



12 October 2020

Dear Prime Minister

Request for a Public Inquiry into the death of Belly Mujinga

We act for the family of Belly Mujinga (“Belly”).

We are writing to call for a public inquiry into the facts surrounding Belly’s tragic death, further to an alleged covid coughing/spitting incident at Victoria Station on 21 March 2020. At that time, Belly was employed by Govia Thameslink Railway (“GTR”) as a frontline worker.

We make this request having now viewed the extant CCTV footage, and in the light of our own investigation, and that of BBC’s Panorama, a summary of which appeared today on BBC online.

We believe that there are matters of significant public concern arising out of the apparent facts of this tragedy. Indeed, over 2 million people have supported the call for the family of Belly to be afforded justice for what is believed to have happened to her, and that public support arose before the further matters of serious public concern, now identified by (inter alia) the Panorama investigation, were known to the public.

You rightly commented yourself to the House at the time that her death was “tragic” and that “the fact that she was abused for doing her job (as a frontline worker) is utterly appalling”.



A significant investment of public monies was recently made by the Government in GTR last month when your Minister granted GTR an emergency contract to continue to run the Thameslink railway until 2021/22. However, it was stated that continuation was conditional upon GTR performing their service to the public safely and efficiently. GTR are under the Public Sector Equality Duty (“PSED”) when performing a public service under the contract.

The public concern in this matter is based on the following very troubling matters:

1. GTR never reported the coughing/spitting assaults to the police, at the time of the incident or subsequently. The police were made aware of the alleged assault by the trade union which contacted the police’s media department on about 11 May 2020;
2. GTR’s failure to report the matter to the police meant that the original CCTV evidence was automatically deleted by Network Rail, 28 days after the incident;
3. The police have confirmed to our clients that the failure to report the assaults hampered their investigation eg: they were unable to collect DNA evidence or access the 180 CCTV camera original footage, and enhance the same;
4. Belly was known to have a medical conditions which meant she should not have been asked to work outside on the concourse that day by her supervisor (either at all and/or for any length of time). Her supervisor had sought to dock her pay for attending a hospital check-up prior to the incident;
5. Belly was not on the rota to work outside on the concourse that day;
6. Belly had issued a race complaint against her supervisor on 10 February 2020 which remained unaddressed by GTR at the time of the 21 March 2020 incident, and to date;
7. That supervisor ordered Belly to work outside, and did so without any or any adequate PPE;
8. GTR failed to provide masks to their frontline staff at that time and forbid their staff to wear their own masks outside on the concourse;
9. GTR’s Chief Medical Officer advised at the time that frontline staff were able to work outside without masks and have up to 15 minutes of contact with covid victims without any risk of infection. There was no informed medical basis for such terrible advice;



10. The towering white male who coughed/shouted/spat at Belly (and her colleague Motolani), did so twice, and on the second occasion did so having walked away from her, only to return to repeat his conduct, so his actions could not have been “involuntary”. He also pointed his finger at her;
11. One police officer told the family (before the police and the CPS decided against taking further action) that she was in “no doubt” something happened, by the fact that Belly backed away from the white male on both occasions and then left her post to leave the area, after the second assault. She went to the reception area to apply anti-bacterial wash and remove the spittle from her face and clothes;
12. Belly informed staff at the time that the white male perpetrator said to her that he had the covid virus before he coughed/shouted/spat at her. Her colleague Motolani corroborated that fact to management, as did the trade union the TSSA. The only reason that the white male perpetrator told them that would have been to protect them or put them in fear. It could not have been to protect them as he did not cover his mouth or look away, and he returned to berate Belly for a second occasion;
13. Motolani reported the assault to management at the time;
14. Management did not report the matter to the police and instead ordered them both to work outside again;
15. Belly and Motolani both begged management not to have to work outside again after the assault, but they were ordered outside again for several hours, and before their shift ended;
16. GTR said that they did not report the matter to the police because it was not reported to them as a covid spitting incident. However, they subsequently admitted in the public statement that they were so aware, but then gave no explanation why they had not reported it to the police at that time, or after that;
17. The police also said they were confident the man could not have infected Belly because he had had an antibody test “as part of his occupation” four days after the incident. Such tests were notoriously unreliable at that time. However, it also suggests he was in a privileged occupation, and the family and the public need to be reassured that justice is being done and seen to be done in this case;



18. GTR did ask Network Rail for the CCTV footage in April 2020 but did not inform it that an alleged assault had occurred;
19. In GTR's August 2020 public statement, publicised in the media 6 days before it was announced that your Minister had granted them their emergency contract on 21 September 2020, GTR claimed not to have knowledge of Belly's medical conditions, which was not true;
20. GTR also claimed to the public that staff had access to spit kits, which was not true.
21. Victoria Station ticket office was subsequently closed having been found by the ORR and/or HSE to be unfit to work in on health and safety grounds, and we understand it remains closed at present. GTR were responsible for the health and safety of their staff within that office, and on the concourse; and
22. GTR admit to failing to support Belly's family after her death. Her two million supporters need to know what was the reason for that and how can employers better support the bereaved family after alleged work-related deaths? It is rumoured that after Belly died, her supervisor later informed staff that "only stupid people die of covid". A member of staff recently contacted Motolani and said, "god help us".

We need to know if GTR are properly protecting the health and safety of their staff and the public and in particular that of their BAME staff, who are more vulnerable to racial assault/harassment at work and covid 19 fatality. Belly was not the only BAME employee of GTR based at Victoria Station to die of covid 19. Motolani contracted covid 19 and fortunately, like your good self, survived that ordeal. Both Belly and Motolani had been racially abused by customers at Victoria Station in the past.

We need to know which of the above apparent facts the Minister was aware of and the extent to which the Minister placed faith in any such assertions by GTR when deciding to award them a substantial emergency contract and to commit potentially millions of pounds of public money to a company that does not, in the view of my clients, appear to best protect the health and safety of their workers, and, in particular, their black workers.



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A public inquiry would be the best vehicle for determining what happened, why it happened, who is to blame for that, and what can be done to prevent such tragedies befalling black and/or frontline staff in the future.

There is of course growing evidence that BAME and/or frontline workers have suffered disproportionately during the covid pandemic and this tragedy typifies some of the issues which warrant investigation.

It is hence very much in the public interest that this matter be properly investigated.

We hope that you will support this request.

Kindly acknowledge receipt of this email.

We look forward to hearing from you.

Kind regards

Lawrence Davies LLM