

Reinstate London bus driver David O'Sullivan: For a safe workplace against COVID-19! No to victimisations!

By the Socialist Equality Party and the London Bus Rank-and-File Committee
16 May 2021

The London Bus Rank-and-File Committee and the Socialist Equality Party call for the reinstatement of London bus driver David O'Sullivan, sacked for upholding workers' rights to health and safety during a pandemic that has claimed the lives of more than 60 bus workers in the capital.

O'Sullivan, 57, was sacked on February 3, after he sounded the alarm over the spread of infections at Cricklewood bus garage. The rate of fatalities among London bus drivers is three times the national average, with the families of those killed demanding answers.

A London transport worker for three decades, O'Sullivan was suspended on January 11 after citing his rights to a safe workplace under Section 44 of the Employment Rights Act. Up to 12 drivers, a manager and a Unite health and safety rep had been infected with COVID-19, according to information leaked to the London Bus Rank-and-File Committee in early January. It has since been revealed through Freedom of Information that 46 Cricklewood employees were infected with COVID-19 between October 2020 and mid-January this year.

O'Sullivan courageously sought to alert his colleagues and inform them of their rights under Section 44. All employees have the right to refuse to work "in circumstances of danger which the employee reasonably believes to be serious and imminent" and to remove themselves until "appropriate steps" are taken "to protect themselves or other persons in danger."

Just three days earlier, Labour Mayor of London Sadiq Khan had declared a major incident, with a surge of the virus threatening to overwhelm hospitals. A second wave of the pandemic had begun, fuelled by the herd immunity strategy of Boris Johnson's

Conservative government, backed by Sir Keir Starmer's Labour Party, which rejected virus eradication measures on the grounds they would harm "the economy", i.e., the profits of the corporations, the banks and the super-rich. Partial lockdowns were introduced too late and lifted too soon, leading to more than 150,000 preventable deaths.

On January 8, the London Bus Rank-and-File Committee had called for a walkout at Cricklewood to halt the spread of infections. The call was not issued lightly. In September, committee members at the garage had written to Metrolink CEO Steven Harris reporting serious safety breaches by management over COVID-19 infections. The letter demanded urgent action, including mandatory testing for drivers, transparent reporting of infections and full pay for all staff self-isolating. The letter—copied to Unite officials John Murphy and Peter Kavanagh—was ignored.

On December 21, the committee wrote to Unite rep Moawia El Bashir demanding a copy of the COVID-19 "risk assessment" that Metrolink claimed had been conducted at the garage. No reply was received. Throughout the pandemic, Metrolink, Transport for London (TfL) and Unite have concealed the spread of infections at garages and bus workers have been left defenceless.

The Trades Union Congress (TUC) has organised no collective action over safety, despite workplace transmission of COVID-19 having claimed thousands of lives. A TUC document drafted in May 2020, proposing "A trade union approach... on how to manage the mass return to work", declared that the peak union body "does not take a position on the science of how to manage a pandemic, or the speed or nature of any

return to work”. Instead, workers were told to submit concerns over COVID-19 safety breaches to the government’s toothless Health and Safety Executive. TUC affiliates, including Unite, pledged to support employees taking action under Section 44. These promises have been exposed as a lie. Unite opposed the call for a walkout at Cricklewood and then submitted evidence against O’Sullivan to the company’s disciplinary hearing, which was a kangaroo court.

O’Sullivan—who has a spotless employment record—was dismissed on February 3 for “gross misconduct”, with Metroline charging him with “disseminating false and damaging information” and “inciting unlawful industrial action”. There is clear evidence of Metroline’s failure to protect employees during the pandemic. The company accounted for 301 infections among London bus drivers between October 2020 and January this year—outstripped only by Arriva (327 infections), Stagecoach (366 infections) and Go-Ahead (534 infections). But by July 8, 2020, Metroline accounted for the majority of fatalities from Covid—12 bus workers—nearly double that of the next highest number of deaths (7) at Go-Ahead, according to information obtained under Freedom of Information. O’Sullivan has launched a claim for unfair dismissal at the Employment Tribunal.

On March 4, O’Sullivan appeared at Watford Employment Tribunal seeking interim relief (i.e., temporary reinstatement) pending the outcome of his unfair dismissal claim. His application was denied, with Metroline hiring a top QC to try and prevent the claim from proceeding to a full hearing. He described O’Sullivan’s health concerns for his daughter as irrelevant and later applied for a costs award that would have left O’Sullivan’s family penniless. Managing Director Steve Harris and Head of Human Resources Darren Hill watched the court proceedings live via video link.

A crowdfunding to support O’Sullivan’s legal defence has been launched and needs maximum support given Metroline’s deep pockets. But the most important factor in winning his reinstatement will be the support won in the working class. Resolutions and messages of solidarity must be passed at bus garages in London and beyond, and by key workers in transport, the National Health Service, manufacturing, warehouse and logistics, construction, schools, colleges and

universities.

O’Sullivan’s sacking is a test case. Throughout the pandemic, it is key workers who have kept society running—feeding the population, treating the sick, providing transportation, delivering goods, energy supplies and IT services globally. Yet when it comes to workers’ rights to be protected from a deadly and highly infectious virus, the phony clapping and tributes from the politicians, corporations and media evaporate and the ruling class bares its teeth.

David O’Sullivan must not be left to fight alone! The London Bus Workers Rank-and-File Committee and the Socialist Equality Party appeal to workers everywhere—including our brothers and sisters in Europe, the Americas, Asia, the Middle East and Africa—to support this campaign. An injury to one is an injury to all!

What you can do:

Donate to the crowdfund

<https://www.crowdjustice.com/case/test-case-for-key-worker-rights-during-pandemic/>

Send a message of support

<https://wsws.org/en/topics/campaigns/defend-david-osullivan#comment>

Pass a resolution at your workplace

<https://wsws.org/en/topics/campaigns/defend-david-osullivan#resolution>

Complete the bus workers’ COVID-19 survey

<https://form.jotform.com/210722972144048>

Visit the campaign page

<http://wsws.org/defend-osullivan>



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Socialist Equality Party visit:

wsws.org/contact