

**Andy Bindon, HR Director, GTR**

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3 October 2016

Mr M Cash  
General Secretary  
RMT  
Unity House  
39 Chalton Street  
London  
NW1 1LD

Dear Mick

### **Role of the Conductor - Southern (GTR)**

I refer to previous correspondence on this matter and to the RMT's press release announcing its intention to call further strikes in October, November and December, for which we have yet to receive formal notification.

In our letter of 5 April 2016, responding to the Ballot Notice, we set out our concerns about the lawfulness of the Ballot. We referred to the evidence which made clear that this dispute was really about the RMT's policy position over DOO and so was not a lawful trade dispute.

I refer in this context to my letter of 8 August 2016 in which, following talks at ACAS, I set out an improved eight point offer (on top of previous commitments given to you) which addressed all of the matters which could be of concern to our conductor employees over their migration to become OBSs as part of the extension of DOO(P).

For ease of reference I set these out again:

1. Southern will guarantee that every train currently operated with a conductor will continue to have either a traditional conductor or a second member of on board employees diagrammed/rostered.
2. Southern guarantees that traditional conductors will retain current competence and will guarantee that the second member of on board employees will be trained to a 'safety competent' level including track safety training, train evacuation, traction competence and full commercial route knowledge (excluding train dispatch).
3. Southern will propose a list of exceptional circumstances, to be agreed with the RMT, whereby a train can continue in service without a second member of on board employees, for the benefit of customers.
4. These proposals, including the above guarantees, are dependent upon agreement that services with a second member of on board employees (rather than a traditional conductor) will have the driver in full control of train dispatch. Agreement for this to be implemented will be ratified at local level.

### **Govia Thameslink Railway**

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5. Collective bargaining rights for the new OBS role will be agreed with the RMT, ensuring that this group will have a voice within the organisation as well as full negotiation rights.
6. A joint review of the OBS role after 12 months of operation, to look at role development, training and future career development.
7. A guaranteed minimum level of voluntary overtime for all OBSs, the detail of which would be agreed with the RMT.
8. A guarantee to retain the OBS role at the levels already guaranteed, beyond 2021, should GTR retain the franchise.

These eight points were **on top of commitments already made to the RMT** including:

- **No compulsory redundancies**
- **No reduction in salary**
- **No compulsory location moves**
- **Guaranteed above inflation pay rise for the next two years**
- **An increase in the existing “shift premia” to 20% over the next three years**
- **A promise to increase the number of back up employees**

It is disappointing that the RMT has failed even to acknowledge the offer, or engage with us on its details. In the best interests of your members, I would have thought that you would have given them an opportunity to vote on this offer before calling further industrial action. I note in this context your union’s democratic credentials and our understanding that many of our conductors are asking for a chance to express their views before further strike action and questioning why you are denying them the opportunity to consider this offer? Similar questions are being asked by many of our employees and our customers.

It seems to me that the real reason you are denying conductors the opportunity to consider an offer which gives unprecedented assurances, and potentially end the dispute, is that the RMT is pursuing its own agenda, and not the interests of its members and our employees. Plainly the Ballot is defective and industrial action taken in reliance upon the Ballot is unlawful. I reserve all of our rights in this regard.

As you know we are proceeding with our DOO(P) plans and implementation of the new OBS role, with a significant number of OBSs already in post and continuing recruitment. However, I am writing once more, to make one final attempt, to secure your engagement with the migration of the conductors who are becoming OBSs, before we issue formal notice on 7 October 2016, in accordance with the consultations earlier this year.

Our proposal to the RMT is as follows.

1. We will make a lump sum payment of **£2,000** (less tax and NI) to all continuing conductors; conductors who migrate to an OBS role; and revenue employees who have already moved to an OBS role / performing the duties, in consideration for their co-operation with the successful implementation and operation of our proposals to extend DOO(P). This payment would be paid in January 2017, following the full implementation of our DOO(P) programme.

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2. This payment will be subject to clawback provisions if the RMT conducts a further ballot over the implementation of our extension of DOO(P) or there is any failure to work normally during the implementation period.
3. We will fully honour the eight point offer and commitments set out above.
4. The RMT will accept these terms in full resolution of this dispute and will withdraw the Ballot, and will not take any further industrial action in reliance upon the Ballot, including cancelling the strikes announced in its press release of 22 September.
5. The RMT will instruct its members to co-operate fully with the planned extension of DOO(P) and the migration of conductors to OBS.

This offer remains open for acceptance until **midday on Thursday 6 October 2016**.

I very much hope that the RMT will now quickly engage with us and accept this offer. At the very least, you should accept this deal in principle and put this further improved offer to a referendum of your members and suspend further unnecessary strike action whilst a referendum takes place.

If you do not accept our offer then we will regretfully proceed without the RMT's involvement to implement our plans without delay, including the issuing of notice later this week to those conductors moving to the OBS role. If this happens, you will understand that we cannot guarantee that the eight point offer or all of the commitments can remain in place.

Please understand that this change is happening and the further extensive strike action you have announced will not change our plans. We would prefer to work with the RMT to ensure that our plans are achieved in a way that best serves the interests of our customers; our employees; and the business. Now is the time for your Union to display leadership and bring an end to this pointless dispute, which is causing undue disruption and hardship to our customers and employees.

In the interests of speed and transparency we are sending copies of this letter direct to all affected employees and will provide them with an opportunity to discuss with us any questions they have.

Please do not hesitate to contact me should you wish to urgently discuss the contents of this letter, either directly or in the presence of ACAS. For the avoidance of doubt, after 10 months of trying to meaningfully engage with you on this issue, the deadlines in this letter are immutable.

I look forward to hearing from you.

Yours sincerely



**Andy Bindon**  
Human Resources Director

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