludgeoning Chester's Unite members into an imposed pay freeze, on pain of closing

the depot, First had the nerve to issue a statement across the company, entitled "Well Done Chester Drivers!" Unite's RIO has indicated that the union has not accepted this as a settlement and our 100 members there have reserved the right to return to negotiations at any time.

SCAB!!!! Er...oh, sorry, I mean: "you `low, scurvy person" ...

The word `scab' has exercised some very bright minds of late, so much that Passenger News has had a request from one reader to explain how the term came to be used and just why some people get so exercised by its use. So, in the spirit of our occasional 'Our History' columns in PN, here goes...

Scab is a pretty old English term of depreciation originally meaning any "low, 'scurvy' person, a rascal, or a scoundrel". Its first definite written appearance is from around 1590 but it is thought to be very much older. In its meaning as a worker who takes over the work of a striker, it is first recorded in 1777 in Bristol, when shoemakers blamed the length of a dispute on "so many dirty Scabs". In 1792, a union activist wrote: "What is a scab? He is to his trade what a traitor is to his country... He first sells the journeymen (*i.e. a day wage labourer*), and is himself afterwards sold in his turn by the masters, till at last he is despised by both and deserted by all."

It appeared in print in America in 1806 and continued to be used there but was supplanted in the UK by blackleg, itself a word with a long history, worthy of its own article. Even so, the term `scab' was kept on in parts of Britain – in 1890 it is reported in Leeds and soon became a term the courts disliked, something that has never changed. During the 1984/5 (cont'd) miners' strike, the term made a big come back and has never ...er ... looked back.

PN can't possibly enter into the realm of the advisability of advocating its use. But readers might be interested in one celebrated and widely published definition. Just from the angle of historical interest, of course. In 1903, the American socialist writer, Jack London (some might remember 'Call of the Wild' from school) popularised the term by his remarkable 'definition', which we reproduce as an educative tool:

THE SCAB

"After God had finished the rattlesnake, the toad and the vampire, he had some awful stuff left with which he made a SCAB. A SCAB is a two-legged animal with a corkscrew soul, a waterlogged brain, and a combination backbone made of jelly and glue. Where others have hearts he carries a tumour of rotten principles.

When a SCAB comes down the street men turn their backs and angels weep in heaven, and the devil shuts the gates of hell to keep him out.

No man has a right to SCAB as there is a pool of water deep enough to drown his body in, or a rope long enough to hang his carcass with. Judas Iscariot was a gentleman compared to a SCAB. For betraying his master he had the character to hang himself. A SCAB hasn't.

Esau sold his birthright for a mess of pottage. Judas Iscariot sold his Saviour for thirty pieces of silver. Benedict Arnold sold his country for a promise of a commission in the British Army. The modern strike breaker sells his birthright, his country, his wife, his children and his fellow-men for an unfulfilled promise from his employer.

Esau was a traitor to himself, Judas Iscariot was a traitor to his God, Benedict Arnold was a traitor to his country.

A STRIKE BREAKER IS A TRAITOR TO HIS GOD, HIS COUNTRY, HIS FAMILY AND HIS CLASS"

Mass tribute to Lew



Lew May's coffin is carried into the chapel, watched by crowds of mourners.

Lew May, chair of the T&G Passenger Services Trade Group National Committee, died recently aged 60 after battling cancer for some time.

More than 350 people turned out for the Portsmouth funeral of Lew May, who was also Chair of Portsmouth's TUC.

After a career in the Royal Marines, during which he saw action in Aden and was

decorated, he became a bus driver in 1976, and twice led the city's bus staff on strikes in a fight for better pay. He was a leading figure within FirstGroup, especially as a national pensions trustee.

Lew was diagnosed with cancer of the oesophagus in October 2008 and struggled hard against it. Until June of this year he was still actively working for the membership. He passed away at home on September 16, less than a month after his 60th birthday.

His daughter Vicky said of Lew: "He was a man who didn't like unfairness, and thought everyone should be treated equally. He always stood up for the underdog. He was very strong, very loving but very private. He didn't show his emotions very well but he was always there for me and my brother."

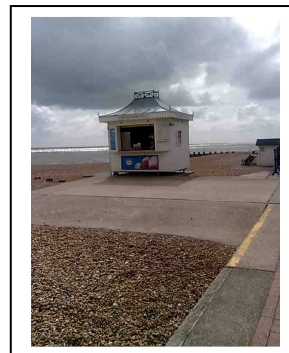
Coach loads of busworkers turned out for the funeral. So many people turned out at Portchester Crematorium that 150 people had to stay outside the South Chapel.

Simon Banks van Zyl, on behalf of all of the shop stewards of 2/36 Branch, reports that it was an "amazing sight ... that had truly had to be seen, not to be believed because the turn out was indeed deserved and expected, but to fully comprehend the gravity of the occasion ... We will fight on as Lew would have wanted us to."

Lew leaves behind his wife Sue, 55, daughter Vicky, son David, 30, and five grandchildren. Unite shares their loss and grieves with them for a remarkable man, who in his own self typified the Passenger Transport Sector. See extensive tributes at:

http://www.unitetheunion.com/sectors/passenger_transport/passenger_news/lew_may.aspx

AND FINALLY...



We'd heard the Eastbourne District Office had moved!!!!!!!!!!!!

Just joking