

Train Driver Sunday working on East Midlands Trains (EMT)

Train drivers who work for EMT are currently (2 June 2016) going through a process of deciding on an individual basis whether they want to be a part of new arrangements for working Sundays.

The present situation, as drivers understand it, is that all Sunday working for drivers is voluntary. Over the years EMT have challenged this interpretation of the driver's contract and at present there is an uneasy standoff over the legal rights and wrongs of the differing interpretations. That EMT have come along with the new contract that includes a clause to say that drivers will 'commit' to working 17 Sundays a year should probably indicate that it is the driver's understanding of the current arrangements for Sunday working that is true: why else would EMT feel the need to introduce such a contract if they really thought that legally the present driver's contract meant that drivers were contractually obligated to work Sundays assigned to them?

EMT wants that commitment for drivers to work 17 Sundays a year as part of a larger plan to bring Sundays into the working week. At present drivers are contractually obligated to work a 4 day 35 hour week, those four days are always one of only 3 permutations; Mon-Thu, Wed-Sat or Mon-Tue Fri-Sat. As already mentioned Sunday working is a special case. In essence the plan is to have drivers volunteer to commit to working overtime on Sundays for the next two and a half years during which time enough new drivers will be trained up so that at the end of that period we can go back to working a 4 day 35 hour week but this time those 4 days can be any permutation of days Monday to Sunday.

It will cost a lot of money to train the new drivers so to aid with the expense of transition the DfT is paying for it. In return the DfT wants to see no more problems with drivers' availability for Sunday work which should be the case if enough drivers volunteer to sign up for the scheme and thus commit to work 17 Sundays each year for the next two and a half years.

But there is a problem. Many of EMT's train drivers are not volunteering to commit for 2 reasons and that threatens the viability of the scheme as a whole. One reason is the individual choice being offered to opt in or opt out of the scheme. The other is that the financial inducement to give up the certainty of always being able to have Sunday off, if required, is not enough.

To explain reason one will require a summary of the process to date. Initially a slightly worse deal than the one on the table now was put to the drivers as a straight yes or no to collectively accept the deal through their union ASLEF. A straw poll conducted by ASLEF rejected that deal by 72%. The company then presented the slightly improved deal we are being offered now but instead of putting that deal to the members like they had the previous one, straight yes or no to collectively decide, the union accepted that deal on our behalf and then insisted that all members should be given an individual choice to opt-in or out of the scheme. This is a negation of the whole idea of being in a union. We give up some of our individual rights, to make individual choices about things that affect us at work so that we can present a stronger collective face to the employer when negotiating with them. This behaviour by the union has upset a lot of drivers and they are expressing that upset by refusing to opt-in, ie, volunteer to commit to work 17 Sundays. These opt-out drivers hope that if enough drivers do not volunteer it will make the scheme unviable because there won't be enough drivers to guarantee the Sunday service and hence the DfT will tell EMT that they won't fund the training, which will hopefully pressure EMT into asking ASLEF to allow the members to make a collective yes no (we all get the deal, or none of us do) decision on how the deal is brought in. Most

of the drivers in the reason one opt out group are not fussed about the deal itself but rather with the way the union has sought to bring the deal in.

In contrast the reason two opt outers (who I think are a large minority of the opt out group) don't think the deal itself is good enough. Their calculation is the same as that of the reason one opt out group with the addition that they think the deal should be improved before they will accept it.

All the option papers (if EMT do not receive a paper from an individual driver they are deemed to have opted out) will be counted on 10 June. At the present time ASLEF, EMT and DfT are mulling over the viability of the scheme and how, if at all, it can be made to work in the light of a constantly changing number of drivers who have returned their papers and volunteered to commit.

I think most opt-out drivers are fully aware that the present system of covering jobs on Sunday is not the way to run a railway. We want to run a full guaranteed service on Sunday but that can't be had by ignoring our collective voice.