

London Underground Track Contract Workers' Charter

*A better deal for all agency track contractor
workers on London Underground*



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A better deal for track contractor workers on London Underground and Tube Lines



More than 15 years of privatisation and sub-contracting have wreaked havoc in the rail industry, not least for the people who work in it.

On London Underground, where once we had central bargaining for standard pay and conditions for all track workers, there are now multiple contractors and agencies that seek to get as much as possible out of their staff for as little in return as possible – and to avoid, if they can, any dealings with RMT.

The break-up of full-time unionised employment for track workers, like the break-up of the industry itself, was a deliberate act, calculated to push wages and conditions down and profits up. For track workers the fragmentation has resulted in vastly differing and often poor pay and conditions with little, if any, security of employment.

Many sub-contract workers on LUL and Tube Lines find themselves in the worst of all worlds, employed by agencies that 'outsource' their pay and conditions to an accountancy firm, making them nominally self-employed, denying them the employment rights they should have and unable to establish who their employer is.

If we are to set the negotiating agenda and improve pay, terms and conditions, safety and welfare, our response must be across all contract and sub-contract companies and agencies on London Underground, and that is the purpose of this charter.

RMT's strength, alongside the experience of more than a century of organising railway workers, is that it is an industrial union uniting workers in all grades and across all employers, on every worksite, in every depot, whether they be permanent-way platelayers, track cleaners, site supervisors, SPCs, PMEHS, HBTs, track welders or technicians.

The document in your hands is the result of consultation with track contractor workers and RMT track reps working for companies across London Underground and Tube Lines.

It sets out the aim of improving pay, conditions, security of employment, pensions and health, safety and welfare - in short to bring and end to the exploitative conditions faced by track workers – and replace them with work conditions fit for the 21st century.

It is not a wish list: our experience tells us that wishing will get us nowhere, and if we are to achieve the aspirations set out in this charter, we must organise to achieve it.

The first step towards bringing this charter to reality is to ensure that every track worker becomes an RMT member with solid organisation in every workplace, so that if it comes to a fight, we are ready for it.

Our unity is our strength, and together we can win a better deal for all.

Bob Crow

General Secretary

Section 1

What we've got now

This section outlines the appalling pay and the lack of job security, real rights at work, annual leave and sick pay arrangements across the track contractor companies on the tube, and the gross inequalities that exist in track workers' pay and conditions.

Simple fairness demands that two rail workers performing the same duties should be paid the same and have equal entitlement to leave, sick pay, pensions and other benefits. However, our analysis reveals astonishing abuses by employers and massive variation in their treatment of track workers, even those working for the same agency.

LAY-OFFS

It is common for track workers to be on five days', 48 hours', 24 hours' or even zero notice of termination of employment, and even these minimal timescales are often ignored when it suits employers, with employees laid off for weeks at a time or permanently with no notice. A similar practice occurs where agency workers book on as instructed only to be sent home a few hours later with no pay.

Track workers who have happily contributed to their employers' and LUL's success are often treated no better than a tool, a sleeper, a piece of rail or ballast – to be used and discarded when no longer wanted, without regard for them or the work they have done previously.

Employers say that this is part and parcel of working as a sub-contractor on the railway, but RMT believes these Victorian practices are not only grossly unfair, but are probably illegal in some cases.

DECREASING RATES OF PAY – THE RACE TO THE BOTTOM

Track sub-contractors are workers in supervisory, skilled, semi-skilled and unskilled grades at a number of key agencies that have supply contracts with LUL.

Over the years LUL and Tube Lines have re-negotiated or re-tendered their contracts with supply companies bidding against each other to secure the contracts.

By making reduced cost one of the main factors to win a bid, LUL and Tube Lines have set in motion a 'race to the bottom' among the bidding agencies, a race which hits the track sub-contractor workers hardest.

Many individuals are now paid less than ten or even 15 years ago, while the agencies are raking in increasing profits for their owners and shareholders.

This is because the most frequent and obvious way for tendering agencies to put in the cheapest bid is to cut pay and overtime rates and remove any payments that may once have been made to help out with training.

SUB-SUB-CONTRACTING

To make matters worse, a new breed of sub-contractors sometimes known as 'gang masters', who often work on the track themselves, are setting themselves up as 'sub-agencies' to supply track workers to the principle agencies.

To work for a sub-contractor to a principal agency generally means seeing a regular payment being skimmed off your wages, and being prone to even more abuses thanks to the unregulated manner in which these sub-sub agencies operate.

ACCOUNTANCY FIRMS

Similarly, most track-contract workers work through accountants who handle their pay and 'human resource' issues. These accountancy firms commonly help themselves to a generous slice of the workers' wages for little assistance in return, often locking the workers into using their 'services' through their close relationship with the work agencies.

In the worse cases, senior or middle managers in the work agencies own and run these accountancy firms too, leading to the near total entrapment of the track-contractor workers.

NO CONDITIONS OF EMPLOYMENT

As with pay in the agency sector, an examination of annual-leave and sick-pay arrangements has revealed a massive lack of entitlements for sub-contracted track workers.

Sick pay and holiday pay: Many agencies pretend but do not really have any sick pay or holiday scheme for their employees. When asked, the companies' reply is often that the employees should be putting money away themselves to provide for a holiday or if they're off sick – an absurdity considering the low pay they receive.

Pensions are likewise virtually non-existent amongst track agency workers.

The result is track sub-contractor workers doing large amounts of weekend overtime to make ends meet, not having any holiday leave and coming to work when sick or even injured, sometimes by accidents that happen at work, with the prospect of not having a pension to support themselves at the end of their working life.

SECOND-CLASS STATUS

Track sub-contractors are subject to inequality at nearly every turn, and especially in relation to health & safety, welfare, unfair treatment and being sacked at the drop of a hat.

HEALTH AND SAFETY

Despite laws that are supposed to protect all workers; sub-contractors are regularly expected to perform unsafe work to "get the job done". If they refuse or complain they're told to "get another job", or they may just happen to get laid off next time the agency sheds staff.

LUL Track contractors' Charter

RMT application form

Please return immediately to your RMT rep or send to:

RMT Membership

FREEPOST

WELFARE

Facilities such as lockers, overall-cleaning and messing facilities are mostly non-existent for sub-contractors, and they are often denied breaks on long possession shifts.

BULLYING

Agency sub-contractors are expected to do what they are told and work where and when they're told without question, and are open targets for bullying and verbal abuse from their own management, from LUL/Tube Lines managers and even from staff and other agency subcontractors in authority over them.

ON-THE-SPOT SACKINGS

When accused of wrong-doing, track sub-contractors are denied the right to be represented by a union rep and denied the recognised process of a fact-finding investigation followed by a disciplinary hearing and the right to an appeal.

Instead sub-contractors can be downgraded, suspended or sacked on the spot if believed to have made a mistake, been absent, or if any manager from LUL, Tube Lines or their agency makes an accusation, or just happens not to like them.

RMT's aim is to end the abuses heaped on agency track contract workers, and to bring rates of pay and conditions of service up to the best in the industry.

This will not happen overnight, but RMT will challenge each and every company on the basis of this charter and the benchmarks set out below.

Research shows that in companies where the union is well organised, rates of pay are higher and terms and conditions better.



Section 2

What we want

The aspirations in this charter are not exhaustive, but will be utilised in the formulation of a pay and conditions claim submitted by the RMT on behalf of track contract workers.

THE AIMS OF THE TRACK CONTRACT WORKERS' CHARTER:

1. **EMPLOYMENT SECURITY**
All agencies to be approved and to sign up to an agreement to take on staff displaced during renewal of contracts or downturns in work
2. **END LOW PAY**
Clear, fair rates of pay negotiated by RMT for the various grades; day, shift and night workers, which members can depend on to provide for their families and themselves
3. **HOLIDAY PAY**
Holiday pay to be banked up and paid by the employer to allow for track sub-contractor workers to have real quality time away from the job
4. **PAID SICK LEAVE**
A decent company sick-pay scheme that provides for track contract workers when ill, and especially when off through injuries at work
5. **PENSIONS**
A fair company pension scheme with contributions paid by both employer and employee, based on 100 per cent pensionable pay
6. **TRAVEL PASSES**
Track contractors to be issued with Transport for London travel passes for free travel to, from and while at work
7. **FAIR DISCIPLINARY PROCEDURES**
Dignity at work – an end to bullying and inequality. Track contract workers to be treated as the professionals they are; by their own agencies and by LUL and Tube Lines managers and supervisors. Clear disciplinary procedures to be established in all companies including: a fact finding investigation to determine if there is a case to answer; a disciplinary hearing at which a defence can be given against any allegations; the right to an appeal, and union representation at all stages

8. **GRIEVANCE PROCEDURES**
Proper procedures to be drawn up in all companies for track contract workers to raise grievances about work-related issues that affect them, with the right to union representation
9. **HEALTH, SAFETY AND WELFARE AT WORK**
Health and safety rights for track contract workers to be made real and enforced. All welfare provision – PPE, overalls, lockers, messing facilities etc – to be determined between LUL, Tube Lines, the contract agencies and RMT, and to be provided without delay and upon starting work.
10. **UNION AND HEALTH AND SAFETY REPS**
RMT union and health and safety reps to be elected from among the track contract workers, recognised and assisted by their work agencies, LUL and Tube Lines.



Section 3

How we are going to achieve what we want

This Charter has set out the unacceptable situation track contract workers find themselves in, and the changes needed to make working conditions fit for the 21st century.

To achieve those changes requires organisation and the involvement of YOU, the track worker, and your workmates.

RMT understands that the union is its members, and that the aims of this Charter will be won by track contract workers working together alongside their reps and supported by the many resources the union can deploy.

To win there are some very clear steps:

1. JOIN RMT – TODAY

An RMT membership form is enclosed. Track contract workers can join RMT for a reduced membership fee of £1 per week. If you are not already a member, fill in the form and return to the address shown as soon as you can.

2. DISTRIBUTE AND PROMOTE THE AIMS OF THE CHARTER

This charter needs to be in the hands of all our workmates, at every workplace, in all depots and cabins across London Underground and Tube Lines. Copies are available from reps and through the RMT FREEPHONE helpline on 0800 376 3706

3. BUILD A STRONG ORGANISATION OF RMT TRACK CONTRACTORS

Organisation is the key: united in the union and organised around the demands in this Charter track contract workers will be unstoppable. Track contractors in every agency electing their own reps will ensure that every contract worker's voice counts and the aims of this Charter are delivered, but EVERY track worker should be involved – branch meeting details are on the next page.

4. RMT TO PUT THE CHARTER'S DEMANDS TO THE TRACK AGENCIES

RMT will put pay and conditions claims based on the aims of this Charter to each and every track agency where the workforce is organised. Backed by strong organisation, RMT will seek talks to agree and implement decent pay and conditions fit for a key industry in the 21st century.

"...if we are to achieve the aspirations set out in this charter, for all our members in track companies and agencies, we must organise to achieve it.

The first step towards bringing this charter to reality is to ensure that every track contractor becomes an RMT member with solid organisation in every workplace, so that if it comes to a fight, we are ready for it..."

Bob Crow, RMT General Secretary

Our unity is our strength, and together we can win a better deal for all!

RMT LU ENGINEERING BRANCH (0962)

Branch Meetings are at 17:00hrs on the 1st and 3rd Tuesdays of every month, and are held in the upstairs function room of the Exmouth Arms, 1 Starcross Street London NW1 2HR, near Euston Station

Branch Secretary: Paul Jackson

LU Engineering is one of the two RMT engineering branches covering the London Underground area.

The branch includes all grades from track workers to office staff, track-access controllers to surveyors and many, many more.

LU Engineering is the biggest RMT branch in the country, with more than 3,000 members employed by more than 60 infrastructure companies working across London Underground.

LU Engineering Branch is the RMT branch at the forefront of campaigning for the LUL Track Contractors Charter



RMT Track Contract Workers' Charter Phone Line 07541 593 131
or email lultrackcontractors@rmt.org.uk



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