

ATCU

ONE UNION, ONE VOICE

The Rail Union

Reclaiming our Industry

Empowering everyone not just the few

The only way trade unions can truly defend its principles, governance and therefore freeing its members from corporate slavery is through the empowerment of all its members. Some, in the past, have been critical that such knowledge should be held by the top structure.

ATCU argues that it is imperative that we provide those with the knowledge the teaching abilities to pass on to members what they have learned. It is also crucial that we allow each and every member to have a voice within this union.

There are some who will say that people are their biggest asset and accordingly they deserve the greatest respect and be treated with dignity through the cooperation of mutual understanding.

Another argument is that corporate bodies are there to exploit the people in order to maximise profit.

Such corporate organisations see people as accounting numbers not people with families who struggle with everyday life. The people become the exploited and oppressed

Using technology to give you a voice

ATCU believes in the importance of members become involved with the continuing development and success of their union.

One way we do this is through the use of technology, for example: video conferencing, text messaging, emailing or, as in this case, online questionnaires.

In the future, following a disciplinary and grievance, the mem-

ber will be sent a questionnaire through fear and intimidation resulting in each person's voice to be muted.

At this present time we have 10 Regional Organisers and more wishing to give up their own time to the advancement of this union. But it is our objective that all members will attain the awareness of Regional Organisers.

In September we will begin a three stage credited educational program. The first will be a representation at the workplace and secondly, Health & Safety at work.

The third stage will provide the necessary skills and training in order to teach what they have learned so that knowledge is passed on.

Trained credited members will attend branch meetings where time is allocated for a one or two hour seminar. It is also the intention that these seminars may encourage and provide the confidence for all members to take advantage of the credited programmes.

Through the sharing of this information each member will strengthen their relationship with each colleague providing

support and security against the myriad of uncaring machines.

ATCU is not a corporate body; it is a trade union with traditional trade union values. We see the members as people with families, who rise in the morning with the worries of the day. We know the issues that they face and it is therefore our responsibility that we protect and provide them with the armoury against exploitation.

ATCU wants every member to have the knowledge by which they become empowered, to stand shoulder to shoulder with their colleagues in support and protection of themselves and this proud industry.

Through this empowerment members will ultimately cast away their chains of corporate slavery and eventually become free of the corporate organisations.

Members will rise with dignity against those who attempt to silence them and through their combined strength their voices to be heard without persecution.

ber will be sent a questionnaire concerning representation. All the information is confidential and feedback is given to the ATCU representative.

ATCU believes that we have the best Regional Organisers and staff working for the development of your union but this is not to say that we cannot improve.

In order for this to be successful

we need to have your email address and mobile numbers. Please forward the above to:

headoffice@atcu.org.uk
or text
07870912325

Why don't you contribute to the next newsletter.

Email or post your submission to Head Office

INSIDE THIS ISSUE:

Success comes with hard work	2
Tolpuddle 1830s	2
Mobile phone Protocol	3
News from the Bournemouth Weymouth Branch	3
Contact numbers	3
What to do if you or another colleague sustains an injury at work	4
The train is not divided the train crew are	5
What to do if another union calls a strike	5
Definitely Immoral	6
Court Blames Driver's Neck Problems on DOO System	6

SPECIAL POINTS OF INTEREST:

- *Employment Law and H&S educational programs begin in September*
- *New Branches to open at Crewe and Birmingham. Talks are underway for Leeds and Norwich*
- *ATCU member wins legal ruling on 'look back' injury claim*
- *Each branch to have its own website*
- *A shunting assistant who twice, has needed the help of the ATCU, and faced the sack. And twice, the ATCU has got him off. (and the first time, he wasn't a member!). People within the EDU/Research all thought that he was down the road, yet he is probably the safest, protected employee at SRO.*

Success comes with hard work

ATCU has not been in existence for a hundred years, we have been in existence (fully) since June 2008 of last year and since that that time we have grown stronger each day. Praise that is truly laid at your door.

So what has been achieved in such a short time:

- Hard working dedicated Regional Branches and 10 Regional Organisers;
- 10 Branches and more yet to come;
- Providing a voice to those who fear reprisals;
- Removed the hypocrisy and self indulgence of others;
- A fully functional office with dedicated people who believe in your passion of trade unionism;

- Representing members at tribunals, disciplinary and grievance meetings;
- Law and H&S educational courses;
- Companies truly aware of our existence;
- ATCU local representatives representing all and not the few;
- New members joining each day;
- Provided advice to new and developing unions such as the new lecturers union, Legion;
- The new Cumbria (Barrow-in-Furness, Wokington, Carlisle) Branch and Chingford Branch, testaments to the commitment of new activists who fight for change;
- Dave Marsden and many like him who say that after years of dependency he has now been rein-

vigorated with his involvement in the ATCU and

- Long serving ex-union representatives who want to be part of the ATCU philosophy.

Be honest, how many people had heard of the ATCU before June.

We were to believe that it would be slow at the beginning but our success so far has surpassed our highest expectation. The momentum is increasing each day and each week.

As we all know, success does not just appear, it comes with hard work and hard graft from all of you, so occasionally let us take a look back and see how far we have truly come and say yes, this is trade unionism at its best and yes, this is a union we are proud to be part of.

Tolpuddle 1830's

In the early 1830's, a group of men from the Dorset village of Tolpuddle, swore an oath to each other and formed the Friendly society of agricultural Labourers. George Loveless inspired the men, and in the spring of 1834, it was agreed that they would not work for less than 10 shillings a week.

The Authorities, who had witnessed unrest across southern England, wanted to bring this unrest to an end. They had 6 men arrested and charged with "Administering Unlawful Oaths". This was an obscure law that had been passed in 1797 but never repealed. It had originally been to stop mutiny within the Navy.

The six men were brought for trial where they were punished by sentencing them to seven years transportation

to the penal colony in Australia. This was not for what they had done, but as an example to others.

The six men became popular heroes, with a large protest movement forming. In March 1836, the government was forced to remit the sentences. Only one of the six men (James Hammett) returned and settled in Tolpuddle, with some of the others emigrating to London, Ontario. The village in Dorset is still seen as the birth place of the trade union movement, with celebrations being held there each year.

In the middle of July this year, the TUC will descend on this small village in Dorset, once again, and hold their annual celebration of the birth of trade unionism. Accompanied by their

funding unions they will parade through the village celebrating. How ironic that some of these organisations have become like corporations themselves, with the senior hierarchy paying themselves extortionate wages, whilst those who fund them survive on a living wage.

The Irony does not end there. I wonder if the big boys will give themselves a pat on the back for continuing to suppress the smaller emerging unions who are trying to fight for their right to exist and represent their members.

Let us be thankful that they are unable to send us away, and gain strength in the fact that the Tolpuddle Martyrs eventually achieved what they set out to do, as we will too!

Paul Garrett
Branch Secretary

Tolpuddle Martyrs' Festival
175th Anniversary
Commemoration

Friday 17 to 19 July 2009



James Loveless John Standfield James Thorne
James Hammett George Loveless Thomas Standfield

MOBILE PHONE PROTOCOL

Despite publicity of the dangers of using our mobile phones whilst driving on public highways, how often do we still see motorists, white van man, texting and talking as they drive along? How do you think that person would feel in the dock of a Crown Court or inquest hearing explaining that at the time of the accident, *'I was texting a mate about the rugby'*? What is your considered opinion of this person? Now please convert your thoughts to our railway.

In my considered years driving trains, I have experienced yards and relief lines being lifted and our infrastructure squeezed down to breaking point; which means more renewals of existing permanent way and higher maintenance activity upon it. There are more and more track workers at all times and in all weathers.

I pass trains in the opposite direction and I see drivers with mobile phones glued to their ears, or eyes down to type that text message. What sort of respect is this showing to those men who depend on our vigilance, as drivers, for their very lives?

Let me inform you of the powers of the authorities and what it would mean to you in an investigation process after an incident.

Even if you are *'Pay As You Go'* they can still trace you and your usage; exact times it was used and if you have had an incident that endangers life, all avenues are explored. This includes modern devices such as **i.pods and mobile phones**. The RAIB (Rail Accident Investigation Branch), HMRI and BTP all have the powers to get this information. You have precisely **NO SAY** in the mat-

ter. The activity of the phone will be looked at for the whole diagram and checked against your 'Throttle Time', as the modern expression is.

Please, please, please... SWITCH IT OFF!

If it is on silent, it is still a distraction, as you will check it at each stopping point to see if you have received any calls or text messages. No call or text is worth your career, your family security or, ultimately, a life!

Have a thought, and play it right.

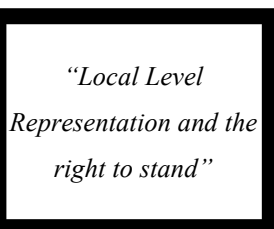
Switch off your Mobile Phone!

Phil Sullivan

Regional Organiser

News from the Bournemouth Weymouth Branch

The Branch secretary of Bournemouth Weymouth has submitted a grievance in relation to unfair treatment of himself as an ATCU member. This relates to Local Level Representation and the right to stand and or have the right for each individual to elect an appropriate person.



South West Trains have yet to acknowledge his grievance and Head Office has been minded to remind the company of the statutory rights under law pertaining the grievance procedures. Failure to comply may result in this item proceeding to a

Tribunal.

At Bournemouth there is a growing unrest with the rosters that were agreed in December.

The Branch Secretary has produced rosters with Freeday patterns which are generating some interest amongst the drivers at Bournemouth. An improvement on what is currently in place.

Contact numbers—Always here to help

ATCU
Head Office
PO Box 647
Barnsley S72 8XU
Email Address: headoffice@atcu.org.uk
Office: 01226 716417

24 hour help and support line
07870 912 325

If the line is busy please leave name branch and contact number and a member of staff will contact you.

Shaun Brady
EWS & Eurostar
Acting General Secretary
Tel: Head Office 01226 717417

Jim Carrigan—Scotland & Northern
President of the Organisers Committee
Tel: 0791 734 1537

Dave Marsden Freightliner & North East
Tel: 07793 658 609

Darren Lovell Midland, Engineering and Infrastructure
Tel: 0779 365 8609

Steve Trumm Eastern & Underground
Tel: 0791 718 2359

Dawn Vallance Gatwick, South Eastern & South Central
Tel: 0791 784 0060

Steve Gomersall North West
Tel: 07920 014 238

Harry Watson Acting North West
Tel: Head Office 01226 716417

Paul Wightman South Western
Tel: 0796 645 1765

Phil Sullivan Wales & West Region
Tel: 0794 916 6490

For free legal advice on all matters please ring the Legal Advice line on **01376 529 299** and ask for either Colin Simpson or Jason Brady. Please inform them that you are a member of ATCU.

What to do if you or another colleague sustains an injury at work.

It is the responsibility of you and the company to make sure you work in a safe environment. However, accidents at work do happen. If a claim is to be successful against the company it is your responsibility, with our guidance, to show that the company is at fault.

The following information and advice will depend on the severity of the injury.

- Record the time and date of the accident
- Take note of the weather i.e. visibility
- Take witnesses names
- Take photos of the site.
- Report it immediately – record who you reported it to
- Fill in an accident form
- Date and time attending hospital or doctors – take note of names who administers treatment. (This is important as it justifies and records your injury)
- Take photos of the injury
- When appropriate, write down everything that you remember about the incident
- Retain all documents and files in a folder – these will be of value when claiming industrial benefit

If you are unable to work

- Take photos of the injury periodically
- keep copies of all sickness notes
- Keep a diary of the pain and suffering
- Record any prescription drugs
- Write in the diary all relevant dates and meetings relating to the injury i.e. physiotherapist
- Record in the diary what you are unable to do i.e. house work, gardening, driving etc.
- Ask your partner to keep a record of your disabilities and associated problems. This provides another perspective into your disabilities at home.

Inform head office as soon as possible.

Injury at work – government benefits

You may be entitled to extra benefits from the government due to the work related injury. We recommend that it is always advisable to apply for a declaration that you have had an industrial accident, even if you do not want to claim any benefit right away. You can do this on the form available for download from the website of Direct.gov. It's a good idea to apply for a declaration if you are not disabled immediately after your accident, but you think you may experience some problems in the future as a result.

In order to claim you must have suffered personal injury caused by an accident arising out of, and in the course of your work. There is no time limit for claiming. So, you can claim even if the accident happened months or years ago.

You must have suffered a loss of physical disability amounting to more than a particular percentage. The percentage at which you qualify for benefit is usually 14% but there are exceptions. For example, for some respiratory diseases the percentage is 1%, for occupational deafness it is 20%.

If you already have a percentage assessment because of a previous injury, the percentage for any new assessment will be added to it. If your previous percentage had not been high enough for you to qualify, this could mean that you may now be eligible. Also, if you have been refused this benefit in the past, if the injury gets worse in time, you can claim again. The percentage disability may have increased to the level where you will be entitled to get the benefit.

For example:

After attending the assessment you are awarded 5% disability due to damage to your finger.

Several years later you were involved in another accident at work which resulted to damage to the knee and you were awarded 11% disability. These are totalled up equalling 16% and thus a payment would be awarded. If either of the injuries became worse and following further assessments the percentage is increased and you would be awarded a higher payment. However the reverse may happen if the symptoms improve.

How can I obtain a claim form for these benefits?

You can:

- telephone the Benefit Enquiry Line Tel: 0800 88 22 00 Textphone: 0800 24 33 55 to request a form, OR
- go to the website of Direct.gov - www.direct.gov.uk, a government site where you can download a claim form. This can be accessed by putting into the search engine Industrial Injuries Disablement Benefit ,OR
- get one from your local Jobcentre Plus office or local social security office.

How is the degree of disability assessed?

You must attend a medical assessment to decide the severity of your illness or disability. The doctor compares your health with that of a healthy person of the same age and sex. On the basis of the assessment you are given a percentage (%) disability.

How much is Industrial Injuries Disablement Benefit?

The amount of benefit depends upon the degree of disability. The higher the percentage disability, the more benefit is payable. Some examples are as follows (rates as at April 2007 and the rates usually go up each April):

- 20% disability - £26.34 per week
- 50% disability - £65.85 per week
- 100% disability - £131.70 per week

Rates are less if you are under the age of 18 and have no dependents. Benefit is payable from the 15th week after the accident. Payment is usually made directly into a bank account, building society account, post office account, or national savings account.

THE TRAIN IS NOT DIVIDED, THE TRAIN CREW'S ARE

Once upon a time, not so long ago there was a sense of belonging within our rail industry. We can all remember the banter of the mess room and the jokes aimed at our boss and indeed to each other. Most was of memorable good humour and alas occasionally hurtful.

Irrespective of what was discussed and where it was aimed we all had one thing in common respect and a common unity.

'UNITY', it's a small word but it packs a punch and without knowing it, we all had it and so did the men and women who have since left our industry.

One might from first reading this suggest that this is going to be a long winded anti union tirade against the two main organisations Well it's not

"back then families, communities and workplaces mattered"

and I say that because the people who have caused division is the workers. If we are to be honest with ourselves, I would like to ask these questions and ask how many would you say yes to.

Question. A person with a different uniform to yours walks into your mess room, 'I'm not going to speak to them, they are our competitor!'

Question. you work for the same company

but have a two tier pay structure, "I'm not moving that loco for him he's on more pay than me" and sit and let them struggle.

Question. They are in that new union best not speak to them.

Question. You make a brew and offer

your people in your uniform one, but not the man or woman in the corner who wears different colours!

These are just four questions and I am sure there are more, but the underlying fact is that we have now entered, for the last ten years, a mind set of 'Look after our own'.

Our rail industry is one of if not the last bastion of the industrial age and back then families, communities and workplaces mattered. There are no reasons why we as an industry cannot return to these values. Time has moved on, as has the railway, but the people who make it work are still the same and can have the same values as those gone before, we just need to remember.

Mark Testrow

Freightliner

But most of all "railway man".

News from the Derby Branch

Derby Branch called an emergency meeting to discuss the recent East Midlands Trains pay issue.

The Derby branch met on 10 May to discuss the protracted pay talks. The Branch has formally written to management within EMT Human Recourse requesting the minutes of the meeting between the bargaining groups and to open dialogue for informing and con-

sulting. We have reiterated that this is not a prelude to collective bargaining. As we went to press ATCU is still awaiting a direct reply. Failure to inform and consult may result in the ATCU EMT driver contingent being in dispute.

News from Freightliner

At the time of this publication we have been informed that industrial action has been called off at Freightliner Intermodal.

If the action was to go ahead Regional Organisers and Head Office had prepared an action plan where every member within FL/I would be contacted personally to explain the issues, irrespective of the time and cost of such an operation..

ATCU has listened to its members who understand that economic flexibility is desirable for the protection of members jobs during this present climate.

What to do if another union calls a strike?

In accordance with contractual requirements ATCU members are advised that they should make every endeavour to report for duty as normal.

Where transport difficulties prevent members from getting to work they should report their particular situation to their employer with the minimum of delay. Where necessary members should use whatever means of public transport are available.

At work, ATCU members are strongly advised to carry out their normal duties and they should not volunteer to work extended hours arising directly out of or in consequence of the dispute. Members are advised not to agree to undertake any duties that could not be regarded as part of their job description and/or have not in the past been undertaken by them in their current post.

Members should not at any time during the dispute act in breach of their Contracts of Employment and should carry out their normal duties in line with that stated above.

The above paragraph does not apply to regular rostered overtime and applies only to additional duties occasioned by the dispute.

Members should not agree to undertake any additional duties where there is any doubt as to their individual competence, in respect of safety matters. Members will appreciate the danger of liability in the event of an accident or other breach of safety.

It is very strongly stressed that in the event that Management seek the agreement of, or instruct, staff with the appropriate background, to undertake duties normally performed by members of other unions, the circumstances should be reported immediately to the ATCU. This advice applies to

circumstances whether or not the individual's judgement is that they are competent to undertake the duties in question.

We would reiterate that our members should only work their usual roster, including any regular rostered overtime, and should not volunteer to work any additional hours arising out of the dispute.

ATCU may not lawfully encourage members to take part in secondary industrial action. Members may, however, choose as a matter of individual conscience, not to cross another union's picket line.

Members who so choose should be aware that such action is likely to put them in breach of contract, and may result in their employer taking disciplinary action against them (including dismissal).

ATCU will provide advice, support and representation to any member facing disciplinary action in such circumstances.

The following article was first published on the ATCU website 2 April 2009 where this union was the first to question the legal and moral argument of MP's expenses.

It has been agreed that due to further revelations the item be re printed with minor inclusions.1

During the current economic climate we would expect a modicum amount of decorum and decency from our representative body in Parliament, however, this is seemingly too much to ask. The recent revelations of MP expenses have again raised its head whereby our parliamentary representatives are exploiting loop holes by claiming second home housing allowance. And more recent events have seen MP's claiming for chandeliers and even a moat. Yes it is legal but is it moral.

Justifying his second home allowance on a recent BBC Question Time programme conservative MP Eric Pickles, said " if you have to be on a committee you have to be there...for 9.30 to move those amendments". Mr Pickles who is the chairman of the Conservative Party lives just 37 miles from his place of work (Parliament).

Quite rightly Mr Pickle's response was received with laughter and derision from the audience. He went on to say that when he did travel he would "leave at 5.30 [am] from home and was not getting back until 12.00 and 1.00 am in the morning". Let us take a step back and look at the real world which some of our representative are seemingly detached

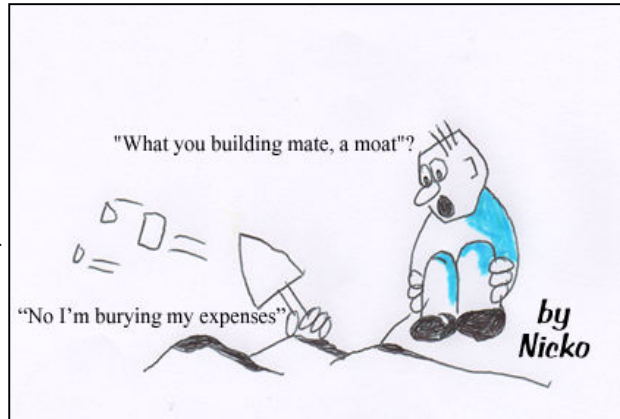
from.

What about the hard working people of this country who rise in the early hours of the morning to go to work and return late in the evening. What about the mother or single parent who gets up early to get the children ready for school, probable has one or two jobs, returns late to prepare dinner and then begins preparing for the next day. What about the carer whose job is a constant 24 hour cycle. What about the teachers, the doctors, the builders.

What about our train crew of signalmen and women, conductors, cleaners and drivers who work tirelessly though the night or rise early to get to work so that commuters arrive at their destination safely and on time.

ATCU is infuriated at the way some representatives view their lives as something totally detached from us. It also infuriating when they are quick off the mark at attacking the defenceless such as single parents.

Let us ask this question. A Single parent does a little part time work and gets an extra £30 over and above her entitlement, resulting in prosecution, fines and possible prison sentence. A member of parliament does extra work as a director, over and above their parliamentary duties, and



receives thousands a year. They claim second home allowance, put in claims for moat and swimming pool cleaning, purchase TV's and chandeliers etc etc etc resulting in?

Definitely immoral

ATCU

The Rail Union

Membership subscriptions are paid by standing order (S/O)

Unlike direct debits you have sole control of S/O so you need to check regularly that it is being paid. If you find a problem please contact your bank and provide the following information:

Destination bank: **Lloyds TSB**

Account name: **ATCU**

Sort code **30-92-16**

Account Number **04062019**

Monthly subscription: **£9.75**

Reference: your **(surname)** and **(national insurance number)**

Start payment immediately and every month thereafter.

Please inform Head Officer

*Unity
Accountability
Equality*

www.atcu.org.uk

Court Blames Driver's Neck Problems on DOO System

His Honour Judge Yelton found for a Claimant driver who alleged that the exacerbation of a neck condition was brought about as a result of the Driver Only Operated system as in use by the London Eastern Railway Ltd between Cambridge and Liverpool Street.

Indeed the Defendants admitted liability to the Claimant but denied that the exacerbation of his neck condition had anything to do with the system operated by them. It is not surprising that the Defendants admitted liability because they disclosed an Ergonomic Report that they had done which dammed the system.

However, the Judge felt that on the balance of probabilities the Claimant's condition had been exacerbated by the system by five years and substantial damages were awarded.

The Claimant is particularly grateful to the ATCU for referring him to their specialist solicitors Holmes & Hills and for their support and encouragement throughout. This case is as an example of the support given to all members by the Union – your Union!

Our Solicitors have direct experience and expertise in railway matters and a

well resourced personal injury dept to assist and aid ATCU members and their immediate families. They are also able to provide a wide range of services to members at discounted rates including property sale and purchase, matrimonial and family matters etc...

Our solicitors represent members on industrial injury claims at no cost to the member.

For free legal advice on all matters please ring the Legal Advice line on

01376 529 299 and ask for either Colin Simpson or Jason Brady. Please inform them that you are a member of ATCU.

"I phoned the helpline, they did a pucker job, I would recommend that you use them. They put in one hell of a letter and the other side just gave up. This came about in days while I got nowhere, over months, with my own solicitor".

Chingford Branch Member

Name and address supplied

We argue that one ounce of practice is worth more than tons of preaching.

Holmes & Hills



This news letter is distributed to members only.