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RMTU may take a test case if MBIE doesn't

The government must seek a definitive answer on whether Chinese engineers working on KiwiRail's locomotives are covered under New Zealand employment law says Rail and Maritime Transport Union (RMTU) General Secretary Wayne Butson.

“Workplace Relations Minister Michael Woodhouse must do more than seek a general answer. Allegations of exploitation demand more than a shrug of the shoulders and tentative legal advice.”

In 2014 Trevor Mallard revealed allegations of exploitation of Chinese engineers working under warranty on KiwiRail's imported locomotives. A Ministry of Business, Innovation and Employment (MBIE) investigation found the allegations could not be substantiated, but the investigators did not view wage records before coming to their conclusions.

“The Minister and MBIE have conducted a shoddy investigation and have now delivered inadequate legal advice. To say that foreign workers working under warranty are probably not covered by New Zealand employment law is not good enough” says Wayne Butson.

“This means that workers with an employment agreement in a foreign jurisdiction who are under contract to do work in New Zealand can do a local job without basic New Zealand legal protections like the minimum wage.”

“The government then has no powers to sight wages or timesheet records and then order compliance. How is this an acceptable situation” asks Wayne Butson.

“If the government does not move to fully clarify the legal status of foreign workers then the RMTU may have to consider taking a test case.”

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