

Defend Martin Zee!

## Merseyrail conductor scapegoated over passenger safety in UK

By Margot Miller and Dennis Moore  
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The Socialist Equality Party (UK) calls for the defence of Merseyrail conductor Martin Zee, who faces a possible two-year jail sentence after being scapegoated for a passenger accident in 2015.

Zee, 33, is charged under Section 34 of the Offences Against the Persons Act, after an 89-year-old woman fell onto the tracks while boarding a train at Liverpool's Hamilton Square Station.

A Merseyrail conductor since 2014, Zee pleaded not guilty to charges of endangering passengers by wilful omission or neglect.

The Crown Prosecution Service decided to pursue Zee despite Merseyrail's own inquiry having exonerated him of all blame. The company found that Zee, who is still working as a conductor, followed all safety procedures and was innocent of any wrongdoing.

Zee's victimisation is political. It occurs against the background of a bitter dispute by rail workers against the introduction of Driver Only Operated trains (DOO) that could eventually eliminate 6,500 conductors' jobs nationally. Conductors are critical to ensuring passenger safety, especially at the platform-train interface, which can be particularly hazardous for the young, disabled or elderly.

89-year-old Edna Atherton and her friend Joan Cotgrave attempted to board Zee's train in July 2015, just as he had completed safety procedures and was closing the doors. Cotgrave was spotted by Zee and he opened the doors so she could climb on board with her zimmer frame (walker).

At trial, Rebecca Smith for the prosecution alleged that Zee "saw an elderly woman using a zimmer frame and close behind, her friend Edna Atherton, and he decided to open the doors."

The prosecution's claim that Zee saw Atherton as well as Cotgrave was refuted by Merseyrail customer service head Stephen Dodd, who testified that Zee "wouldn't have been able to see Mrs. Atherton." This is because of blind spots on the guard's monitors, but also because of the curvature of the platform. Dodd was involved in the Merseyrail inquiry into the accident, which concluded that Zee had followed the safety rule book to the letter.

After Cotgrave boarded the train, Zee restarted door closure procedures. He then saw Atherton trying to board the train and pressed the button to reopen the doors. There is a six second delay after the guard presses the button and the doors close.

In her evidence, Atherton explained how she came to fall onto the train track. She complained of the difficulties boarding trains at Hamilton Square because she is short and the gap between the train and the platform is wide.

"As I was getting on, I took my left hand and held the rubber seal. In effect my palm was in the doors. While I had one foot on the platform, one foot on the step and my left-hand palm out holding the door's seal. The door suddenly began to close. I didn't know what to do. I thought it must have been faulty. I decided to let go of the door, and I felt myself swaying."

Atherton fell through the gap between the platform and train, suffering a head injury and four broken ribs. Zee acted quickly, isolating the electrical supply to the third rail, and climbing onto the track to offer support and reassurance until emergency services arrived.

Neil Fitzgibbon for the defence praised Zee, saying, "By his action both before, during and after the accident he demonstrated his due diligence, good

old-fashioned customer care and this was just a terrible accident.”

Fitzgibbon’s cross-examination of Merseyrail revealed systemic failures in safety procedures, which are a direct product of the private rail companies’ drive for profit. Dodd’s admission that there are “blind spots” in both CCTV footage and the guard’s view due to platform curvature shows the need for *additional* conductors on all trains.

Last Tuesday, around 150 conductors and other rail workers demonstrated as Zee’s case opened at Liverpool Crown Court, demanding that all charges against their colleague be dropped. A conductor who trained with Zee told WSWS reporters, “As far as I am concerned Martin has done his job, and he really shouldn’t be here.”

Another conductor, from Leeds, said, “What they are doing to Martin Zee affects all of us; he’s done his job to the best of his ability, was cleared by his own company, Health and Safety, and still the CPS [Crown Prosecution Service] or the police are taking him to court, and they could do the same thing to me tomorrow.

“All guards have a rule book, and all the companies work to that rule book, or variations of it, and if he gets done today, that rule book’s out of the window, and no guard should be working trains.”

The conductor said of the government statements that 50 percent of trains next year would be driver only, “It’s totally unsafe, and I wouldn’t want any of my family, my wife or my children, to be travelling late at night when the only person on board is concentrating on driving, not what’s going on behind him.”

Andy Littlechild from the national executive of the Rail, Maritime and Transport union (RMT) said that if Zee hadn’t acted so quickly, Atherton “would have been dragged along and killed.” He said the case was “political” and warned, “They are trying to jail him for two years as part of their plot to get guards off the trains.”

Addressing the protest, former MP for Liverpool Broadgreen, Terry Fields (Militant Labour—now the Socialist Party), promoted the RMT as “an example to the trade union movement.” But the RMT and the drivers union, ASLEF, are working to prevent a united struggle by rail workers against driver only trains and other “cost efficiencies.” Their sabotage has resulted in

30 percent of trains in the UK already being DOO!

The 24-hour strike by Southern Govia Thameslink Railway workers on February 22 was in direct defiance of the sell-out negotiated by ASLEF and the Trades Union Congress (TUC), which accepted DOO. For its part, the RMT called off last month’s ballot on the introduction of security guards at Govia’s London Midland franchise (widely seen as a stalking horse for the elimination of conductors’ jobs), preventing an expected “yes” strike vote by 500 conductors. Their aim is to wear down the resistance of conductors and reach a settlement that would allow the implementation of DOO.

A particular warning should be taken from RMT leader Mick Cash’s call for a campaign “through our RMT Parliamentary Group members to build a high profile political awareness around this case.”

The union’s Parliamentary Group was formed in 2002 with Labour leader Jeremy Corbyn and his close ally John McDonnell prominent members. Both have steadfastly refused to wage any campaign against the right-wing in their party, instead extending “the hand of friendship” to the very Blairite forces who did nothing to fight the Tories’ privatisation of British Rail and carve-up of the railways and left it in private hands once coming to power in 1997.

Martin Zee is being framed. All charges against him must be dropped. A campaign to defend Zee must be taken up by drivers, conductors and rail staff across the UK as part of a unified struggle to defeat driver only operations and the ongoing subordination of the railways to the parasitic interests of the corporate and financial elite.

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Socialist Equality Party visit:

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