

# THE ACTIVIST



Published Regularly

14 March 2008

## KEY TRANSCRIPT

Here is the transcript of a John Key (Leader National Party) interview on Radio Dunedin. We believe it is incomprehensible and really calls into question whether the leader of the National Party knows anything about rail. You be the judge!

Radio Dunedin, 7 Mar 2008

Presenter: Labour says it's close to some kind of a deal to buy back the railway from Toll Holdings, and National says if they do, you'll sell it again. Would that not upset the system again, the country would need a solid rail system, we don't appear to have it at the moment, would that not also be part of a climate change policy, that you would need a solid rail system?

Key: "Oh without doubt we need a good operating and effective rail system, we actually have that in the sense Toll, as an operator is a very efficient and effective operator, and I think if you go and ask Toll's customers, who are using rail extensively whether they think Toll is doing a good job, and frankly I think even the government maybe think they are doing a good job, well I would argue Toll have been a very effective operator of the train set. What we don't need as a country, to go and buy the trains, now there's a completely different issue around the tracks, because tracks are a bit like roads, with a general principal, you know, ah but basically when it comes to the operator we don't need to own the trains, the same way we don't own the trucks on the road. What we do need to do is have a good and effective agreement between the tracks company and the operator, and what's happened is this government has failed to try and be able to

negotiate that agreement, so what they have done is said well because they can't operate um ah negotiate an agreement for which there is a difference between the parties, I don't know, \$15 million, that sort of number, we're going to go out there and but a train system, and we're then going to go run it, even though we've got no expertise in running it, including the cook strait ferries, and the last time they did that, you know, people were striking for chocolate biscuits and all sorts of things, so look I don't think

there's any way, in my personal view they'll conclude a deal with Toll Holdings, I think this is all part of a, you know, I think Michael Cullen might want to buy it back but, the reality is they're not going to conclude a deal, um what's got to happen is what we've said, get around the table, negotiate a decent deal,

yes actually getting things on to rail is an excellent idea when it comes to freight and the likes, um and, you know, passengers, I mean all of that makes sense. You don't need to own the trains to do that, that can be done through the pricing mechanisms that you roll out and incentives people face when they travel on those things."

Is this man living in the 70's and 80's or what? The rail ferries have had an excellent industrial record over the last 10 years at least. Considering that the Nat's pride themselves on being the party of big business he just doesn't get it does he. How many times do we have to privatise the rail industry in NZ to know that Privatisation hasn't and doesn't work? The reasons for it are many but at its heart are the fact that transport in NZ is so competitive there is just no way can that business get a decent WAC (weighted average cost of capital) return on their capital investment. Remember Toll have promised new locomotives since the day they arrived. Where are they?



This is for the information and guidance of RMTU members only!

The last time that the railway was state owned and the whole lot was together was when it was called NZ Rail Limited and it was an SOE from 1987 to 1993. During these years it made a very good profit and once it had been released from the debt burden by Government as part of the formation of the SOE. Why should it not be returned to the single entity again? At least that experiment (SOE) worked. Privatisation hasn't!

Other countries have tried franchising and we don't think anyone would call it a success. Look at the UK for an example.

## REMEMBER WORKERS MEMORIAL DAY 28 APRIL

This year's workers' Memorial Day theme is "Good Occupational Health for All Workers". The purpose behind Workers' Memorial Day has always been to "remember the dead: fight for the living" and unions are asked to focus on both areas, by considering memorials to all those killed through work but at the same time ensuring that such tragedies are not repeated.

This can best be done by building trade union organisation, and campaigning for stricter enforcement with higher penalties for breaches of health & safety laws. RMTU members are asked to once again stop work (wherever you are) at midday on the 28 April to remember workers here and internationally who have been killed and seriously injured in work accidents. The RMTU will be joining millions of workers around the world who are also commemorating this day. Some RMTU Branches will be conducting commemorative meetings at the memorials unveiled in previous years. Please advise National Office if you are holding a ceremony in your area. If you wish to invite a National Office speaker then please do so now.

We must continue to remind ourselves that we lose real workmates and working men

and women in these accidents and not let them become simply statistics!

## FROM THE CAB

(A view of a Loco Engineer)

With Toll NZ's safety audit just around the corner it seems to be a good time for me to express some thoughts and concerns. As an LE I am becoming increasingly concerned at the number of main line derailments over the past 12 months. In the Palmerston North area alone, this financial year, there has been five main line derailments. There have also been numerous others around the network. Three of the derailments in the Palmerston North area have been caused by sheared bearing journals. From information I have received I understand the derailment at Huntley a few months ago was also attributable to a sheared bearing. This derailment caused the south lane of state highway 1 to be closed as containers were on the road. Once again good luck rather than good management saw no major mishap to innocent citizens.

It is my understanding that sheared bearing failures are a major issue on the network as there are a number of wheel sets in service with this problem. There is no way of tracking them down. I believe it has only been good luck so far that no Loco Engineer or member of the public has been

injured or killed as these wheels only have to shear off in a town or on or near a level crossing.

I also have a major concern about the condition of the track in our region. There have been a lot of the derailments put down to track condition. Some parts of the track in the Palmerston North area are really only suitable for goods train speed. This is reported and yet nothing is done. It is my opinion that it is time toll implemented some form of testing regime to identify the faulty wheel sets. I understand there is a heat and sound testing device that can be placed to the side of the track to pick up any faulty sets but am lead to believe it is a money



thing that prohibits its installation here. What is a life worth?

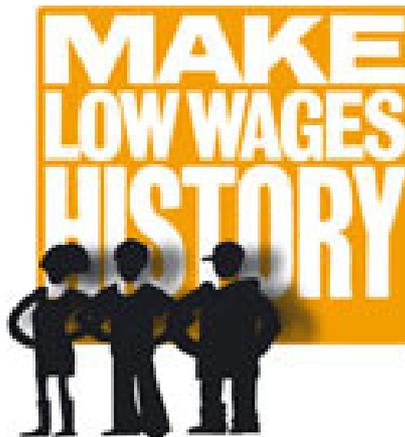
I do wonder if it is time for a full audit of the track and rolling stock by an independent agency. It would be remiss of me as a Loco Engineer, RMTU member and delegate at Palmerston North if I didn't express my concern about the safety of my fellow workmates and the public as I believe if something is not done soon it is only a question of time before someone will be hurt or killed.

## TOLL – VEOLIA MECA

The Union is planning to renew the above Multi Employer Collective agreement this year. No secret ballot of members is required as the replacement MECA will meet the requirements of Section 48 of the ERA 2000. These essentially are;

- The MECA will replace a MECA that is in force
- The same parties are involved
- The scope of coverage clause is the same.

The Union will initiate bargaining with Toll – Veolia 60 days before the expiry date of the current CA (30 June 2008) in accordance with Sec 41(3)(a) ERA 2000. This will occur on 2 May 2008.



bonus system to make it more meaningful and transparent, more family friendly shift pattern arrangements and a protection clause covering any contracting out of work normally performed by port staff.

The bargaining teams have met on a number of occasions working through the claims from both sides in order to gain a full understanding. The Collective Employment Agreement expires on 17 April so watch this space.

## CLAIMS REMIT CALL FOR – TOLL NZ AND VEOLIA TRANSPORT

Branches and members are asked to commence discussion on remits for the forthcoming wage round with the above two companies. The MECA expires 30 June 2008. All remits MUST come through the local RMTU branch. Remits coming direct from members will be rejected and sent back to the local branch secretary. The remit must have a branch stamp on it and have been passed at a properly constituted branch meeting.

We urge members to give serious consideration on remit claims and only claims that members are willing to mount industrial action to achieve should come through.

**Remits for Toll NZ and Veolia Transport will close on 1 May 2008.**

## LYTTELTON PORT BARGAINING UPDATE.

The 2008 wage round talks for Lyttelton Port is in full swing and the parties have met on a number of occasions. Members at the port are seeking an 11% increase in wages and allowances for a twelve month term. The trades' area is also seeking a margin of 20% on top on the general increase in recognition of skills and shortage of skilled staff. Members are claiming an extra weeks (5th) annual leave for those with three or more completed years of service. Among other claims are an increase in superannuation employer subsidy, a sorting out of the performance

## MARITIME UNION WELCOMES RELEASE OF SPY PAPERS FROM 1951 LOCKOUT

The Maritime Union of New Zealand has welcomed the release of secret sis papers on the 1951 waterfront lockout to archives new Zealand.

Maritime union general secretary Trevor Hanson says the 1951 waterfront lockout was the most significant industrial event in living memory in New Zealand. He says the maritime union still counts veterans of the 1951 dispute amongst its retired members.

The maritime union was formed in 2002 from the New Zealand waterfront workers' union and the New Zealand seafarers' union.

Mr. Hanson says the content of the papers would speak for themselves. He says the 151-day dispute was a lockout, not a strike.

"The fact of the matter is that the workers were locked out of their jobs by a national government who wanted to destroy the most progressive and militant group within the new Zealand working class."

Mr. Hanson says the 1951 lockout was looked back on now as a time of shame when basic principles of free speech and freedom of association were overturned by a right-wing government.

"It is no exaggeration to say that the so-called emergency regulations at the time swung close to fascism and a police state." Mr. Hanson says the stress and hardship placed on families during the lockout was extreme.

"It was made illegal for anyone to supply food to the children of a waterfront worker. People's lives were destroyed." He says the large quantity of research and publications on the 1951 dispute had noted the extreme nature of the state's actions against its own citizens.

"The waterfront unionists and rank and file seafarers stood side by side in the dispute, along with thousands of other workers around the country. Many of these maritime workers had recently served in the Second World War against fascism but were turned on in their own country." Mr. Hanson says that the national government's goal of smashing the waterfront union ultimately failed. "the waterfront workers slowly rebuilt their unions, got rid of the scabs who had been brought into replace them, and over time managed to win back good wages and conditions."

He says the main lesson to draw from history was that the national party had never been a friend of working people, and that was something that working people needed to remember in 2008.

## ONTRACK INFRASTRUCTURE UPDATE

This week has seen meetings held throughout NZ at ONTRACK worksites with RMTU officials and delegates accompanied by ONTRACK Managers to distribute an agreed bundle of documents relating to the "Building Our Futures" booklets and to discuss seek a mandate for a joint wages working party.

The meetings have gone very well with members strongly endorsing the commencement of the working party and the delay of the ONTRACK MECA discussions until 1 June so as to coincide better with the ONTRACK core CA expiry of 30 June 2008.

ONTRACK have given a commitment of full backdating of any settlement for Infrastructure members employed under the CA.

## UGL PROPOSE TIME CLOCKS

UGL NZ managers and RMTU National Reps met on 11 February to discuss the feedback received from branches to the UGL proposal to initiate the use of time clocking. The reps passed onto management the very strong view received from delegates around the country that the use of finger scans was unacceptable.

A national tour around depots will be conducted jointly by RMTU and UGL to have face to face dialogue on the proposal. UGL is adamant that the introduction of the time clocks is not associated with any allegation of fraud or timesheet falsification but if you go to the manufacturers' website then this is all that they go on about and is their justification for the introduction of the system.

## WHAT EXACTLY IS NATIONAL'S AGENDA FOR WORK RIGHTS?

"National needs to start spelling out exactly what it would do with worker rights, after mixed messages from the party on the matter," CTU president Helen Kelly said, following National Party industrial relations spokesperson Kate Wilkinson's speech to a business audience in Auckland this morning.

"Industrial relations have been a traditional point of difference between the main parties. While it may be reassuring to hear from the National spokesperson that they would do nothing that would cut working conditions, this is at odds with public statements on the party's website, and how they have voted in Parliament."

"The one area that Kate Wilkinson was clear on today was that National is still promoting a law change that would expose 700,000 working New Zealanders to unfair sacking and discrimination every year, after their 90-Days-no-rights bill was resoundingly beaten in Parliament in 2006. This is a cut in conditions, and another contradiction."

"And given National has opposed every decent piece of employment policy over the last nine years, including four weeks annual leave, paid parental leave and time and a half for statutory holiday work, it's important if things have changes that they let people know how."

"What are they afraid of? It's time to start seeing some policy on what working conditions they would cut, not just words," Helen Kelly said.

## **MFE MUST RELEASE DATA AND STOP DOWNPLAYING DAIRY POLLUTION**

The Greens are calling for the Government to stop downplaying the extent of breaches of resource consents in the dairy industry and for the Ministry for the Environment to release the Clean Streams data that they have apparently misinterpreted.

This follows Forest and Bird's revelation that breaches of resource consents were 44% higher than stated in the Clean Streams Accord progress report last week. The Clean Streams Accord is an agreement between Fonterra, local and central government to reduce the environmental impact of Fonterra's dairy farms.

"There is a pattern of downplaying the extent that some farms are breaching their

resource consents and polluting our rivers and streams. This has now occurred in the Clean Streams progress report and the State of the Environment report.

"We need Ministry for the Environment to release their data sets so we can check how they came to their lower figure for breaches of resource consents.

"My own investigations into conditions in the northern Wairarapa last week suggest that there are a significant minority of dairy and other farmers who are not keeping cattle out of rivers and streams (see video here).

"The downplaying of the problem has a long tradition. It also occurred in October last year when Environment Canterbury released a report on its monitoring of resource consent compliance. It found:

- 110 Canterbury dairy farms (17.7%) required re-inspection visits due to incidents of significant or major non-compliance.
- 173 (28%) farms had problems with effluent discharge, which has a potential for adverse environmental effects such as contamination of surface or groundwater. Of these, 74 (12%) cases were considered significant to major.

"At the time the Minister of Agriculture spun these figures to argue that 90% of consent conditions were complied with and a further 8% were only minor non-compliance.

"We agree that the 'good guys' need praise for improving their act, but that doesn't mean we can lay off the 'bad guys' and continue to allow our waterways to further degrade - after all it only takes one polluter to mess up a river regardless if the others in that catchment are doing the right thing."

## **SAFEGUARD UPDATE - "FINES REACHING NEW HEIGHTS"**

Two recent HSE Act decisions suggest the courts are beginning to take a harder line when imposing fines under the HSE Act.



Last month Talleys Frozen Foods received what Update believes to be both the largest fine, and the largest penalty, ever imposed under the HSE Act for a non-fatal incident. And in October last year a company overseeing a construction project which had a number of serious safety breaches received one of the largest fines ever imposed for an HSE Act offence that did not involve injury.

In the Talleys case 11 factory workers were hospitalised with carbon monoxide poisoning after an LPG-powered forklift was used inside the factory. Judge Michael Behrens convicted the company under s6, fined \$110,000 and ordered it to pay \$3000 in reparations to each of the workers- a total penalty of \$143,000 (Blenheim DC, February 28).

Previous cases involving carbon monoxide exposure from forklift use have resulted in much lower penalties, although the fact that one such prosecution involved a sister company of Talleys Frozen Foods, Talleys Fisheries Ltd, may be a factor in the latest penalty. In 2003 Talleys was fined \$15,000 and ordered to pay reparations of \$1,500 to three affected workers, while last year a case involving a supermarket owner Melody Holdings (NP) Ltd resulted in a \$25,000 fine and reparations of \$1000 to each of four workers.

Analysis of Department of Labour prosecution summaries shows that in 2007 the average fine for cases involving death or some degree of injury was \$12,400, while the average reparations payment was \$13,500. In the period from June to December 2007, however, the figures for both types penalty averaged out within a few dollars of one another, at around \$16,700.

Similar comparisons done in 2003 found a much greater discrepancy between the two types of penalty, with the average reparations order- around \$5,600- exceeding the average fine by more than \$2,600.

In 2006 calendar year there were 33 HSE Act cases where the sum awarded in reparations was larger than the fine and 20 where the fine exceeded the reparations payment. Last year, however, these figured balanced out, with 29 cases in each category.

## DO YOU ENJOY MICROWAVE POPCORN?

The medical professions has long been aware that a chemical used to flavour microwave popcorn is associated with a respiratory condition known as popcorn lung, but it was thought that only workers in the factories that made the product were at risk of contracting the disease.

That was until Wayne Watson, a popcorn junkie from Denver, was diagnosed with the rare lung condition bronchiolitis obliterans, which is linked to the chemical diacetyl, and ingredient in the artificial butter flavour used in microwave popcorn.

When Watson reported coughs, shortness of breath and diminished lung capacity, a pulmonary specialist at Denver's National Jewish Medical Centre diagnosed the condition after exhaustive tests- and Watson's admission that he had eaten two to three bags of microwave popcorn everyday for the past decade.

Biopsies showed bronchial tubes that were blocked or obliterated, just as in workers with bronchiolitis obliterans, while the air tests were conducted in his kitchen found diacetyl levels similar to those popcorn factory workers were exposed to.

Watson is now suing the supermarkets where he had bought his daily fix. The lawsuit, which seeks unspecified damages, states that the companies failed to warn that preparing microwave popcorn and inhaling the buttery aroma could expose the consumer to the risk of injury.

Meanwhile, the USA's four biggest makers of microwave popcorn plans to remove the chemical from nearly all of their products.





## FREE IRAN UNIONISTS NOW!

On 6 March unionists from MUNZ, Unite, and NDU joined the RMTU in a rally which was held outside the Iranian Embassy in Wellington. The rally was to show support and solidarity with our ITF brothers and sisters protesting the imprisonment of union activists Mansour Osanloo and Mahmoud Salehi in Iran.

The rally was in conjunction with a worldwide action day from Unions who voiced their opposition to their continued imprisonment. The two Iranian trade union leaders, respectively representing Tehran bus workers and bakery workers, have been in prison for several months. The rallies and actions were backed by the trade union movement and Amnesty International.

Actions included: protests outside the Iranian embassy and the Houses of Parliament in London, UK, and the delivery of letters of protest to the Iranian embassy in Tokyo and the Japanese Ministry of Foreign Affairs as well as a solidarity rally in the Japanese capital and the distribution of some 45,000 leaflets at 35 locations across the country.

A big thank you is extended to all who attended the Wellington event.

**Free Osanloo and Salehi now!**

## MORE CAN BE DONE TO LIFT LABOUR PRODUCTIVITY

Productivity statistics out today show that lifting labour productivity in periods of relatively low unemployment remains a challenge, the Council of Trade Unions said.

The figures show that labour productivity rose by 1.1% on average each year in the 2000 to 2007 period. This compares with 2.9% in the 1985-90 periods, when labour inputs fell and there were large scale redundancies and rising unemployment.



**There's work to be done, together.**

Peter Conway, CTU Economist, said that while 1.1% is not a bad result, if we can lift the level of capital investment, focus on upskilling the workforce, and foster best practice at a workplace level, then labour productivity can rise.

"The CTU has been working with Business NZ and the Government to raise awareness about the importance of productivity develop appropriate tools for productivity improvements and support pilot projects."

"Lifting the skill levels of the workforce, including new entrants, applying the best technology, and building decent workplaces is where the focus needs to be. This includes the need for improved levels of literacy and

numeracy."

Peter Conway said that unions recognise that creating a high wage economy will require not only good collective bargaining arrangements, but sustainable lifts in productivity.

## EASTER TRADE IN PARLIAMENT

*SUE BRADFORD (Green) to the Minister of Labour: **How many times has the Department of Labour prosecuted Bunning's for opening on Easter Sunday, and what has been the total amount of fines sought over the last 5 years across all stores in New Zealand?***

*Hon TREVOR MALLARD (Minister of Labour): Twenty-six. I do not have the exact detail of fines sought-[Interruption] There is something unusual happening here, Madam Speaker.*

*Madam SPEAKER: Yes-please be seated. Would those members who are standing up and moving around the Chamber either sit down or leave the Chamber immediately. We are still on question No. 12.*

*Hon TREVOR MALLARD: The number of times is 26. I do not have advice as to the exact amount sought, but the total possible fines were \$26,000. It is not too hard to work it out.*

*Sue Bradford: Is the Minister concerned that the very recent change of heart from Bunning's towards trading on Easter Sunday has followed a letter from Bunning's workers to the Australian Government requesting enforcement of the OECD guidelines on multinational enterprises, rather than as a result of the enforcement work by the Department of Labour?*

*Hon TREVOR MALLARD: I am concerned that any company or any individual breaks the law. Whether it is a big company, a small company, a local company, a foreign company, a company that has had a letter, or a company that has not, the company should obey the law.*

*Hon Dr Nick Smith: What about assault?*

*Hon TREVOR MALLARD: Just go hit someone else, Nick.*

*Sue Bradford: What will the Minister be doing to ensure that New Zealand - owned companies that have indicated they may well open on this coming Easter Sunday - such as Pak 'N Save in Gisborne - will similarly follow New Zealand law rather than just opening their doors for business and collecting fines over and over again, as Bunning's used to do?*

*Hon TREVOR MALLARD: I think the member has highlighted a problem with Easter trading laws and penalties. It is clear to anyone who has looked at this issue that the law is not working well. If there is a continuation of a ban on trading on Easter Sunday - and that is the preference of some people as heard under recent consultations - then I do not think there is much doubt that there should be proper penalties.*

*Gordon Copeland: What response has the Minister received from unions and churches to his November 2007 discussion document, Easter Trading and Holidays Legislation, and can he confirm that public opinion increasingly supports the view that Easter Sunday should remain set apart for rest, family, worship, and recreation rather than for work?*

*Hon TREVOR MALLARD: A lot of submissions were made from churches and unions on the discussion document and*

*they tended to be opposed either to the current law or, certainly, to any liberalisation. I think it is fair to say that there were a lot of representations the other way. A lot of people think we have got to the point - as shown by the example of Bunning's or Pak 'N Save - where the law has been made very much a farce of and that we should give up pretending to enforce it. I think if any group of members have a discussion amongst themselves, they would probably find that from any four members there would be four different opinions.*



**The RMTU wonders why is it so important for people to be able to buy flowers and plants on Easter Sunday. Why is it such a tragedy for workers to have a day off and the shops to be closed?**

**We support the right of retail workers to have the day to spend time with their families, think of Christianity if they wish or just have some work life balance!**

## **OVERLANDER RAIL SERVICE WELL AND TRULY BACK ON TRACK**

New Zealanders who said they would support the Overlander rail service between Auckland and Wellington if it continued have stayed true to their word. Between July 07 to January 08 more than 26,000 passengers have travelled on the scenic train journey between the two cities. In fact for the 12 months ending December 07 each service carried an increase of 20% over the previous year which shows how much support there has been for the Overlander.

Toll's Sue Foley says "The service goes to its winter timetable of 3 days a week from May 4 and there will be repeats of the hugely successful "Steam Saturday" this winter with the Overlander being pulled by a steam locomotive between Fielding and Taihape. Taihape's new turntable has now made this possible. "The gumboot capital has got right behind this and already Taihape has entertainment in place for the steam trippers who take the journey

## STRIKE AT \$5.5B CHEMICAL GIANT

Engineering, Printing and Manufacturing Union members at chemical manufacturer Ecolab's Hamilton plant have begun strike action after the company refused to accept their claim to join the Metals industry agreement – one of the country's largest multi employer collective agreements (MECA). The Metals agreement covers more than a hundred manufacturing general manufacturing workplaces. The strike involves 12 chemical workers and is the first of its kind in the New Zealand operations of the US-based multinational.

"Everyone agrees New Zealand's wages and conditions need to rise and the reality is this requires industry bargaining, especially when companies like Ecolab are so obstructive."



The striking EPMU members stand to gain industry standards like an extra week's leave if they can bring Ecolab into the MECA.

## MINIMUM WAGE INCREASE

The minimum wage rate is increasing on April 1 2008. The new adult rate will be \$12.00 per hour before tax.

The minimum youth rate is being replaced with a minimum 'New Entrant' rate for 16 and 17 year olds. Youth who are supervising other workers are entitled to no less than the adult minimum rate from the outset. Otherwise, youth can enter the workforce at \$9.60 per hour until they have worked 200 hours, or been in work for 3 months (whichever comes first). After the time threshold has been reached, all youth are entitled to be paid no less than the adult rate.

Employees engaged in industry training programmes of at least 60 credits per year can be paid a minimum of \$9.60 an hour before tax.

For more information, please see the Department of Labour website: [www.dol.govt.nz/new-entrants](http://www.dol.govt.nz/new-entrants)

## BITS AND BOB'S

- This Saturday the 15th is "Creekefest" a pacific festival held in Porirua at Cannons Creek Park, Wellington. NZCTU Komiti Pasefika (KP) will be one of many to hold stalls at the festival. The KP stall will run competitions and giveaways on the day so if you live in the Wellington area bring the family down to what will be a great day for the family to enjoy pacific island food, culture, and entertainment. The festival starts from 9.30am and will run to 4.30pm.
- Port Taranaki bargaining for the renewal of the CA next week in the port 19 and 20 March.
- Port Chalmers bargaining for the renewal of the CA 17, 18 and 19 March next week.
- Port of Napier CA settlement agreement and the new CA still being finalised so that the deal can go before members for ratification.
- Final round of ONTRACK Infrastructure meetings occurring next week prior to the Wages Working Party commencing its work if members grant mandate.
- Transport Worker magazine on the Union website and should also be available in hard copy in branches.

**LET'S BE SAFE AND LOOK AFTER ONE ANOTHER!**