

Special issue on the fight against ZERO pay in First



Aberdeen full-time official, Tommy Campbell, destroys First's case on national television

TRANSPORT SECTOR

**National Organiser
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American Teamsters union official, Richard Middleton, visits the AGM



Aberdeen's picket line 16th July



First South Yorks picket 10th July



Grim determination at the AGM

Passenger News First Special

ABERDEEN A.G.M. CHALLENGED

**UNION MEMBERS
SAY NO TO THE
FAT CAT BOSSES
CREAMING OFF
ALL THE PROFITS**



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< The 'fat cat' poster used by Aberdeen branch outside First's AGM

Unite members demonstrated at the First Group AGM in Aberdeen on Thursday, 16th July, where the company's international HQ is, over the 0% pay freeze imposed by the board in all of its UK bus subsidiaries.

Our 20,000 members who work for First Group are incensed with the '0% pay policy', which means no pay rise this year for those who have an

anniversary date coming up, even though the company has been making huge profits for years. First Group PLC made £200m profit before tax in March 2009. A profitable company shouldn't use the recession to make its employees pay for further rises in dividend payments for its shareholders. But, with the company seeking to impose the freeze, it looks set to be embroiled in a series of rolling strikes across the country.

Right: causing a stir outside the AGM



The protest in Aberdeen came on the same day as 500 of First's bus workers in Aberdeen took strike action as shareholders make their way to the city. First sent instructions to local bus subsidiaries across Britain that they should supply a quota from management teams to travel to Aberdeen to work on the strike day. Some 50 managers flew to Aberdeen on the Tuesday, where they were put up in local hotels. The day before the AGM they were ferried around Aberdeen in cars to learn the local routes and on Thursday, First sought to provide a free bus service to the public from 7 am until 7 pm. The managers flew back to their homes on Friday. The dispute in Aberdeen continues (see over).

(Front page news in the local press)



ABERDEEN FIGHTS ON!

UNION OFFICER, TOMMY CAMPBELL REPORTS:

With a mandate of 73% voting for strike action in Aberdeen, strenuous efforts to negotiate a solution were made by local negotiators for the Unite. First preferred instead feed a line to the media that our members are earning between £24,000 and £34,000. Put simply, there is no truth to these outrageous claims. The only high earners in First Group are not members of Unite. The basic hourly rate for a driver there is only £7.18. This is only £14,192 p.a. and any additional income is made up with working overtime and unsocial shifts. Even then, the actual average annual earnings of drivers at First Aberdeen range between £18,000 and £21,000. Worse still, cleaning staff hourly rates are only just above the National Minimum Wage.

Astonished at First's bloody-mindedness, as Unite regional official in Aberdeen, I told the company that: *"Given First Group's huge operating profits of 38%, and the incredible expense of trying to break this strike, a rise of 4% on staff pay - the sort of figure we would have in mind instead of NOTHING - is an unaffordable pay settlement. We are available to talk at anytime."* The union has offered to recommend 4% to settle, if that were tabled. It's still NOTHING!

In the event, despite all efforts by the company, the strike was 100% SOLID! Unite National Organiser for Transport, Graham Stevenson applauded the solidarity of members in Aberdeen: *"No doubt the achievement of a 'Zero Pay Policy' on bus workers' pay will add up to a tidy sum in management bonuses. We thought the era of fat-cats and boardroom bonuses was supposed to be over, clearly not," he said.*

"Bus workers' pay dropped massively due to deregulation and privatisation. Yet, we see the board of First is proposing to the AGM a shareholder dividend rise of 10% for the fifth consecutive year. It's clearly '10% FOR THEM, NOTHING FOR US' The Board has decided that a recession means that bus workers no long need to have pay increases. Quite simply, we ask them to think again."

The knock-on effect of the continuing work to rule and overtime ban is that services are now badly affected, with buses not getting on the road first thing in the morning, and being up to 30 minutes late. On one morning recently, 20 drivers had to wait up to 2 hours to have a bus allocated to them. This will get progressively worse. All buses are late and on average there are about 30 buses off the road, when there is normally six to ten.

Unite has approached local politicians, to raising concerns about this dispute. The company made £5 million profit last year alone out of the passengers in Aberdeen, amidst growing concern of the citizens of Aberdeen about high fares. We are more than willing to get around the table to resolve this dispute but the Company has to do the fair and decent thing i.e. put some of its profits back to the workforce. NEW DATES AND TIMES FOR DISCONTINUOUS STRIKE ACTION HAVE NOW BEEN SET FOR AUGUST AND SEPTEMBER. Now ... talks have begun!



AFTERMATH OF STRIKE

In an odd reversal for us, the union supplied First Aberdeen with photographic evidence gathered on the day of the strike. We asked what action would be taken on a number of instances of complaints of breaches of rules and regulations by strike-breaking managers in charge of a bus. Just two examples show the flavour - one photo showed a bus reversing onto a major thoroughfare in front of the fire station, another appeared to show a manager driving a bus while using a mobile phone.

Buses seemed to leave the yard with dry windscreens, so suspicion arose that wash screens may not have been checked. There were reports of strike breakers driving buses whilst reading instructions. The union requested that First make available for inspection all CCTV coverage to check the facts. In apparent retaliation, the subsidiary MD sent the following to us:

I also advise you that with immediate effect the following will be evoked and will remain in place during the period of disruption:

- All Occupational Sick Pay will cease to all staff from July 16 and continue during the period of dispute;
- No exchange of rest days or duties will be permitted from July 16 and continue during the period of dispute;
- All leave requests and paid absence from work from 16 July will be rejected. For clarity leave already approved will be unaffected;
- All requests for unpaid leave of absence from work from 16 July will be rejected and continue during the period of dispute;
- All requests for trade union paid release from work will cease and continue during the period of dispute;
- Requests for time off work to attend medical and dental appointments will be rejected during the period of dispute;
- The Learning Centre will not be available during the period of dispute.

The Union wrote to First Aberdeen over their unilateral announcement of changes to current terms and conditions, registering a failure to agree, and seeking that the status quo principle applies.

First was told: *"Your notice of First Aberdeen's intention to introduce punitive sanctions against Trade Unionists exercising their Human Right of Freedom of Association may be a breach of Article 11 of the European Court of Human Rights. The sanctions you intend to impose are clearly instigated because our Union members are acting collectively in pursuance of notified lawful industrial action and they should be free to associate and pursue that action without fear of being victimised and discriminated against."*

We ask that First Aberdeen abandon the punitive sanctions they plan for failure to do so will lead us to consider what action either legal or industrial or both we may decide to take if such sanctions are imposed."

In response, the company claimed that the sanction were this was "a consequence of the action taken by the trade union. Under the circumstances, there can be no failure to agree recognised ..."



You've seen the press, now see TV footage from the Aberdeen dispute for yourself:
<http://video.stv.tv/bc/news-090716-n2-bus/>

UNITE CHALLENGES AGENCY

It emerged after the day's strike in Aberdeen that WJF, an agency was supplying labour to beat the overtime ban. Unite formally advised the scab firm that it was potentially breaking the law.

"An employment business must not introduce or supply a work-seeker to do the work of someone who has been transferred by the hirer to perform the duties of the person on strike or taking industrial action".

The regulations covering this area stipulate that a business which has not complied with the regulations can be sued for damages by anyone who suffers loss or injury as a result of that failure. The Dept for Business can even initiate a criminal prosecution against it (the maximum penalty is a fine of up to £5,000 per offence) and a ten year ban.

Subsequently, the agency confirmed - through Ford & Warren solicitors - that they had approached First to supply labour during the week before the strike but "were not aware" of our dispute but would now not supply labour to "cover strikes or industrial action".

Watch out? Scabs about...well, one anyway - paid £25 an hour to break the strike in Aberdeen.



SOUTH YORKSHIRE LED THE WAY!!!



First out in struggle was South Yorkshire's typically bold and solid strike. Martin Mayer (Sheffield branch secretary, who also represents bus, taxi and tram workers on Unite's national executive) reports:

The strike was totally solid in Sheffield, Rotherham and Doncaster - not one single driver crossed the picket line. The company sent out small number of contract buses driven by supervisory and desk management staff, but no fares were taken. These junior managers - many of them members of Unite but not covered by our pay agreement - were disgracefully threatened with disciplinary action if they refused to scab.



How the Morning Star reported S York's strike

In the days running up to action in South Yorkshire, rather than try to resolve the dispute through talks, the company was locked in talks with its lawyers trying to get an injunction to stop the strike. A full day in Leeds Crown Court was spent on Thursday with Unite successfully defending its position.

Following a well-trodden track of bus firms trying to prevent our members from taking action legally First South Yorkshire claimed that there was a discrepancy in relation to numbers cited.

The Union may have received forms for members indicating an intention to pay by check off and it was a perfectly reasonable act to include such members in the total provided to First. We refused to withdraw the strike dates and made it clear that any application to prevent the action from going ahead would be robustly defended in court.

All week, rather than try to resolve the dispute, the Company was locked in talks with its lawyers trying to get an injunction to stop our strike. As a result our Regional Secretary and Full Time Officer spent all day in Crown Court in Leeds defending our position, with the assistance of a barrister paid by the Union. At around 16.30 hrs, FSY drivers heard the news that the judge had thrown out the Company's objections, and refused their right of appeal. Unites ballot procedures were robust and correct. When this was reported at the drivers' canteen in Sheffield, a huge cheer went up! "Strike's on!" roared the room.

The Company was still not satisfied and intimidated official staff, members of UNITE, to drive buses through the picket line or face dismissal. They also bragged to us that some drivers would cross the picket line. All this simply hardened our members' resolve and South Yorkshire drivers eventually were able to come out on strike on Friday 10th July.

How BBC news covered the FSY strike:



HARSH POLICY

But we have more than one bone to pick with this company, which seems to think good management means having the harshest stance on disciplines, sickness, assaults, and bullying. In my depot, Olive Grove, far too many drivers have been disciplined

unnecessarily, and awards are too severe, with Final Warnings and Dismissals being far too common. The standards expected by the Company on sickness attendance, accidents and other conduct issues are seen to be unreasonable. We have simply lost faith in the justice meted out and are seeking a fundamental change, so that drivers are treated with more respect and given more support. We are seeking the reversal of 7 decisions:

- 1) Final Warning and 5 Days Suspension. The member reported late for work but within the Late Agreement. He declined the work offered because he understood he would not be paid for the first hour, contrary to the agreement.
- 2) Summary Dismissal. Disciplined just over three months after an incident involving lost property, on inconclusive evidence. Driver had 5 years service and no record of dishonesty.
- 3) Final Warning and no assault pay. The member was deemed to have provoked his own assault by flashing his headlights when a car driver cut in front of his bus. The car driver got out of his vehicle, came over to the cab window, grabbed our member's arm and deliberately broke two bones in his hand, leading to nearly three months off work.



South Yorkshire united

**STOP PRESS:
FIRST WIRRALL ENTERS ITS PAY
REVIEW PERIOD IN AUGUST 2009,
WILL THEY BE OFFERED 0%?**

- 4) Final Warning and Sick Pay suspended. The member's bus was hit by a lorry carrying steel girders which ripped out windows on upper deck. He reported sick for whiplash but was sent immediately to Company Doctor who reported him fit for work. The member had only taken one day sick.
- 5) Level 2 Warning and Sick Pay suspended. Took one day sick after his mother's funeral. Although he reported sick correctly using the agreed system, the manager simply believed the sickness was not genuine, although he had no evidence whatsoever.
- 6) Level 2 Warning. A lorry which was edging out into traffic hit the side of the member's bus as he drove past. The member was blamed for not letting the lorry out first.
- 7) Summary Dismissal and no assault pay. The member's bus was ambushed by a group of youths who hurled handfuls of gravel and stones in his face. He went off sick for one week on GP's advice. Company Doctor declared him fit for work five days later. He did not return to work the next day.

SOUTH YORKSHIRE NOW ON 90 DAYS NOTICE

We also have a problem arising from the decision by the Operations Manager to issue a 90 Days Notice to end the Day Board, a rota containing duties which finish after 16.30hrs but before 20.00hrs. Lines on this rota are allocated to volunteers on seniority. All drivers can benefit in time by getting off shifts onto a less harsh rota prior to retirement. A workplace ballot resulted in 342 votes in favour of keeping the Day Board and 45 against. Earl Williams has refused to accept the drivers' verdict, citing the fact that around half the drivers did not vote. This view was upheld by the Operations Director at a final stage hearing.

The Company are intending to disband the Day Board. Approximately 120 senior drivers face being displaced onto other shifts. The effects of placing the Day Board duties into the shifts are unknown and unexplained. Unite believes it will either result in morning shift duties going beyond the agreed 16.30 hrs finishing time, or the alternating pattern of mornings and afternoons would have to change to make mornings only one in three weeks.



ESSEX CATCHING UP!

Unite members at First Essex set a date for strike action of July 20th to join the rolling action. But legal quibbles caused a delay. The full time officer, Steve Linger, reports:

Before notice of action was given, the company immediately sought legal reasons to prevent us from acting on the mandate received from our members. We were told that we had not identified the correct employer, First Essex Buses Ltd - "this is not a "First Group matter", apparently. By mentioning First Group's board diktat, our ballot procedures were considered "defective". We are also supposed to have made an error in respective of identifying the number of workers covered by the action to the tune of, apparently, ten people.

Actually, one misdemeanour – who we are in dispute with, First Essex, or FirstGroup, or something else - arises from the company's own uncertain structures. The name used in our ballot of "First Group Essex Buses" seemingly should have been "First Essex Buses" – one word wrong. But we received communications from varying designations of management. The official title of the senior manager appears to be "Managing Director - First East of England", which comprises several pay agreements, one not currently in dispute due to the long-term nature of the previous settlement.

Communications on this issue have come with the designation "First Eastern Counties Buses Limited". An entirely local document "New Structure Update" is headed "First UK Bus staff in Eastern Counties and Essex only". We have had communications giving four descriptions from the MD and not one is "First Essex Buses"! There should have been no uncertainty. The June Special edition of Passenger News identified all of the depots involved in the dispute.

The company challenged only one of the ballots – South Essex, not North Essex. Yet, the very small discrepancy the company have identified is on the back of a 91% vote for strike action. Our members have already made clear, as far back as last year, that they reject the selling of conditions to achieve a cash rise and they are adamant that they will not do it now. Balloting is on again now, with a possible target date for action of September 7th.



FIRST CHESTER NOW UP AND RUNNING!

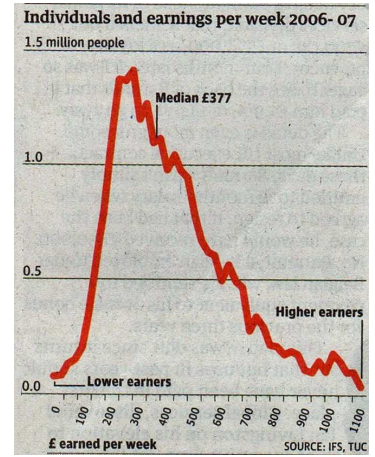
First Chester has also been battling legal sanctions to restore its mandate to take strike action and is expected to follow others soon. Unite regional official, Ritchie James, said of the Chester negotiations: "*The company rejected ALL possible suggestions for a settlement put forward by our negotiators and threw down a challenge by stated "how soon can you let us know when you are going to do a strike ballot?"*" This was at a meeting supposedly set up to look at an alternative to a strike!

Ritchie reports that it seems as if the company continues to frustrate the situation and crank matters up. It was interesting that management had to ring the group HR before responding to any suggestions put forward by the Union negotiators.



Groucho looks at the news...

Seen in one of the posh peoples' papers... a graph which shows that most people earn from £150 to £350 a week. Most busworkers are on the top of the graph, in other words, more or less bunched with every other bugger (technical term). Just a few appear to deserve over a £1000 or more a week. Wonder what they do for a living?



MIDLANDS: In the Midlands, officers and shop stewards from First subsidiaries in Leicester, Worcester, Hereford and Redditch met with management in early July, where the pay freeze was confirmed. Further developments are expected when the school holidays are over.

Let's start on the right footing. Some things are not negotiable.



FIRST MANCHESTER:

Senior RIO, Bobby Morton, reports

Management at First Manchester finally came off the fence on 14th July and re-iterated the Group's zero % pay policy. Consultative ballots at Bolton, Wigan and

Bury depots later saw 97% in favour of strike action. A full ERS postal ballot will follow.

FIRST BACKS OFF FROM MERGER

Big investors initially responded well to the prospect of a First takeover of National Express. NX share value rose to a total of £417m. We're not sure where the money for First to pay for this was going to come from! Maybe you can tell us?

Then First was told by the "Panel on Takeovers & Mergers" that it had received a request for a "put up or shut up" deadline from National Express. The Board of FirstGroup has decided to withdraw but reserves the right to make an offer for National Express within the next six months.



^No more than six on a picket line, now!

ZERO PER CENT NOT A PAY CUT???

When I use a word," Humpty Dumpty said in rather a scornful tone, "it means just what I choose it to mean - neither more nor less."

"The question is," said Alice, "whether you can make words mean so many different things."

"The question is," said Humpty Dumpty, "which is to be master - - that's all."

(Through the Looking Glass, Chapter 6)

LESSON FOR THE DAY...

"Now then ! Show your ticket, child!" the Guard went on, looking angrily at Alice...

"Don't keep him waiting, child! Why his time is worth a thousand pounds a minute!"

"I'm afraid I haven't got one," Alice said in a frightened tone: "there wasn't a ticket office where I came from."

"The land is worth a thousand pounds an inch! Why the smoke is worth a thousand pounds a puff! Language is worth a thousand pounds a word!"

(Through the Looking Glass, 129-130)

FROM OUR HISTORY:

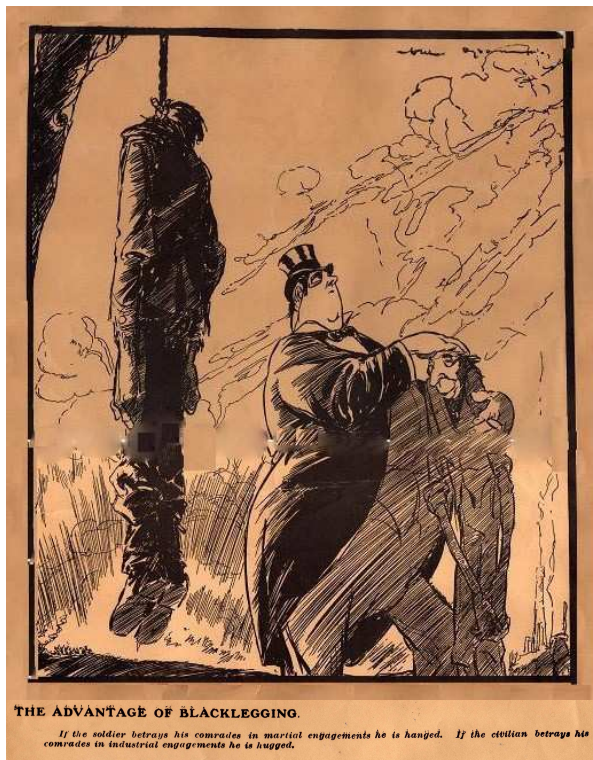
Passenger News came across this cartoon in a dusty area of Transport House – it's from around a hundred years ago.

Of course, things are all different now, in the 21st century..... nobody wears a top hat anymore.



Right: detail from the cartoon – a boss patting the scab.

For the benefit of students of history, we reproduce the caption text to the full cartoon: *“The Advantage of Blacklegging: If the soldier betrays his comrades in marital engagements he is hanged. If the civilian betrays his comrades in industrial engagement he is hugged.”*



*“Curiouser and curiouser”
(Alice’s Adventures in
Wonderland, chapter 2)*

IS 0% NORMAL?

- Is everyone taking a pay cut or a freeze in the recession? Far from it. Across industries, newly agreed pay deals have seen more than 60% obtain an increase of some sort.
- Pay freezes make up less than a quarter of all pay deals for the three month period from March to May. Settlements at 2.45% are normal.
- First’s ZERO% policy on pay relies a great deal on the focus of media pundits on the current state of RPI data. But *real* economists are now predicting a return to inflationary rises of 3% as early as the next Spring! Less than six months away. Even the rigged CPI figure is expected to be 2%.
- Overseas commodity prices are rising, along with printing money in the hope that this will turn the economy around is to bring two certain things – cuts in public spending and a rise in inflation.
- Whatever the arguments about the cost of living - and even if there are a few individual busworkers whose personal life-style expenditure has not been badly affected by current RPI. (which we doubt!) - accepting a 0% figure now on a current pay review date, will definitely see a real pay cut before you get a chance to review pay in 2010.

DON'T BE CONNED – FIGHT FOR A PAY RISE!