

# Transport Salaried Staffs' Association

Walkden House, 17 Devonshire Square, London EC2M 4SQ

t 020 7387 2101

f 020 7383 0656

e enquiries@tssa.org.uk

Lisa Brackner  
HR Director  
Bridgeway Consulting Ltd  
Bridgeway House  
Riverside Way  
Nottingham  
NG2 1DP

23 April 2021

Dear Lisa,

## **RE: Network Rail CEFA Eastern Region Detailed Examinations Contract**

Thank you for your correspondence to TSSA Organising Directors on 16 April and 22 April.

As set out in Steve Coe's 15 April correspondence, our members need a resolution to Bridgeway's refusal to attend scheduled meetings to participate in meaningful consultation with a view to reaching agreement ahead of the TUPE transfer of staff. As the decision maker in the proposed measures, it is essential that Bridgeway engage in dialogue with our representatives to inform, consult and negotiate in relation to the transfer of staff associated with the TUPE regulations.

Our correspondence of 15 April advised that, unless the Bridgeway position changed within seven days, our union will be in dispute with Bridgeway Consulting and we will consider our next steps. Your formal response of 22 April appears to clarify the position that Bridgeway do not intend to accept Amey's invitations to attend consultation meetings with our union, therefore the Bridgeway position has not changed.

As a consequence of Bridgeway's correspondence and actions to date (including failing to attend a consultation meeting which took place in Bridgeway's absence at 10.00 on 22 April), **TSSA is now in dispute with Bridgeway Consulting and we will consider our next steps.**

You should be aware that our collective bargaining agreements require that any material changes to members terms and conditions, organisation, working practices and health and safety matters require face to face meetings between our elected representatives and the decision makers to engage in meaningful negotiation and/consultation. TSSA would not accept that proposals such as changes to pay frequency, allowances or locations would ever be consulted via correspondence but would require formal meetings and the opportunity for members to be involved in consultation while proposals are at a formative stage, as set out in our agreements.

[www.tssa.org.uk](http://www.tssa.org.uk)

members' helpdesk **0800 3282673**  
General Secretary **Manuel Cortes**



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In the case of Bridgeway's proposed measures, Amey have not approached our meetings with a view to reaching agreement on our representatives' proposals because Bridgeway have not apparently provided Amey with the authority to withdraw or amend Bridgeway's proposed measures. This is not acceptable unless Bridgeway give Amey the power to negotiate on behalf of Bridgeway to accept our counter-proposals so that our representatives are in the position of consulting with decision makers rather than via correspondence mediated by Amey's minute takers.

You state that the legal obligations to consult under the TUPE regulations rest with Amey before the point of transfer but any legal liabilities such as protective award claims are likely to transfer to the Bridgeway as transferee from that point, in addition to any joint liabilities with Amey as transferor.

The failure to engage adequately to date would appear to be predominantly as a consequence of Bridgeway's actions rather than Amey's. In any case, Bridgeway will bear responsibility for building successful industrial relations between TSSA members and Bridgeway managers from the point of transfer. Beginning the employment relationship in a dispute which Bridgeway have knowingly and avoidably brought about does not demonstrate the commitment to an excellent working environment and welcoming our members to the Bridgeway team.

In all recent cases of service provision change from Amey, our members have seen transferees engaging in face-to-face TUPE consultation with TSSA reps facilitated by Amey, often before initial ELI data is shared. Bridgeway's refusal to do so is exceptional and raises concerns regarding the company's adherence to our member's collective agreements. You will be aware that Network Rail wrote to our General Secretary on 26 August 2020 to advise: *The actual TUPE transfers and TUPE consultation will be managed by Amey and the new suppliers. They will need to undertake this in accordance with any existing trade union agreements and TUPE legislation.*

Our union will take all steps available to protect the interests of our members. Please contact me if Bridgeway intend to change their position and to engage meaningfully in collective consultation meetings.

Yours Sincerely,



Matt Barrow

Organiser

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