



**LONDON UNDERGROUND COMPANY COUNCIL (LUCC)
MEETING HELD ON 27 APRIL 2017
ST JAMES' PARK ROOM 11B4, 11TH FLOOR PALESTRA
AT 10:00HRS TO 13:00HRS**

MANAGEMENT ATTENDEES:

Brian Woodhead, Operations Director JNP (Chair)	BW
Jean Cockerill, Director – Employee Relations	JC
Nick Dent, General Manager Metropolitan Line	ND
Terry Deller, Senior Employee Relations Manager	TD
Peter Tollington, Senior Transformation Lead.	PT

TRADE UNION ATTENDEES:

Finn Brennan	ASLEF
Terry Wilkinson	ASLEF
Gary Comfort	ASLEF
John Leach	RMT
Paul Jackson	RMT
Mac McKenna/Frank Curtis	RMT
Lorraine Ward	TSSA
Hemant Patel	TSSA
Alan Wood	TSSA
Hugh Roberts	UNITE
Paul Maybin	UNITE

In Attendance: Jennifer Sam, Employee Relations Advisor (Notes)
Claire O'Neil, HR Consultant.

No.	Item	Minute Action Decision	Who	Due Date	Status
1.	Introductions and apologies for absence BW welcomed everyone to the meeting and stated that he had been appointed as Chair by Marc Wild Managing Director LU. He outlined his role in LU stating that he was the Director of JNP and Operations.	M			

	<p>UNITE asked if BW was appointed as the permanent Chair of the LU Company Council (LUCC). RMT stated that their preference was for a permanent Chair who had oversight of all operational areas in LU.</p> <p>BW replied saying that he was appointed as the Chair for this meeting only but that he recognised the need for continuity.</p> <p>ASLEF asked if LU had plans to fill the vacant COO post filled by the previous LUCC Chair. BW replied that he was unable to confirm either way, at this time.</p> <p>Referring to the agenda, RMT stated that they were disappointed that their item Neurodiversity & Autism was rejected by LU. They stated that the agenda should be agreed between the unions and LU, and that LU should not veto requested agenda items. They stated that they would now monitor this issue going forward. JC replied saying that where agenda items have been rejected, an explanation has always been given.</p> <p>The RMT stated that they did not accept that LUL had authority under the Machinery to reject their items and that they would also review and potentially reject Management agenda items on the same basis as them going forward.</p>	M			
Item 3	<p>Previous Minutes (23/02/2017) <i>CCSG Update</i> ASLEF stated that an agreement made by LU to undertake an independent inquiry into the issues raised around the Piccadilly Line, was not recorded in the notes.</p> <p>ASLEF added that following the last meeting they had been working with RMT to prepare the information for that inquiry.</p> <p>JC responded saying that that her recollection of the response given in the meeting was, if an employee felt that they had been unfairly treated, they should raise this as a grievance. BW suggested that a review of the information gathered could be useful should ASLEF and RMT provide this.</p>	M			
Item 4	<p><i>Underlying Medical Condition (UMC)</i> ASLEF stated that also not recorded in the notes was a management agreement to review the two specific cases, to understand the basis Occupational Health (OH)</p>	M			

Item 5.2	concluded that there was no UMC.				
	JC stated that her recollection of the action was, as it was not appropriate for OH to share employee's personal information at the LUCC, to instead understand from OH their process for determining whether an UMC exists or not.	M			
	BW suggested verifying with OH the information that could be shared at the LUCC in relation to those specific cases. Otherwise to look into sharing information from OH with those specific individuals.	A	JC		
	ASLEF questioned the value of making agreements at the LUCC, if these were not going to be followed through.	M			
	<i>Long Service Award (LSA)</i> ASLEF asked for an update following the document they shared confirming that the last increase to LSA was part of a pay deal. TD stated that the last LSA figure was part of a pay deal, however, LSA was not legally binding but a discretionary payment.	M			
	ASLEF responded saying that the figure was part of a package deal that their members agreed and that they would be disappointed if LU were to now not honour that part of the pay deal. They stated if LU was not going to honour the agreement then they would need to inform their members that there was no point in making any deals with LU.	M			
	RMT stated that the principal of a deal should be honoured. They also stated that employee's who were TUPE transferred with their own LSA scheme would be protected. They stated that Tube Lines staff had their own LSA Agreement reached through collective bargaining	M			
	JC replied saying that she was pleased that the trade unions acknowledged the need to stick to agreements.	M			
	She advised that there was further work to be done regarding this matter and that she would respond in writing. BW referred to the comment by RMT and stated that this would be looked into.	A	JC		

Item 7 04/02/16	<p>Matters Arising. <i>Reps at Fact Finding Investigation</i> – JC confirmed that the proposed wording had been shared with all the unions and that comments were received from ASLEF. She stated that revised wording would be shared once she had received comments from all the other unions</p> <p>UNITE asked for assurances that there was no change to former representatives in Metronet. JC confirmed that this was the case.</p>	<p>A</p> <p>M</p>	<p>RMT TSSA Unite</p>		
2.	<p>Business Update BW gave a business update where he touched on LU's performance and operational cost. He also shared Mark Wild's key areas of focus for the coming year:</p> <ul style="list-style-type: none"> • Improving Safety Culture • Operating Cost Level • Reversing the trend on reliability • Programme Delivery • Diversity <p>RMT enquired into the timescales and measures for those key areas. They also questioned why diversity was not a standing agenda item given this was an area of focus for Mark Wild and that discussions should be had on issues such as the Gender Pay Gap. BW replied saying that he would provide more information on those key areas in due course. JC added that diversity would be included on the agenda and at the next meeting she would like to share information on performance and objectives.</p>	<p>M</p> <p>A</p> <p>A</p>	<p>BW</p> <p>BW</p>		
3.	<p>CCSG Update TD talked through a presentation 'Night Tube Review' (Appendix 1).</p> <p>ASLEF referred to the schedule of training and stated that it was currently behind by 8 trainees. They suggested increasing the number of trainees for the next period from 16 to 20, to enable the schedule to be back on track. TD stated that he was keen to keep to the agreement but would discuss the suggestion with the business.</p> <p>ASLEF stated that there was still an issue around facilities for the Night Tube drivers, particularly with access to food when they only have 30 minutes for a meal</p>	<p>M</p> <p>A</p>	<p>ND</p>		

	break. RMT and UNITE requested LU to consider opening the canteen for all night workers. ND responded saying he would look to discuss this at CCSG.				
4	<p>Proposed joint meeting on attendance matters incl. the role of Occupational Health.</p> <p>JC stated that she would like to suggest a separate meeting in either the 2nd or 3rd week in June to discuss all attendance related matters. She stated that a draft agenda would be shared in advance which would then be agreed jointly.</p> <p>RMT stated that their issue was around :</p> <ul style="list-style-type: none"> Confidentiality, where OH were discussing cases with Area Managers, which were not anonymised or had the consent of the employee. Initial outcomes were being changed following discussions with the Area Managers The relationship between some line managers and OH doctors. <p>RMT stated that they were not asking for a review of the Attendance at Work Procedure but for all Station Attendance Meetings (SAMs) to be suspended until the issue raised had been resolved.</p> <p>ND responded saying that a review was carried out, which found that OH was operating in line with the company guidance and any legal requirements. Therefore there was no need to suspend SAMs. He added that there was no benefit to employees to stop these meetings. He suggested a dedicated session to discuss this further, with input from OH.</p> <p>UNITE enquired into the quality assurance process for OH. JC replied explaining that Olivia Carlton Head of OH reported to Jill Collis Director of Health, Safety & Environment. She agreed to confirm the process for raising a complaint around OH medical practices.</p>	M M M M A	JC		
5.	<p>Enhanced pay when under suspension</p> <p>RMT stated that they would follow up on this item in writing.</p>	M			

6.	<p>Grievance Procedure (Proposed new wording)</p> <p>JC stated that some of the wording in the LU Grievance Procedure had been refreshed and that she wanted to seek union feedback on the refreshed wording. She explained that the proposed changes did not change the procedure but updated some of the language. She added that she hoped to introduce the refreshed wording by the 1st July.</p> <p>ASLEF stated that this was not the best approach to agree changes to the Grievance Procedure. They asked for a formal letter setting out the changes, which they would then consider and give feedback. If there were to be changes to People policies, the priority should be a review of the Harassment and Bullying Policy which they believed was no longer fit for purpose.</p> <p>TSSA stated that they neither agreed or disagreed but that they would consider the proposal and give feedback.</p> <p>RMT stated that this was not an issue for discussion and had not been tabled correctly by the company.</p> <p>JC confirmed that a formal letter regarding the proposed changes would be sent to all unions.</p>	M A	 JC		
7.	<p>FTA: Appropriate forum for consultation on the proposed transfer of activities from LU to TfL.</p> <p>JC stated that the unions were notified of the proposed TUPE on 28 February 2017. An ad-hoc LUCC meeting then followed on 10 March where Mark Wild briefed the unions on the proposals. A Joint MATs and Managers Functional Council, attended by FTOs was held on 5 April 2017 where a Failure to Agree regarding the appropriate forum for consultation was registered and a request made to refer this to the LUCC.</p> <p>JC invited the unions to outline why they felt the discussions should be held at the LUCC rather than at a joint MATS and Managers Functional Council.</p> <p>RMT stated that they were not prepared to start talks at the functional level while issues remained unresolved. They stated that guarantees/answers needed to be provided to the following fundamental questions:</p>	M M M M			

	<p>1. That TfL would honour the fourth year of the LU Pay Deal.</p> <p>2. That current pension arrangements would transfer.</p> <p>3. That collective bargaining arrangements were agreed and continued, noting that there is no Health & Safety machinery in TfL.</p> <p>4. That there is an EqIA to measure the impact on equality.</p> <p>In addition RMT felt that pay and pensions issues could not be discussed at the Functional Council level and that the transfer affected other functional councils. RMT then stated that if they didn't get answers to their questions, they would have no choice but to seek assistance from ACAS.</p> <p>TSSA stated that they needed to see:</p> <p>1. A process for consultation</p> <p>2. A timeline and a proposed date of transfer</p> <p>In addition, TSSA stated that they wanted a proper structure/agreement for all parties to engage in meaningful consultation and had asked for information which had not been provided. They also stated that while previous consultations on proposed transfers had taken place at the Functional Council level they believed this to be bad practice.</p> <p>UNITE stated that they were concerned that employees believed that after the transfer they would be affected by Transformation and that this needed to be discussed. They also had concerns that representatives at the Functional level would not have the necessary 'tools' to discuss pensions which meant that issues needed to be discussed at the LUCC.</p> <p>JC responded saying that all the information LU were legally obliged to share had been sent and the issues raised by the unions were part of consultation and not a 'gateway' to consultation. She explained that previous TUPE discussions were held at the Functional Council level and not at the Company Council level. The Company Council was a negotiating forum as per the machinery, the proposed TUPE transfer was subject to consultation not negotiation. JC stated that she was keen to ensure that meaningful consultation around the TUPE took</p>	M			
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	<p>place therefore meetings at the functional level would involve the appropriate managers and reps who were familiar with the business areas; in addition union full-time officers would also be invited to attend to ensure the right conversation takes place.</p> <p>ASLEF stated that the most sensible way forward would seem to be a Company Council Sub Group.</p> <p>JC stated that she would consider the points raised and respond in writing, however she did not feel that any of the items raised would suggest the need for discussions at the Company Council. JC also confirmed that the planned implementation date of 30 April was deferred to allow more time for consultation.</p>	<p>M</p> <p>A</p>	<p>JC</p>		
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MEETING CLOSED 13:00 HRS