Victimised bus driver David O'Sullivan's preliminary hearing opens in Watford

Laura Tiernan
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David O'Sullivan's unfair dismissal claim against Metroline bus company is scheduled for a preliminary hearing at Watford Employment Tribunal today. O'Sullivan was dismissed one year ago after he alerted colleagues to the spread of COVID-19 at Cricklewood bus garage in London.

O'Sullivan asserted his rights to a safe workplace under Section 44 of the Employment Rights Act. A public transport worker for three decades, he was accused of spreading "inaccurate and damaging information", "inciting unlawful industrial action" and of "bringing the company into disrepute". A disciplinary investigation dismissed O'Sullivan's safety concerns and found him guilty of "gross misconduct".

Today's preliminary hearing is listed for case management. It will confirm the legal grounds for O'Sullivan's unfair dismissal claim and establish a timeline for the case. There are huge delays at the Employment Tribunal and he has been advised that a full hearing may not take place until summer next year, at the earliest.

O'Sullivan told the *World Socialist Web Site* yesterday that he's prepared for the fight ahead, "This case is not just about me, it's about 73 preventable deaths of London bus workers. It's about the rights of key workers to a safe workplace. We cannot accept drivers being sacked because they insist on health and safety protections to prevent our colleagues from getting ill and dying."

A £20,000 crowdfund to support O'Sullivan's legal case was completed last night. O'Sullivan said, "I am very grateful. I'd like to thank every single person who donated. It's a significant achievement.

"The pandemic has killed more than 176,000 people in the UK, and millions more globally. These were preventable deaths, and this situation cannot be allowed to continue. I would like to thank the *World Socialist Web Site* and my colleagues on the London buses for getting behind me. I am doing this for all of us."

Ahead of today's hearing, some of O'Sullivan's colleagues on the London buses sent messages of support. Names have been changed to protect against victimisation.

Daniel from Cricklewood garage said: "For Dave to risk his job to defend the drivers was a really brave thing to do, because he also has a family. He's from an older generation and is a revolutionary person. Everyone knows what's happening. No-one is happy with the situation, it's just that we have bills to pay, but we support him.

"When Dave was dismissed, everyone was not happy, because we knew what management was hiding. They were covering up who was sick with COVID. Dave found out what was happening, and he published it. He wanted to tell everyone. He knows about our rights, and they did not like that. I hope he wins."

Priya from Cricklewood garage said: "Be strong David, and we wish you all the best. Respect. Nothing has been done to protect us. There is so much they should be doing to fix safety. They've got the money, but they don't want to spend it on us.

"When I got sick last year from COVID I was off work for nearly four weeks, but it was very hard because I got less than £100 a week statutory sick pay.

"People with COVID are being pressured to return to work before they are well—as soon as their isolation period finishes. At first, they were being forced to come back after 10 days. Now they are putting on Blink [the company app] to come back after six days, because the government is changing the rules. So, after five days, you are back at work on the sixth day. It took more than

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three weeks for me to fully recover [from COVID].

"We had two drivers at the garage who died with COVID. The company tried to hide this as much as possible. When the second driver died last year, all the drivers were crowding around. He was a very nice man. Nothing had been done, by the management or the union to protect us.

"I want David to get his job back. It's not fair. He is an older driver too, and he was only trying to help us."

Lamalfrom Cricklewood garage said O'Sullivan's case is "the battle between an abusive management power and a working class employee. Whatever the outcome, it will represent a victory because David has the power to fight the unjust forces against him and he has the following of his colleagues."

Thomasfrom Cricklewood garage said, "the treatment of the drivers during COVID was the worst thing you can think of. By both the management and by the union. At the same time, they were getting us to work longer hours.

"Recently they've brought back to the garage drivers they previously sacked, putting them on worse conditions. We've got one driver who was sacked and after a few days he was asked if he wanted to come back on a W0 contract. It basically means he would go from earning about £15 an hour to starting on £12. Of course, he said no.

"The situation is even worse now. So many people left the buses because of how they were treated in the pandemic. So they have extended our hours again. Last week I was supposed to have short duties, but I worked 11 hours a day, seven days straight, that's 77 hours in one week. And just a 45-minute break.

"I had COVID, and I know at least five other drivers who had COVID too. The company doesn't do any contact tracing. Recently, one of our drivers got a positive COVID test. A driver asked why the company didn't notify us. They said that because of new government laws, you don't have to be contacted because you don't need to isolate, because you're double jabbed. The truth is that they don't want you to isolate because they are short of drivers.

"Dave is being used as an example to not go against the company. I hope that he will win to prove that we workers have basic human rights too."

Vincent from Stamford Brook (RATP) said: "David has my full support, and the truth has to come out. Fight until the end! They [Metroline] tried to deny responsibility for the duty of care they have for drivers' health and safety. David was just trying to do his duty of care as a worker and as a responsible human being.

"The outcome of this case has to be the truth, and for the company to be held responsible. The results have to be public. The court has to not only give an example to other companies, but a warning to other companies as well. It's not only about money, it's about lives."

Vincent also condemned the union for its role in helping to frame-up O'Sullivan, "Unite on the buses are working closely with TfL [Transport for London] and the operators. They are out of order and it's an absolute disgrace."

The WSWS urges bus and transport workers to join the fight for O'Sullivan's reinstatement. For more information, please visit the campaign page.

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