Britain: Railworker Graham McMillan imprisoned

Paul Barnes
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The imprisoning of Network Rail worker Graham McMillan for two years is an act of cruel and callous indifference towards someone who is clearly suffering from mental difficulties brought on by a series of personal traumas.

A father of four, McMillan set fire to his company's headquarters at Inverness in Scotland. He was rescued by local police, who described him as lying in the foetal position inside the burning building. A water damaged suicide note was recovered. Twenty employees had to flee the blaze, but luckily no one suffered injury. These extraordinary events were reported in Scotland, but went virtually unmentioned elsewhere.

After he was rescued McMillan was taken to Raigmore Hospital, where he later wrapped an oxygen pipe around his neck in a further suicide attempt. McMillan, a property maintenance worker, was described by the judge in the court case that followed as a pillar of the community with a previously unblemished record.

He was examined by a psychiatrist, who said they could not detect what had caused such a drastic change. The judge, acknowledging the circumstances that led to the act of destruction, put it down to a personality disorder brought on by injuries sustained in a crash in 2008. He nevertheless jailed McMillan for two years in Inverness prison.

In reality there is no mystery as to what led to McMillan's dramatic personality shift.

On May 17 2008, McMillan was badly injured when his car hit a train after crossing an unmanned barrier-less crossing at Bunchrew, near Inverness. Such crossings are common in rural Scotland. Criminal charges were brought against him, but were dropped after evidence suggested that the accident may not have been the result of his negligence. The Office of Rail Regulator investigated the crossing lights at Bunchrew and found that a faulty battery caused the crossing lights to fail occasionally, but did not say this was the cause of McMillan's accident.

McMillan was recovering from serious injuries (he was later diagnosed with posttraumatic stress disorder) and the ORR's decision continued to cast an accusatory shadow over him.

He began speaking out for safer crossings, demanding at the very least barriers to stop cars mounting the track. It was not long after this that his wife and 13 year-old daughter were also involved in an incident at the same crossing, although miraculously neither was injured.

McMillan continued to speak out against 23 crossings he said were a safety hazard. After the crash and injuries he sustained, he accused Network Rail of victimisation and took out an official grievance about his treatment by his employer.

A horrific incident took place at a similar crossing at Bridge Street, Halkirk, Caithness. On that day 81-year-old Angus MacKay, his wife Margaret, also 81, and brother Donald, 66, were killed after a crash at a non-barrier crossing. Local worker Raymond Bremner said the crossing had a "reputation for accidents... There have been to my knowledge three or four accidents in the past few years."

In October 2002, Sarah Jappy was seriously injured when her car hit a train at the same level crossing. Pregnant at the time, her unborn child survived the incident. Mrs. Jappy was forced into taking legal action against Network Rail. The final hearing in her case will be held next year.

McMillan spoke out again. "I was angry because I know these accidents are preventable. There is no excuse—these crossings are not safe," he said. He

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described objections to installing barriers at Halkirk based on costs estimates of up to £1million as “a joke”, asking, “What is a life worth? It is their responsibility and it is time they dealt with it.”

A Network Rail spokesman declared that as Macmillan was employed in property maintenance, his comments on crossings “lack credibility”. The company stated that “We reject utterly Mr .Macmillan's baseless claims. His job has nothing to do with level crossings, therefore he is unqualified to talk about the matter,” adding, “Also he is in the midst of a grievance procedure with Network Rail.”

McMillan, having already suffered serious injury, posttraumatic stress disorder, facing a court case, the trauma of his wife and child’s accident, and knowing that three elderly locals were killed on a similar crossing, also accuses his employer of victimising him and rubbishing his reputation.

In response to each incident NWR trotted out its formulaic press statements such as, “We don't compromise on safety matters—as proven by rail's safety record which is second to none.” A spokesman for NWR blamed the victims, stating, “Motorists would not dream of going through a red light at a road junction. The consequences of doing so on a railway usually are even more tragic.”

The final straw for McMillan came on the morning of October 28, 2009 when his wages had not been paid in to his account. He called a colleague that same day and sent an email to his manager, stating that he was not happy at his treatment, could not take any more and that his life would end that day.

After his rescue and second suicide attempt, McMillan was sent for mental health treatment, but towards the end of November he was sent back on remand to Inverness prison. Instead of being sent for further intensive treatment to overcome the traumatic events he had experienced, the judge sentenced him to a two year sentence to be served in Inverness prison for “damaging property.”

The situation Macmillan confronted is not unusual. Under government instructions, NWR are imposing £2.5 billion cuts from the railway maintenance budget and making redundant 1,500 railway professionals. His actions came just one week after Network Rail threatened to sack all its 13,000 workers if they refused to agree to devastating cutbacks. Most workers know that such a scaling-back of rail maintenance is the prelude to major accidents.

Half-hearted appeals have been made by a small number of Scottish Members of Parliament (MSPs) and local councillors for barriers to be erected at all 23 open crossings. But Network Rail has the backing of the Labour government in its efforts to slash its debts. This writer could not find a single official comment by the Rail Maritime and Transport union on either the original incident or on McMillan’s sentencing.

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