

Net Zero Energy and Transport Committee

Scotland's Railways - Written evidence from the National Union of Rail, Maritime and Transport Workers (RMT)

May 2023

Industrial relations under public ownership

As we explained to the Committee in our evidence session in March 2022, a priority for RMT under the new ownership model was improving industrial relations at ScotRail, which had become strained under the approach taken by former operator Abellio. We welcomed the direct constructive discussions with the former Transport Minister Jenny Gilruth MSP which have taken place during the past year and believe that such an approach is a vital part of enabling effective and constructive industrial relations across Scotland's Railway. We also welcome that there is a trade union representative on the Scottish Rail Holdings board.

Similarly, as the Caledonian Sleeper approaches its transfer into Scottish Government ownership in June, ensuring constructive industrial relations with the public sector operator remains a priority for RMT.

Industrial relations going forward will depend largely on the approach taken by the Scottish Government and new Transport Minister Kevin Stewart MSP and whether the constructive engagement which has taken place over the past year will continue.

We welcome the First Minister's categorical commitment, given to RMT, that both ScotRail and Caledonian Sleeper will remain in public ownership. This ownership model is undoubtedly the most sustainable and affordable way to run Scotland's rail passenger services.

However, there remain issues on Scotland's railways that must be addressed by the Scottish Government, and we will turn to these below.

Collective bargaining

Since it was renationalised, the Scottish Government has sought to apply the Public Sector Pay Policy to ScotRail (and Caledonian Sleeper from when it is nationalised in June 2023). RMT does not support this approach and unequivocally expects the Scottish Government to commit to keeping free collective bargaining for pay and conditions at both ScotRail and Caledonian Sleeper. We welcome the First Minister's commitment to us given during the leadership election that he 'absolutely will protect rail workers through free collective bargaining...' We are therefore seeking a commitment from the Scottish Government that it will not seek to impose the Public Sector Pay Policy on ScotRail and Caledonian Sleeper and will permit the continuation of free collective bargaining over pay and conditions.

Last year, following two days of industrial action, RMT members at ScotRail secured a pay award for 2022 which included 8.5% for lowest paid, around 7.5% for other grades, a 6 year no compulsory redundancy agreement and an extension of the rest day working agreement. Given that the Scottish Government had initially offered 2.2% this was a big improvement won through these members' determination to get a fair deal.

At the time of writing, pay talks at ScotRail and Caledonian Sleeper for 2023 are ongoing and we are seeking a pay award for 2023 which recognises the impact of the ongoing cost-of-living crisis on our members.

ScotRail ticket offices

When RMT gave evidence to the Committee in March 2022, we highlighted our opposition to the proposed cuts to ticket office hours at 117 of its 143 staffed stations. More than a year later, the Scottish Government still has not ruled out these cuts. If implemented, the cuts would mean a reduction in hours of around a third across the affected stations. Despite repeated requests for it to do so, the Scottish Government has continued to refuse to rule out going ahead with these cuts, and despite the near-unanimous opposition that was voiced in the public consultation, held by Transport Focus, over the proposals. Of the 1550 responses received by Transport Focus, all but 20 objected to the proposals¹.

Already around two-thirds of ScotRail stations are unstaffed, and cutting ticket office hours and moving staff to mobile, and in some cases roving roles, as was proposed by ScotRail, would undoubtedly increase the time that many stations are unstaffed, given that in many cases, ticket office staff are the only staff present at a station. Cutting ticket office hours would also make it more likely that vacancies will be left un-filled, the result of which would be a reduction in station staffing across the network.

We need more staff at stations and in ticket offices, not less. In fact, this was the findings of the Scottish Government's own report published recently². The report looked at the safety of women and girls on public transport and found, unsurprisingly, that women and girls felt safer travelling when staff were present and there were staffed ticket offices. The report went on to recommend that the Scottish Government should look at increasing staff presence at both points of boarding, alighting and interchange, as well as the possibility of increasing on board staff presence at the times that women and girls feel most vulnerable (including evenings and weekends, in particular). It is imperative that the Scottish Government acts on the recommendations of its own report. When publishing the report, the former Transport Minister stated that the Scottish Government would be holding a summit on Women's safety on public transport and that trade unions would be invited to join this. We absolutely agree that trade unions need to be involved in this important debate and believe the Scottish Government should set out, as a matter of urgency, when this summit will take place.

During the First Minister leadership contest, RMT wrote to all candidates seeking their support on a number of pledges for rail. This included 'protecting and enhancing rail safety and accessibility by increasing staffing, keeping ticket offices open and restaffing our stations'. In his response, the now First Minister Humza Yousaf MSP acknowledged the report into women and girls' safety which recommended increasing rail staffing and said that this would be taken forward via the National Rail Conversation.

The National Rail Conversation was originally announced in February 2022 by former Transport Minister Jenny Gilruth MSP. Whilst the current Transport Minister has said he wanted to continue progressing the National Conversation, at the time of writing we are not aware of any date when this will be formally launched. We are concerned about the lack of progress towards launching the

¹ <https://www.transportfocus.org.uk/publication/scotrail-ticket-office-consultation/>

² <https://www.transport.gov.scot/news/women-and-girls-safety-on-public-transport/>

national conversation and believe the Scottish Government must confirm if it is going to see the light of day, and if not, how it will instead take forward the recommendations of its own report.

We will continue to press the Scottish Government to once and for all rule out cuts to ScotRail ticket offices and for it to invest in expanding staffing across the network.

Service levels

The May 2022 ScotRail timetable represented a reduction in services of over 10% compared to pre-pandemic levels. As we highlighted to the Committee back in March 2022, RMT opposed the service reductions on the basis that reducing service levels would deter passengers from using rail and hinder progress towards Scotland's carbon reduction targets.

Rather than presiding over service reductions, the Scottish Government should be investing in expanding services past pre-covid levels. Without targeted and sustained investment in rail services, the Scottish Government will not deliver the significant modal shifts from cars to public transport that are vital for meeting climate change targets.

Despite the Scottish Government having a target of reducing car distance travelled by 20% by 2030, the reality is that car usage remains on an upwards trajectory. Between 2020-21 and 2021-22, car traffic in Scotland increased by 15% and pre-pandemic car traffic had increased 10% in the decade to 2019³.

Anti-social behaviour on Scotland's railway

RMT remains very concerned about the prevalence of anti-social and abusive behaviour on the ScotRail network, with many members reporting their belief that this is becoming more frequent. Last year, RMT surveyed its members at ScotRail to ask for their experiences. 84% of members said they had experienced violence at work in the last year, with nearly all saying it had happened on multiple occasions. 90% of members said that violence on the ScotRail network had increased in the last year, with 95% saying ASB had increased. The most common reasons cited behind this increase was lack of action taken against perpetrators; reduced presence of BTP and reductions in station staffing. 80% of staff who experienced violence or ASB were lone working at the time.

One of the reasons that we are opposed to cuts to ticket office hours relates to staff and passenger safety and security. The ticket office acts as a point of safety for both passengers and staff, many ticket office staff lone work and as the Scottish Government's own report found recently, women travellers report feeling safer when staffed ticket offices were open. It follows that significantly increasing the time that ticket offices would be closed would be detrimental to the safety and security of both passengers and staff.

RMT believes that the extent of violence and abusive behaviour faced by rail workers in Scotland warrants the creation of a specific offence for assaulting or abusing public transport workers whilst at work. Similar legislation exists for the emergency services and retail workers. We have raised this issue with the Scottish Government, as have MSPs. Most recently, Katy Clark MSP wrote to the Scottish Government about the issue of ASB on ScotRail services. In its response, the Scottish Government stated that Protection of Workers (Retail and Age-restricted Goods and Services) (Scotland) Act 2021 covers work done by those whose usual place of work is not a retail premises if the work is in connection with the supply or sale of goods to the public. The Scottish Government therefore indicated that this would cover public transport workers selling tickets and refreshments to the public. Katy Clark is seeking further clarity from the Scottish Government around exactly which

³ <https://www.transport.gov.scot/media/53065/summary-chapter-scottish-transport-statistics-2022.pdf>

grades would be covered by this existing legislation, and whether it would apply to staff working on cross border services once in Scotland, and this issue warrants undoubtedly requires further clarification from the Scottish Government.

Investment in Scottish rail infrastructure

RMT has recently raised concerns over cuts to the Scottish rail infrastructure budget and reductions in safety critical scheduled maintenance tasks. The Scottish Government's Statement of Funds Available (SoFA) for the next control period (CP7) that was published in February 2023, committed £4.2bn in CP7 (2024 – 2029), £650m less than the funding allocated for CP6.

The Transport Minister has recently stated that the budget for rail enhancements was not included in the SoFA for CP7, and urgent clarification is required from the Scottish Government over the enhancements budget for CP7. RMT remains concerned that the budget for vital enhancements work for the remainder of CP6 and into CP7 may be cut. RMT is demanding real terms increases in infrastructure investment.

Recently, the safety regulator, the Office of Rail and Road (ORR) wrote to Network Rail about its failure to comply with structure examinations meaning a backlog of thousands of structures on our railway being left with little or no examinations over many years. The letter states how this poses a clear safety risk:

"In some cases, this could lead to a safety incident, it could also result in speed restrictions being put in place to mitigate the safety risk, making it more difficult to run trains on time. Failure to manage the examination process could also impact Network Rail's ability to efficiently plan its maintenance and renewal activities."

Network Rail is now imposing its Modernising Maintenance Programme across Network Rail which will slash Maintenance Scheduled Tasks by 50% with the sole intention of reducing headcount and overhead costs.

Safety should always take priority over cost-cutting, outsourcing and profiteering but RMT is concerned that the Government and Network Rail are not properly taking into account the extreme risks facing us today by ageing infrastructure coupled with climate change and regular extreme weather events.

The Rail Accident Investigation Branch report into the disaster at Stonehaven, Carmont, where three people tragically lost their lives found that the failure to ensure inspections were carried out on a drainage system directly contributed to railway engineers not identifying a construction fault which ultimately led to the derailment.

It is absolutely vital that the mistakes of the past are not repeated. Scotland needs a railway fit for the 21st Century, one that is fully funded, resilient and most importantly safe for both passengers and railways workers.

Minimum Service Levels

As the Committee will be aware, RMT members employed by the infrastructure manager Network Rail and the 14 train operators managed by the Westminster Government, have over the last year taken part in sustained industrial action in defence of their jobs, pay and conditions.

Whilst the dispute at Network Rail has now been settled, the train operator dispute remains ongoing. Rather than enabling the train companies to reach a negotiated settlement with RMT, the Westminster Government has responded to the wave of industrial action across many industries by

tabling draconian and undemocratic Minimum Service Level legislation. RMT unequivocal that the Westminster Government's legislation is an attack on workers' democratic and human rights and is unfair, undemocratic, unworkable and unsafe.

Just some of the provisions of the Bill include powers for employers to serve work notices on employees, telling them to work in order to meet a minimum service level specified by the Secretary of State; loss of protection against unfair dismissal for workers who fail to comply with a work notice; damages levied against trade unions who are considered to have failed to instruct members to comply with work notices.

We are very concerned that the Westminster Government intends to apply this legislation to devolved matters, such as rail passenger services. This is a direct attempt to interfere in the Scottish Government's ability to conduct industrial relations as it sees fit.

We welcome the Scottish Government's opposition to MSLs and the First Minister's statement, given to the STUC congress, that the Bill should not apply in Scotland and that the Scottish Government 'will never issue or enforce a single work notice' and 'will continue to do everything we can to oppose this disgraceful, abhorrent legislation'. We believe that as part of the Scottish Government's activity to oppose the Bill, it must seek urgent legal advice on the non-application of the legislation in Scotland.