



LONDON UNDERGROUND COMPANY COUNCIL (LUCC)
MEETING HELD ON 26 OCTOBER 2017
CONFERENCE ROOM 1, GROUND FLOOR, PALESTRA
AT 10:00HRS TO 13:00HRS

MANAGEMENT ATTENDEES:

Nigel Holness, Director of Network Operations (Chair)	NH
Jean Cockerill, Director Employee Relations	JC
Nick Dent, General Manager Metropolitan Line	ND
Terry Deller, Senior Employee Relations Manager	TD
Pete McCurry (PMc), Head of HR	PMcC

TRADE UNION ATTENDEES:

[REDACTED]	ASLEF
[REDACTED]	ASLEF
[REDACTED]	ASLEF
[REDACTED]	RMT
[REDACTED]	RMT
[REDACTED]	RMT
[REDACTED]	TSSA
[REDACTED]	TSSA
[REDACTED]	TSSA
[REDACTED]	UNITE
[REDACTED]	UNITE

Apologies: [REDACTED]

In Attendance: Jennifer Sam (JS), Employee Relations Advisor (Notes)

No.	Item	Minute Action Decision	Who	Due Date	Status
1.	Introductions and apologies for absence NH welcomed everyone to the meeting and asked for round the table introductions.	M			
	NH confirmed that he was now appointed joint Chair of the LUCC with Peter	M			

	<p>McNaught but as Peter was on annual leave, he would be chairing the meeting today.</p> <p>NH then outlined his role in London Underground and confirmed the agenda.</p> <p>Apologies were received from ██████████ ASLEF FTO, who was unable to attend the meeting.</p> <p>RMT, ASLEF and TSSA all expressed disappointment that a number of their agenda items were not included on the agenda:</p> <p><u>RMT</u> <i>Failure to consult at SCFC and JWP and Implementation of Change undermining union reps</i> JC explained that both items were being discussed at Functional Council level and at the Service Control Joint Working Party, and that discussing an issue in multiple forums was not the best approach. She advised the unions that discussions should take place at the appropriate level in the first instance and then where necessary and appropriate escalated to an adhoc Director's level meeting.</p> <p><i>Abuse of Process & Interference with Care Progression – PMA</i> - JC explained that additional information had been requested for this item to be considered but that nothing further had been submitted.</p> <p>JC explained that a response was sent to RMT setting out the reasons those items would not be included on the agenda</p> <p><u>ASLEF</u> <i>Instructor Operators carrying out the role of assessors</i> JC explained that she was not aware of the referral 'Instructor Operators carrying out the role of assessors.'</p> <p><i>Medical Appeals Process</i> JC explained that additional information was requested for this item to be considered but that nothing further had been submitted</p>	<p>M</p> <p>M</p> <p>M</p> <p>M</p> <p>M</p> <p>M</p> <p>M</p> <p>M</p>			
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	<p><u>TSSA</u> <i>Respecting Reasonable Adjustments & Diversity in a SFC, RCT and CSA2 Job Descriptions.</i> JC explained that a response was issued to TSSA regarding each item requested giving the reasons why the item would not be included on the agenda.</p> <p>TSSA responded saying that they had not received any response.</p> <p>NH stated that this would be resent to TSSA following the meeting.</p>	M				
		M				Closed email sent by AP 30/11/17
		A	JC			
Item 7 04/02/16	<p>Previous Minutes (13/07/2017) NH stated that amendments to the 13 July LUCC meeting notes were received from ASLEF and had been incorporated into the final version.</p> <p>Matters Arising <i>Reps at Fact Finding Investigation</i> JC explained that a draft paper addressing the matter of reps at a fact find was shared with the unions and that RMT and TSSA were still to feedback their comments.</p> <p>RMT apologised for the delay and explained that they were still working on the wording to ensure they were fully happy with the content.</p> <p>Comments from RMT required</p> <p>TSSA stated as RMT and ASLEF were providing comments as the owners of this document, they were content to accept their final version. On this basis they would not be providing any comments.</p>	M				
		M				
		M				
		A	RMT			
		M				
Item 3 13/07/17	<p><i>Application of the Disciplinary Procedure</i> JC shared figures on CDIs and dismissals reported over the last five years in LU. She advised the unions to focus on the total number of cases for each year rather than by location, as this may differ to the location where the CDI originated and was based on our employees current location.</p> <p>She summarised the findings stating that over the five year period the number of CDIs and dismissals had seen an overall decline. In addition, as a percentage of the employees in LU the overall number of CDIs and dismissals was very small.</p>	M				
		M				

	<p>TSSA expressed frustration that the figures presented on CDIs and dismissals were not by functional council. TSSA explained that this would enable them to analyse and interpret the figures relevant to the employees they represent. They requested that if figures by functional council were not possible then for the raw data to be shared with the unions. JC explained that the data was drawn from our HR systems and to re-format to present this information by Functional Council would required a huge amount of manual effort/ resource which could not be provided.</p> <p>ASLEF stated that they felt the figures showed an increase in dismissals which confirmed their initial suspicion.</p> <p>RMT stated that the format was useful as the figures now confirmed a fact.</p> <p>Referring to the point made by TSSA JC suggested that potentially further analysis could be carried out on the year to date figures, including figures on appeals to give a full picture.</p> <p>The provision of more detailed analysis of year to date information to be investigated</p> <p>TSSA responded saying that they would submit a request for additional information and that they were keen to have a full picture to work with LU on joint review and plan of action.</p> <p>NH stated that any ideas for improvements should be around correcting the behaviour rather than being punitive and that a collaborative approach would be useful for everyone concerned.</p>	M			
		M			
		M			
		M			
		A	JC/TD		
		M			
		M			
Item 6 27/04/17	<p><i>Grievance Procedure (Proposed new wording)</i></p> <p>JC stated that this action was still outstanding due to other organisational wide priorities but that in the mean time the standard letters sent to employees had been tweaked to use more positive language. TSSA stated that they were happy to be involved in discussions around the application of the grievance procedure but that these discussions needed to take place at Company Council. They also requested a review of the guidance documents as part of this piece of work.</p>	M			
Item 5.2 23/02/17	<p><i>Long Service Award (LSA)</i></p> <p>ASLEF explained that following the last discussions at Company Council they</p>	M			

	<p>provided LU with evidence that proves LSA payment was part of the LU pay deal. They then received a response from LU. ASLEF stated they were not happy with the response from LU as they felt that they provided sufficient evidence that confirmed their position. They stated that unilaterally reducing the payment was seen as LU renegeing on the pay deal.</p> <p>RMT stated that LU was in danger of losing good will with the unions and asked LU to revisit their decision.</p> <p>TSSA stated that a difference in views was acceptable but they felt that LU were now taking a different approach to industrial relations. They explained that if the unions presented evidence that the LSA payment was part of the pay deal then changes to this deal should be formally notified to the unions.</p> <p>UNITE stated that LU's response gave them grave concerns around making any future agreements.</p> <p>JC replied saying that the information provided by ASLEF and LU archive records were reviewed and neither contained evidence that supported LSA being part of a pay deal. If the unions could provide material that explicitly showed an agreement was made around LSA then this would be honoured.</p> <p>NH added that we would write to all unions confirming our position.</p>	<p>M</p> <p>M</p> <p>M</p> <p>M</p> <p>A</p>	<p>NH</p>		
<p>2.</p>	<p>Business Update NH gave a business update which included Finance/ Costs and Attendance.</p> <p>A number of unions asked for more information on the cause of the decline in revenue. TSSA also asked for details around any assessment that had been carried out in relation to meeting the Mayor's strategy and any analysis of the job market. ASLEF asked for more detail around the type of the sickness absence that was occurring on the Piccadilly line.</p> <p>NH explained that the decline in revenue was due to the decline in passenger numbers and ticket sales, which the business believed was due to the uncertainty around Brexit, the job market and the general UK economy. ASLEF challenged this view stating that the media had recently reported that levels of tourism had increased in London. ND added that the sickness absence was a combination of</p>	<p>M</p> <p>M</p> <p>M</p>			

	long and short term sickness.																														
3.	<p>Transformation NH gave an overview of the workstreams currently in consultation and confirmed that the following areas were currently carrying out a review for phase three of Transformation.</p> <table border="1"> <thead> <tr> <th>LU</th> <th>Transport for London</th> </tr> </thead> <tbody> <tr> <td>Establishment Planning</td> <td>Major Projects Directorate</td> </tr> <tr> <td>Renewals and Enhancements</td> <td>Engineering</td> </tr> <tr> <td>Senior Manager Admin</td> <td>HSE</td> </tr> <tr> <td>Skills Development</td> <td>Performance Analysis</td> </tr> <tr> <td>Network Operations Admin</td> <td>Surface Transport (ST) – Network Management</td> </tr> <tr> <td>Asset Operations – (excluding frontline operational staff)</td> <td>ST – Control Centres</td> </tr> <tr> <td></td> <td>ST– Service Planning</td> </tr> <tr> <td></td> <td>ST – Compliance, Policing On Street</td> </tr> <tr> <td></td> <td>ST – Road User Charging</td> </tr> <tr> <td></td> <td>ST – Rail and Sponsored Services</td> </tr> <tr> <td></td> <td>ST – Buses (rationalised and non rationalised)</td> </tr> <tr> <td></td> <td>ST – Taxi and Private Hire</td> </tr> </tbody> </table> <p>NH confirmed that if any recommendations involving formal organisational change were approved by the Executive Committee, consultation was likely to begin on 7 November. He confirmed that not all employees in the above areas were in scope but that those areas were reviewing their work activity. He stated that the majority of the LU workstreams were covered by the MATS and Managers functional councils and that full time release would be available for those reps required to support any proposed organisational change.</p> <p>A number of the unions asked for more detail around the specific teams and employees impacted in the areas listed above. TSSA also asked for clarification on the policy that would apply to employees covered by the MATS and Managers Council and details of the internal and formal process, which in their experience had been an issue during consultation. RMT also asked what was likely to happen on 7 November, if consultation were to commence. RMT also stated that they were not necessarily joining LU on this Transformation journey and that they were developing their own proposal to oppose Transformation.</p>	LU	Transport for London	Establishment Planning	Major Projects Directorate	Renewals and Enhancements	Engineering	Senior Manager Admin	HSE	Skills Development	Performance Analysis	Network Operations Admin	Surface Transport (ST) – Network Management	Asset Operations – (excluding frontline operational staff)	ST – Control Centres		ST– Service Planning		ST – Compliance, Policing On Street		ST – Road User Charging		ST – Rail and Sponsored Services		ST – Buses (rationalised and non rationalised)		ST – Taxi and Private Hire	M			
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	JC responded saying that until the proposals are approved by the Executive Committee they were unable to share any further detail. For those areas where organisational change is endorsed, the relevant unions will receive the appropriate documents which will set out in detail, the exact areas, employees and their grades.	M			
4.	<p>Representational issues – Tier 1 Safety Committees within Service Control RMT summarised the issue stating that employees in Service Control whose job had changed from Signallers to Service Controller, no longer received local RMT representation rights, as the role of controller was considered a managerial position. RMT stated that although the number of employees had not changed, their grades had and the LU machinery needed to be amended to reflect the change in local committee’s structure. RMT stated that they did not want the matter referred back to functional council and suggested a director level ad hoc meeting urgently.</p> <p>RMT to write setting out their detailed proposals and rationale for amending the machinery in advance of any director level meeting to discuss this matter.</p>	M			
		A	RMT		
5.	<p>Over time payments during annual leave RMT asked LU to present a proposal on the way forward to resolving this issue. RMT also stated that once payment had been arranged that this was to be backdated to the date of the Employment Appeal Tribunal (EAT) ruling.</p> <p>JC responded saying that we are aware that the EAT recently ruled that payments made for voluntary overtime, that is normally worked, must be included when calculating holiday pay for the first four weeks of holiday under the Working Time Regulations. We will of course comply with the law. She added that we are currently assessing the implications of this ruling on TfL and plan to have discussions with the trade unions on this in due course.</p> <p>ASLEF confirmed that London Overground had reached a deal in the last two years. TSSA confirmed that Chiltern Railways whom they work with had also recently reached a deal.</p>	M			
		M			
		M			
5.	<p>Engineering Apprenticeship Training - First Year Skills, Length of Apprenticeship Structure of the Schemes and Investment in the Acton Training Centre. UNITE summarised their issue stating that the duration of the scheme was not long enough, machinery that was sold had not been replaced and the scheme had been without an electrical instructor for approximately 14 months. UNITE asked for a review of the Engineering Apprenticeship Scheme stating that they felt that apprentices were not receiving the training that they signed up to.</p>	M			

	JC replied saying that she felt that this subject warranted a thorough discussion and debate with the right individuals. TD suggested a separate discussion with both LU and the trade unions' subject matter experts.	A	TD		
6.	<p>Night Canteen Facilities at REW and across the business</p> <p>UNITE summarised their issue stating that there are areas of LU with night workers where they had been provided with just a room to have their meals. Previously employees had access to the Buses and British Rail canteens, in addition to the LU canteen, all of which are no longer available. UNITE asked for a strategic review of facilities for all employees who work nights.</p> <p>TSSA also highlight that there may be potential health & safety implications that need to be considered, particularly for employees who suffer with diabetes.</p> <p>NH responded saying that a review was carried out as part of Fit for the Future Stations, which showed that affordability was the biggest challenge. NH stated that this would be looked into again.</p>	M M A		NH	
7.	<p>Respecting Reasonable Adjustments and Diversity in communications</p> <p>TSSA stated that they wanted to establish a custom and practise base line approach for conducting formal and informal industrial relations, which took into account equal and diverse reasonable adjustments. TSSA stated that their experience with LU had not always been positive. RMT added that they supported TSSA in achieving a new modern way of working.</p> <p>JC replied saying that LU's duty to make reasonable adjustments exists in relation to its employees. She was not aware of any LU employee who is a trade union representative with an impairment that had a request reasonable adjustment turned down. She advised the union that if there are any representatives who needed changes in respect of a 'hidden disability' or neurodiversity then this should be raised with the chair of the relevant council or committee. In relation to paid officials or full time officers of the trade unions, the responsibility for reasonable adjustments rests with their employer. However we would always try to do whatever is reasonably practical to enable paid officials/ FTOs to carry out their roles and work effectively with us</p>	M M			

MEETING CLOSED 15:00 HRS