



NATIONAL OFFICE MEMORANDUM

DATE: 14 October 2021

FROM: Wayne Butson – RMTU Lead Advocate for KiwiRail Bargaining

SUBJECT: Notice To Assist Members Regarding Proposal for Strike Action Affecting All Members Employed By KiwiRail Group Collective Agreement And Who Are Covered By That Collective Agreement.

The RMTU negotiating team has agreed that KiwiRail's offer for settlement of the current MECA renewal is insulting and derisory. They have instructed that a strike ballot be conducted with a strong recommendation to members to vote yes to strike action.

IN ORDER TO COUNT YOUR BALLOT MUST BE RETURNED IN THE ENVELOPE SUPPLIED BY FRIDAY 12 NOVEMBER 2021 @ 1700HRS!

KiwiRail's offer for settlement has been sent out previous and so this notice should be read in conjunction with the bargaining updates 1 and 2. Those updates are also available on the Union website. They should also be on your branch noticeboard or branch Facebook page.

The following list of questions and answers are to assist members in their participation in the Strike Ballot commencing 18 October 2021 affecting KiwiRail Group of Companies who are covered by the bargaining for a Multi Employer Collective Agreement (MECA).

1. Why are we proposing striking?

The employers tabled an inferior wage offer and claims which will reduce members' long-standing terms and conditions of employment associated with Alternative Holidays (Lieu Days) and Medical Retirement. The employers' settlement offer including their claims has been posted on Union noticeboards and branch Facebook pages for the information of members. Your negotiating Team does not believe that the employer will meaningfully improve their offer without the application of pressure from the wider Union membership.

2. Is the strike legal?

Yes if a majority of members vote in favour of the proposed strike action in accordance with the Union rules and Employment Relations Act.

3. Strike action during the period from and including Tuesday 30 November 2021 until and including Friday 24 December 2021?

- Why are so many days stated? – This is to provide the Union with a range of available days on which strike action can occur and meet the legal requirement to give 14 clear days notice.
- Can strike action occur on any of the days between those stated? – YES, and the Union can give the required notice of intended strike action on any day or days in the date range. Members may recall that the RMTU has successfully used this approach with other employers in the past.

4. The ballot refers to a total withdrawal of Labour, and on any day that this occurs, to start the strike action at 0001hrs on that day, and to finish at 2359hrs that day?

- Will we not be paid if we strike on a day I was meant to work? – Yes you will not be paid for the hours you were rostered to have worked on the master or mini rosters;
- Do we turn up for work on the day of the strike? – NO but it is expected that members will attend any pickets or rallies organised for on the day of the strike;

- Is the public being informed? – Yes, as KiwiRail is an essential service we will be advising the public and providing media comment;
- Will there be pickets? – Yes there will be information pickets or rallies at selected locations. Member volunteers will be rostered to an information picket by the strike committee elected by each branch.

5. Why is the ballot for a full withdrawal of labour, why not more limited action like a 'work to rule' or overtime ban?

- Under New Zealand's harsh anti-strike legislation it is more complicated to organise effective so called 'limited action'. We still have to ballot members and the employer can legally challenge the ballot if it does not meet the very stringent requirements of the legislation. A ballot for limited action is more complex and therefore more easily challenged in the authority and court.
- Overtime bans can be effective but still constitute strike action under the law and our experience is that an overtime ban generally takes longer to have an impact on the employer than a full withdrawal of labour. Also, a full withdrawal of labour is more newsworthy and given the objective of the industrial action is to apply pressure to the employer by shining a light on their insulting and derisory offer, a very effective way of doing this, in our experience, with a publically owned essential service is to generate publicity.

6. Why not have rolling strikes on different days in different locations?

- On the face of it this looks a good idea but once again it is more difficult to organise and stay within the requirements of the legislation. Secondly, our claim for this wage round unites all rail workers employed by KiwiRail and covered by the bargaining. By taking action together, across the country, we demonstrate our resolve and unity and increase the likelihood of positive publicity and success.

7. Won't we get criticised by the public for taking strike action?

- Gauging the public mood is difficult but after 18 months of COVID19 disruption there is increasing support for essential workers getting a fair deal. Rail workers have kept the supply chain operating throughout and took a nil wage increase last year. Inflation has increased and is forecast to continue to remain high by recent standards. Other essential workers have threatened strike action to secure improved wage offers, the nurses employed by DHBs being an example. Your union believes now is the time to make a stand. This is the year of the essential worker!

8. Will all RMTU members who fall within the coverage of the MECA be on strike for the same period?

- Yes. On any day where notice of strike action has been given, the strike action would be for a period commencing at 0001hrs that day, and finishing at 2359hrs that day. Members are reminded to work with the employer to ensure that you are back at your book on location by the time the strike action commences.

9. Will I get paid if I'm booked on during the period of strike action?

- Striking workers shall receive no pay from the employer for the duration of their full strike action.

10. I am an RMTU member but am employed on an Individual Agreement can I be asked to do the work of a striking worker.

- Yes, you can be asked. You can decline or volunteer to do the work. In volunteering you will be undermining the strike action. The Union advises members in this circumstance to not volunteer.

11. Can the employer stop the strike from occurring?

- The employer could seek an injunction from the Employment Court. We believe they would have no valid grounds for doing so.

12. If I am on a rostered day off or I am not booked on duty during the hours of the strike action what is the effect on me?

- In this situation you are not required to attend work in any case, so you proceed on that basis. There will be no deduction by the employer from your wages for the strike action.

13. Can the employers use this action against me in the future?

- No. The strike is legal and there can be no lawful recrimination against members by the employers under the Employment Relations Act.

14. I am on a salary option under the MECA am I on strike as well?

- Yes you are. You are employed and covered under the MECA and will receive a ballot paper.

15. Can union members on individual employment agreements strike as well?

- No they cannot. Only union members covered under the MECA we are bargaining for can undertake strike action in pursuit of a renewed Collective Agreement. Those not covered by the bargaining, cannot participate in the strike, nor vote on this ballot

16. Can management force members to work during the strike?

- NO they cannot. The only people who can do the work of striking workers are volunteers. Our advice is for you to not volunteer. Call one of our paid organisers if you feel pressured.

17. I am on an IEA, and a Union member, do I have to continue with my own work during the strike?

- Yes. you are required by law to continue to do your normal work. Normal work should not include you volunteering to do the work of any striking worker

18. Could there be more strikes?

- If the employers do not improve their offer, there may be. We will ballot you regarding any strike action that is not covered by the ballot period stated on the ballot paper



Wayne Butson

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