

**Unite the Union Response to the  
Office of Rail and Road Consultation  
on the Plans to provide  
Cross Border Train Driver licences.**



**1 Introduction**

1.1 This submission is made by Unite, the UK's largest trade union with over 1.4 million members across all sectors of the economy including manufacturing, financial services, transport, food and agriculture, construction, energy and utilities, information technology, service industries, health, local government and the not for profit sector. Unite also organises in the community, enabling those who are not in employment to be part of our union. This response is sent on behalf of our members who drive trains between the Channel Tunnel and St Pancras and the East London rail freight terminus.

**2 Consultation Observations**

2.1 This consultation response relates to the Office of Rail and Road (ORR) plans to amend the Train Driving Licences and Certificates Regulations 2010 (as amended) (TDLCR) from 1 February 2022 solely in relation to cross-border train driving. Unite welcomes that grace period to allow European Union train driving licences (EU TDLs) to continue to have recognition in Great Britain until 31 January 2022 but Unite has a number of concerns over the form of the transition will take.

2.2 Firstly Unite notes that according to the draft form provided, the driver is instructed to destroy their old licence when obtaining a replacement. Unite hopes that this will be amended as Drivers will need to retain their EU TDLs to allow them to drive on the EU infrastructure and this should not be destroyed. Unless we are mistaken the new Great Britain train driving licences (GB TDLs) will not grant drivers with a licence which will replace the EU TDL for use on EU Infrastructure.

2.3 If there is not a bilateral arrangement in place and coming into force before 1 February 2022 between the terminals at Fréthun in Calais and Dollands Moor in Kent. It would mean that (to be safe) a driver should apply for a GB TDL so that they are holders of both British and EU Licences on this section of track as well as the need for a UK licence for the line from Dollands Moor to the small freight terminal in Barking and St Pancras.

2.4 Given the high demand for such licences that may occur, during this period, Unite hopes that the ORR have taken on additional capacity to deal with the flood of possible driver applications from across the EU. As these licences renew every ten years it would also mean that the ORR would need such personnel on hand to deal with the renewals 10 years from now.

2.5 Regarding the criteria for obtaining a UKTDL if the driver has never held a UKTDL previously, Unite is concerned over the criteria drivers from the EU need, especially the need for a level 3 educational standard and or have spent a minimum of 9 years in

education. In some EU Nations the school leaving age was 14, until relatively recently, especially if they were to enter into an apprenticeship<sup>1</sup>. In some nations Romania for example, some of their educational standards are not recognised in the UK. This means that a holder of an EUTDL may be prevented from obtaining a UK TDL and possibly face dismissal as a result because of the lack of a recognised educational standard level of education, or the number of years in formal education even though they have driven on the EU and UK tracks for years, qualifying them beyond the standard required. Unite would therefore argue that there should be grandfather rights applied to all existing drivers, to exempt them from these elements of the driving standards requirement.

- 2.6 Unite is concerned that at present the driver will need to undergo two medicals and two psychological examinations, one for each licence which will no doubt ask the same questions and conduct the same tests. Unite believes that this a waste of resources and money which should be addressed. What would happen for example if the EUETS examination was altered to use a different technique that discovered something that had been missed by the examination for the UKTDL? Would this mean that a medically unfit individual would be allowed to drive a train in the UK but not in Europe!!
- 2.7 Finally Unite would like to raise the issue of cost of all this duplication. Unite fully recognise that politically the UK voted to leave the European Union and from this has stemmed the desire to have a degree of sovereignty but the exercise is adding thousands of pounds of additional cost to the industry and sleepless nights of worry for the drivers. When it comes to the recognition of driver standards on the road, the DVLA are happy to accept a licence issued by any UN nation as valid on the UK roads. When it comes to pilot's licences or cabin crew attestations again the Civil Aviation Authority are accepting licences issued from other nations. Equally the Maritime and Coastguard Agency (MCA) are accepting equivalent boat master licences on all coastal and deep water estuaries. Despite these examples, Unite feels it is ridiculous to add this level of licencing duplication and paperwork for drivers of cross border trains. Unite would therefore urge the ORR to accept EU issued licences.

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<sup>1</sup> Italian Law for example.

### **3 Conclusion**

- 3.1 Unite recognises that unless some discussions and a concord agreement reached between that ORR and the French safety regulator, the Établissement Public de Sécurité Ferroviaire – (EPSF) or an equivalent in another member state, there may be teething problems with this process. Nonetheless, Unite calls on the ORR to be as accommodating as reasonably possible to reach such a concord.

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