

“My campaign is spearheading a fightback”: Victimised London bus driver David O’Sullivan’s hearing set for January

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The WSWS urges our readers to support this test case for the rights of key workers by helping to complete the crowdfund: <https://www.crowdjustice.com/case/test-case-for-key-worker-rights-during-pandemic/>

London bus driver David O’Sullivan, sacked for defending workers’ health and safety rights during the COVID-19 pandemic, will appear at Watford Employment Tribunal on January 13. He is appealing for support to complete the final leg of a £20,000 legal crowdfund.

Metroline bus company sacked O’Sullivan after he warned colleagues about the spread of COVID-19 at Cricklewood bus garage in northwest London. O’Sullivan asserted his rights to a safe workplace under Section 44 of the Employment Rights Act but was immediately suspended.

A company disciplinary process found O’Sullivan guilty of gross misconduct. The 58-year-old driver was accused of distributing “false and damaging information”, of harming the company’s reputation and of “inciting unlawful industrial action”.

O’Sullivan decided to warn co-workers after discovering up to 12 staff had contracted COVID-19 at the garage shared by 500 drivers.

COVID-19 infections have been systematically concealed throughout the pandemic to minimise absenteeism and protect profits. During the first wave of the pandemic, long-time Cricklewood driver Ishrat Ali died from COVID-19, but management did not inform drivers despite having been notified by Ali’s family of his initial diagnosis. Two more drivers at the garage narrowly escaped death after being hospitalised and placed on ventilators.

Across London, 103 bus, rail and the London Underground workers have been killed by COVID-19, according to figures released this month by Transport for London (TfL). Of these fatalities, 73 are London bus workers (including 58 drivers and two Dial-a-Ride drivers), 22 tube and rail workers, two head office staff, and six workers from partner organisations (including cleaning contractors).

O’Sullivan told the *World Socialist Web Site* yesterday, “There will be a lot of eyes on this. How can it be right that a

bus driver is sacked for trying to protect lives in the middle of a pandemic?”

His unfair dismissal claim was initially scheduled for preliminary hearing on November 23. It was postponed by the Employment Tribunal on November 16 after a request from Metroline. O’Sullivan will argue his dismissal was in breach of the Employment Rights Act.

Bus and transport workers have donated generously to O’Sullivan’s crowdfund and many have helped distribute leaflets at garages, depots and mess rooms. In recent weeks, O’Sullivan visited London Underground drivers striking over the unsafe reintroduction of Night Tube services, winning strong support.

Amid a worsening pandemic, O’Sullivan said his campaign is more important than ever. “Omicron is now ripping though the population of London and the entire world, with the capital’s hospitals at breaking point” he wrote in a message to crowdfund donors yesterday, “Yet the Johnson government, backed by the Labour Party, rejects any serious public health measures to eliminate the virus and save lives. My campaign is spearheading a fightback.”

The threat from a resurgent pandemic was underlined yesterday by TfL’s announcement that 500 “non-office based” staff on the London Underground are self-isolating due to COVID-19, forcing the closure of the Waterloo and City Line until early January.

Staff absences are also hitting national rail services, with a conductor in London telling the WSWS, “We’ve had station announcements of major alterations to services due to significant impact of coronavirus on staff, with branch lines being replaced by buses. Six staff, including station staff and conductors are off with COVID at my depot alone. We believe this cluster may be linked to an unventilated mess room with no windows. Dozens complained daily about this to the union [Rail, Maritime and Transport Workers union-RMT] and we warned an outbreak would take place, but nothing was done.”

An estimated 1.4 million people in the UK had COVID-19 in the week to December 16, according to the Office for National Statistics. One in every 50 people was infected, rising to one in

35 in London. Scientists predict 2 million cases a day by the end of January. Yet no new measures have been announced by the transport unions to protect workers. Omicron is more than four times as infectious as Delta, yet no new risk assessments have been organised, with both the RMT and Unite linking to the Johnson government's criminally negligent public health advice on their respective websites.

Yesterday, O'Sullivan told the WSWS he was fearful for his colleagues' safety and said it was "high time to build rank-and-file committees at all the garages to fight to end the virus. We need urgent measures including a proper test-and-trace, full pay for those sick or self-isolating, transparent reporting of infections, proper ventilation inside vehicles and enforcement of mask mandates and passenger limits on all vehicles." So far, O'Sullivan has raised £16,400 and a barrister has been briefed ahead of January's preliminary hearing. O'Sullivan needs to raise £20,000 for his lawyers to continue preparing for a full hearing that will likely take place toward the end of next year.

"He shouldn't have been sacked for this"

Earlier this month, WSWS reporters spoke about O'Sullivan's case with bus drivers attending a rally by transport unions against cuts to London's transport system. A driver from Metroline's Holloway garage said, "I read about David O'Sullivan's case, it's really shameful what's happened. You've got to speak out about safety, it's life and death.

"I keep getting blocked [on our company app] for speaking out on issues like face masks and PPE. They are really slow on that. I've got my own masks. We also need new filters on some of these buses as the fumes are making us ill.

"I've never caught COVID, I was lucky. I lost two friends at my depot. We lost one driver and one controller at Holloway. I am not concerned to speak out though as I am concerned about safety. The buses are filthy. In the morning, you think they're clean but they're not. What's worrying is taking over a bus from another driver. Some drivers are worried that they may catch Covid."

He continued, "I am going to leave Metroline. They have cut our holidays. If you work five years, you're entitled to five extra days holiday. I had 25 days, and they said 'hang on it should be 20 days'. They made a mistake—after ten years—and took it off me just like that. It happened to drivers in the whole company. One driver is taking the company to court with the union, but it's a long process and they've been quite tight-lipped."

His colleague from another company explained, "I am here to support the demo against TfL cuts. Bus routes may be cut, TfL are saying that they may not be able to afford to run London

Underground, so there might be closures there."

Key workers had been abandoned in the pandemic, he said, "We as bus drivers took our own measures. I went around with my own hazard tape. We shut our front doors and wouldn't open them. We did what we had to do.

"From what I heard about the David O'Sullivan case, I know that he was dismissed for standing up for the health and safety rights of the drivers during the pandemic. It is very, very, very unfair, and he shouldn't have been sacked for this. I think Metroline said it was a reputation issue, but health and safety is everyone's responsibility, isn't it? Especially since the safety at work act 1974.

"David O'Sullivan should be reinstated. It is victimisation. He was doing what was right for our welfare, he should be reinstated."

At Cwmbran bus depot in South Wales, members of the Socialist Equality Party spoke to drivers about O'Sullivan's case and their recent industrial dispute over pay.

A couple of drivers said the deal negotiated by Unite was "awful", and many were angered it had been described by Unite the union as a "victory". One explained, "We went on strike for 14 days altogether. We were only asking for a £1 extra pay rise, because we were on £9.50. It took a strike to get anything because the company just don't want to pay us a good wage, a fair wage really. Cost of living's going up and we need to be able to earn more money. Basically, I reckon they wanted to keep us driving buses on minimum wage."

He voiced support for O'Sullivan, taking information about his case to give to others, "We've had quite a few colleagues going on and off with COVID. Thankfully, no-one's passed away because of it. Most of us still wear masks in the depot because we're in a confined space. But other depots in the UK haven't been so fortunate."

At Brynmawr depot in South Wales a driver said the recent pay deal was "no way a victory... We are on the minimum wage. We sometimes go through garages where bus drivers are in the GMB union. We are in Unite. I don't think any of those unions do much to defend our pay and conditions. Some Stagecoach depots in other parts of the country, drivers can earn a little more. The unions go along with these differences."

On O'Sullivan's unfair dismissal, the driver said, "I fully support Dave's fight. I think we all need to get together. He should be commended for what he's done. Safety of the workers is a major priority. I will read this leaflet and support the crowdfund. I'll let other drivers in this depot know about this case. We should work in solidarity. Same thing can happen to us if we speak up."



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