



## **Terms of Settlement – 6 December 2019**

### **Terms of Settlement for the Transdev Wellington, Hyundai Rotem and Rail & Maritime Transport Union (RMTU) Multi Employer Collective Agreement 2019-2022**

This document sets out the agreed components of the settlement for the renewal of the Transdev Wellington, Hyundai Rotem and Rail & Maritime Transport Union (RMTU) Multi Employer Collective Agreement 2018 (MECA) and shall be subject to ratification by RMTU members pursuant to section 51 of the Employment Relations Act 2000.

#### **Preamble**

The parties have been bargaining since 11 July 2019 and under the provisions of the Bargaining Process Agreement (BPA) since 19 June 2019 and have agreed the following Terms of Settlement (TOS), which have been prepared for ratification by the affected members of the RMTU in accordance with the BPA.

The RMTU agrees to positively recommend ratification of these TOS and the proposed Collective Agreement to its members.

#### **Term**

The term of the Multi Employer Collective Agreement (MECA) has been agreed for 36 months from 3 July 2019 through to 2 July 2022.

#### **Wage Increase (clause 37)**

- a. A general rate increase for all RMTU members employed under the MECA as at the date of the settlement (4 September 2019) of 3% on all hourly rates and allowances each year for the next 3 years and effective on 3 July 2019, 3 July 2020, & 3 July 2021.
- b. RMTU members employed as Passenger Operators (Pay Codes 41090, 41092 & 41093) will receive an additional wage increase of 3.9% on 1 April 2020 and an additional 4.9% on 1 July 2021 to achieve Living Wage status within the term of the Collective Agreement.
- c. Wairarapa Train Manager pay codes 44184, 41185 & 41186 will receive additional increases of 1% on 3 July 2019, 3 July 2020, & 3 July 2021.
- d. Pay scales for Engineers and Mechanical Engineers have additional rate increases to pay codes 44080, 44090, 46190,

WBS



42380, 43010, 43020, 43030, 43040, 43050, 43060, 42390, 42400, 42410, 42420, 42430, & 42380 ranging 0.5% - 2% on 3 July 2019, 3 July 2020, & 3 July 2021.

- e. The initial general rate increase shall be backdated to 3 July 2019 and is payable on all hourly rates (including all forms of leave and allowances for all members employed as at the date of the settlement (4 September 2019).
- f. The calculation method of said back pay shall be the agreed percentage increase applied to total gross earnings between 3 July 2019 and the date on which the pay rate increase is made.

### **Record of Agreements and Understandings**

1. Transdev Wellington and Hyundai Rotem agree to disclose any information in a "no surprises" approach and will communicate any plans, proposals or strategic options that may impact on employees at all times during the currency of the proposed Collective Agreement and clause 4 is updated accordingly.
2. The parties have agreed that the employers shall achieve and maintain Living Wage status and will do so as indicated in the General Wage increase and additional rate increase for the rates indicated above to Passenger Operator pay codes during the currency of the proposed Collective Agreement.
3. During the Bargaining process the parties agreed to review the Rail Operating Manual section 3 for Locomotive Engineers. Section 3 has now been agreed by the parties and shall be included with this Settlement for ratification by the members as part of the agreed ratification process for the proposed Collective Agreement. Clause 6 of the MECA has been amended to reflect this.
4. Matrices have been agreed for on-board staffing levels in schedule 2 in the MECA. This condenses the tables in the MECA prior to 2017 of desired and minimum to minimum and provides caveats for 4 & 8 car sets to run if this is not achieved in emergency or disruption situations. We also recorded that we would consult on any technology or commercial contract changes which may cause proposals for changes to staffing levels on trains and shall be in accordance with the consultation requirements of the MECA and the employers good employer requirement.
5. We have provided for the legislative changes for Family and Domestic Violence Leave in clause 26 of the MECA.





6. We have amended clause 23.3.1 hours of work. The tables are now clearer and better meet fatigue management and rostering requirements. Updates to maximum work periods, rest between work periods, consecutive days.
7. We have updated clause 23.4 through to 23.5.1 to reflect the amendments to the Employment Relations Act provisions relating to rest and meal break entitlements.
8. The telephone allowance for Carriage Depot for employees required to be contacted is now recorded in clause 33.
9. Progression criteria for Mechanical Engineers has been agreed and inserted into the MECA.
10. Travel Privileges as expressed in clause 33 will remain in force at their current rates as at 19 September 2018 for the duration of the agreement.
11. The parties agreed to review the administration and application of the Travel Privileges system and shall develop and agree a travel privilege guide for all new employees and current staff as a matter of high priority for 2019.
12. The employers offer an enhanced travel privilege for the term of the Collective which provides that dependents will now be offered a discount on monthly passes. This offer shall commence for the school year in 2020 and will require satisfactory identification of the dependents age and school status. This will be included within the updated and agreed travel privilege guide.
13. We have offered an enhanced retirement leave provision for Pay Scale 2 (Locomotive Engineers). Provided the employers are provided with at least 9 months' notice of an intention to retire any retiring Locomotive Engineers shall receive an additional 9 days retirement leave. This does not apply to an application by employee's for retirement in advance of the age of eligibility for guaranteed retirement income (currently 65 years of age).
14. The employers agree that they shall continue to pay KiwiSaver contributing members the employer contribution beyond the age of eligibility for the guaranteed retirement income whilst they remain employed.



## Document Administration

15. Some clauses have been renumbered as applicable.

16. Sections of the schedules have been deleted as appropriate where these have been completed or recorded in other sections of the MECA. (No surprises, Living Wage, Mechanical Engineer Progression).

For the avoidance of doubt, to the extent that they are not modified by any of the provisions above, all other terms and conditions of the MECA 3 July 2018 – 2 July 2019 shall continue in effect.

## Ratification

Transdev Wellington and Hyundai Rotem are pleased to support the RMTU with facilitation of a ratification meeting on Thursday 14 November 2019 from 1130 to 1330hrs, and at the EMU depot on Thursday 14 November 2018 from 1430hrs. Another meeting at Masterton depot will be held on Saturday 16 November 2019 commencing at 1230hrs. The employer agrees to cancel train services to the maximum extent possible so as to maximise member attendance at the ratification meetings.

---

For and on behalf of RMTU

---

For and on behalf of TDW

---

For and on behalf of Hyundai Rotem