

# THE ACTIVIST



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## TOLL TRANZ LINK SITUATION UPDATE

Talks between Toll Tranz Link and the RMTU regarding the separation of Toll Tranz link from Toll NZ Consolidated to a new entity called Toll Networks NZ Limited have reached an impasse. The talks are necessary as members will have to transfer their employment from Toll NZ Consolidated Ltd to Toll Networks NZ Ltd on 1 July 2008 as this is the date on which the crown purchase of the rail business is to occur. Toll Tranz Link has not been purchased by the crown as part of the renationalization of rail.

The preference of Toll's is to have Toll Networks (Toll Tranz Link) RMTU members removed from the multi employer collective agreement (MECA) on their current terms and conditions (to meet the same or more favourable test) to a single employer collective agreement (SECA) with Toll Networks and the RMTU being the parties to the agreement.

The stumbling block to the negotiations has been;

- The term and percentage increases of a SECA, versus;
- The perceived benefits of being in the MECA

Toll Tranz Link has written to all RMTU members employed within Toll Tranz Link two letters. The first is a letter of termination of employment with Toll Tranz Link. The second letter is an offer of employment with Toll Networks Limited on the "same or more favourable" terms and

conditions of employment. The basis of this offer is as an Individual Employment Agreement as there is no negotiated Collective Agreement with the RMTU for Toll Networks to offer members.

Our strong advice to members is for them to NOT SIGN THE OFFER LETTER!!!!

The General Secretary Wayne Butson wrote to the Company on 4 June (letter printed below) pointing out the deficiencies in the company's offer letter. They are plain for all to see.

"Dear Mario

### **YOUR EMAIL TO BRIAN CRONIN DATED 30 MAY AND THE ATTACHED TWO LETTERS**

*Brian Cronin has forwarded on to me your email to him dated 30 May 2008, together with the attached two letters. According to your email, those letters were to be sent to employees within Tranzlink who are covered by the current MECA. I understand those letters have now been distributed at some of the Tranzlink depots.*

*We have read the two letters carefully, and I have to say that they are very ambiguous. For example, the offer of employment letter written on behalf of Toll Networks Ltd does not refer anywhere to the employee being employed by Toll Networks under the current MECA.*

*This lack of clarity is all the more perplexing, given the following:*

*In various discussions I have had, it has been conveyed to me that the intention of Toll Networks is to offer the staff employment under the MECA, and that the letters were to reflect this.*



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

Brian has advised me that after the end of the meeting between the RMTU representatives and Toll Tranzlink representatives last Friday, you telephoned Brian to confirm that given the breakdown of those talks, the staff in question would continue to be employed under the MECA and that you "would see Brian in Rotorua" where the MECA bargaining is to take place;

We have been advised that Christina Desbonnets (who was also present at the meeting last Friday) has since confirmed in an email sent to various branch managers that "consultation with the RMTU about entering into a single employer collective agreement (SECA)" was to "no avail", and that "our employees will continue to be covered by the MECA".

So that there is no confusion, and in order for the RMTU to explain to its members the content of the letter of offer, please confirm urgently in writing, and in any event by no later than 4pm Friday 6 June 2008, that the offer that has been made by Toll Networks Ltd to employ Union members "on the same terms and conditions governing your employment as at the date of this offer", means that:

- If the offer of employment is accepted by the RMTU member, their employment with Toll Networks will be under the current Toll/Connex/RMTU MECA;
- That Toll Networks Ltd will therefore be an employer party to the current Toll/Connex/RMTU MECA;
- That Toll Networks will participate in good faith in the upcoming MECA collective bargaining in Rotorua.

The questions we have asked are fundamental to the ability of the RMTU to properly inform and advise its members in what is a very difficult and uncertain time for them. The answers to these questions will also be important in terms of our assessment of the content of the letters.

I look forward to receiving your urgent confirmation as requested above."

Mario Di Leva wrote back on behalf of the Company on 6 June, letter printed below.

"Dear Wayne

On behalf of Toll Networks (NZ) Limited and Tranzlink, I write in response to your letter of 4 June 2008.

I confirm the letters you attached to your letter of 4 June, have been sent to the employees who are RMTU members, offering them employment with Toll Networks on the same terms and conditions of employment as they are on, as at the date of offer.

Toll Networks is simply saying it is prepared to offer employees who are RMTU members, the same employment on the same collective terms - but the form of the agreement recording those terms, be it MECA or SECA is still a point of discussion between us all. Toll Networks has not committed to offering the employees employment under a MECA.

If Toll Networks and the RMTU are unable to reach an agreement as to the form of collective agreement they should enter into on 1 July 2008 for RMTU members, then I understand Toll Networks may find it has to employ the RMTU members on individual employment agreements based on their collective agreement terms, as applicable. However the offer is that Toll Networks is willing to employ them on the same terms and as you know, our preference is that those terms be in a SECA between the new company, (Toll Networks) and RMTU.

I confirm that Toll Tranzlink will be participating in collective bargaining in good faith in Rotorua as part of Toll NZ Consolidated which is party to the MECA. Toll Tranzlink are currently preparing claims, but Tranzlink will not be ready to exchange those claims with the wider Toll NZ Consolidated business. We anticipate that we will be in a position to exchange these with the RMTU in Rotorua.

The claims will cover:

1. Seeking changes to the coverage clause
2. Seeking changes to overtime

Tranz link would be willing to conduct side discussions with the union, outside the initiated bargaining, as to whether the RMTU will agree in principle to the new company, Toll Networks (NZ) Ltd, entering as at 1st July 2008 a SECA with it. It is proposed that



this SECA include grandfathering clauses from the collective that are not specific to the Toll Networks business.

Finally, to address paragraph 4 of your letter:

1. Toll Networks' offer of employment to RMTU members in Tranzlink is not on the basis that the employees would be employed under the Toll/Connex/RMTU MECA. Toll Networks is not a party to that agreement, nor a party to the bargaining for that MECA's renewal.

2. Toll Networks is not prepared to be an employer party to the current Toll/Connex/RMTU MECA. It has not been joined to this bargaining. In discussions, outside of bargaining, we have explained how the new company's preference will be for a SECA and to not be part of a MECA with rail companies, when it will be a company involved in freight forwarding.

3. Toll Networks will not be participating in the upcoming MECA collective bargaining in Rotorua.

We trust that this clarifies what will be the new company's position and what will be Tranz link's position."

The Union will be discussing the separation of Toll Tranz Link as part of the Toll-Veolia bargaining which is being held this week.

**Meanwhile all Tranz Link RMTU members are urged to trust in the Union and to not sign the offer letter they received from Toll's. The RMTU is very experienced in sale and transfer of members after being involved in the many sale's and transfers that occurred within rail during the late 90's and early 2000's.**

## UNITED GROUP BALLOT

Wage round team representatives conducted a round of nationwide report back meetings in May. At the conclusion of

the report back a vote was taken at all meetings to gauge support for the conducting of a ballot of members which authorises the negotiation team to initiate industrial action. The report back meeting voting was overwhelmingly in favour of a ballot being conducted. Ballot papers have been despatched from the Union's National Office on 10 June 2008 and should appear in UGL members (who are covered by the Collective Agreement) shortly thereafter. **Make sure you send your ballot paper back as soon as you are able. We will only count the returned ballot papers.**

## PORTS FORUM

Closer co-operation and communication among RMTU port branches in future bargaining rounds was discussed at this year's Ports Forum. Delegates agreed to ask the union to assist with some national guidelines to help keep Collective Agreements negotiations on track.

The Forum, held on 4th and 5th June, featured some lively panel discussions on the China Free Trade Agreement and on methyl bromide fumigation. Transport Safety Minister Harry Duynhoven explained the Sea Change transport policy, trustees of the Harbour Superannuation Fund explained changes to the fund and its recent performance and Lynn Irving of Maritime New Zealand outlined recent work by the Operations

Afloat committee to make the waterfront safer.

## ONTRACK WAGEROUND 2008

The Union served notice of Initiation of bargaining on both of the ONTRACK entity's on 3 June 2008. The initiation notice is on the basis of the parties forming a Multi Party Collective Agreement (MECA) by joining the current two single employer collective agreements (SECA).



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

We are hopeful that ONTRACK will agree to begin the negotiations next week (week commencing 16 June 2008).

To allow the wage talks to progress the Wages Working Party will be placed on hold and we have a joint commitment to reconvene after the MECA is ratified post a deal being agreed.

## NATIONAL - PLEASE EXPLAIN RE: ACC

The Council of Trade Unions is asking the National Party to please explain its stance on ACC. Pansy Wong was quoted last Friday as saying "we're committed to choice in accident compensation". The same report in the National Business Review said that Bill English has made similar comments.

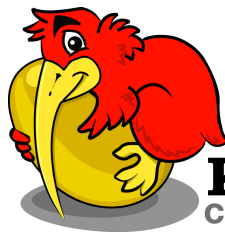
Richard Wagstaff, CTU Vice-President said today that "when National last promoted so-called choice in accident compensation cover it was a disaster. One of the providers, a subsidiary of HIH Insurance, had up to 40 percent of workplace cover, yet HIH went into liquidation with losses of around \$1 billion. Fortunately, the Government had by then changed ACC back to public provision".

PriceWaterHouseCoopers recently released a report on the ACC scheme and said that they had formed 'a moderately strong view that a government monopoly is the best observable mechanism for implementing the ACC employers account'.

Richard Wagstaff said that it is not clear what the National Party means by choice. Do they mean the same policy as in 1998? Which accounts do they want to open up for private insurance companies?

He said "workers really value the reliability of the current ACC scheme.

They deserve answers from the National Party on what their intentions are".



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## GREENS CHALLENGE GOVT: DROP CRIPPLING ROAD POLICY

The Government urgently needs to shift funding from new motorways into better public transport, says Green Party Co-Leader Jeanette Fitzsimons.

"With the recent record increase in the price of oil, the Green Party's Public Transport Funding Bill is desperately needed to fund practical solutions to massive petrol price increases and the Government's crippling roading policy," Ms Fitzsimons says.

"I challenge the Government to pick our Bill up and get it to select committee before the election so we can make practical and much-needed progress.

"The Government must acknowledge that its motorways-at-any-cost mentality is forcing people into a mode of travel that they simply cannot afford.

"My private members bill says that two thirds of the National Land

Transport Fund should go to public transport, walking and cycling, rail, coastal shipping and travel demand management.

"This will help people and companies take up sustainable and affordable alternatives to private vehicle use and will decrease pressure on the roads."

April 2008 saw public transport patronage surge by 28 percent in Auckland compared to the same month last year, with ridership on the Northern Busway up 131 percent.

"If we provide alternatives, people will use them and the bill for road maintenance and new motorways will be less. Transport related CO2 emissions will also go down.

"The Government's approach to transport is inconsistent, and counter-productive. On one hand, they say high petrol prices are causing a reduction in private vehicle use, but on the other hand, they are about to spend \$2 billion on a short motorway tunnel in Auckland, and \$1 billion on a new motorway in Wellington.



"Neither of these will be needed in an oil-scarce world, but better public transport and rail will.

"The demand is there, but by funding these extraordinary motorway projects at the expense of reliable, comfortable, and cheap public transport, people will continue to feel they have no real option to driving, and in many cases, they will be right."

## GREEN VICTORY OVER MAF FOR CLEAN RIVERS

The Greens are claiming a significant victory in its campaign to clean up rivers and lakes after MAF was forced by the Greens to drop its opposition to a plan by Horizons Regional Council to make their rivers safe for swimming.

"This is significant victory for those campaigning to clean up our rivers and lakes," says Dr. Russel Norman, Green Co-leader.

"MAF had previously come alongside Federated Farmers' campaign to break Horizons for daring to suggest that all natural water bodies should be safe for swimming.

"We exposed MAF's dirty tactics back in early April and today the Minister of Agriculture, Jim Anderton, has responded to my OIA request by admitting that MAF has now withdrawn its own submission opposing the swimming standard."

In early April, the Greens revealed that MAF had made a written submission on Horizons' draft One Plan opposing the draft standard that all natural water bodies should be safe for swimming. Instead MAF wanted the standard to only apply to water bodies that were already safe for swimming and where there was no conflict with existing land use – ie if intensive agriculture polluted the river then it's too bad for kids who might want to swim there.

"Mr. Anderton in his letter admits that MAF has withdrawn their submission because of perceptions that their submission 'has been misinterpreted to read that MAF does not support the goal of improving water quality for the region and nationally'. Of course

there was no misinterpretation, MAF's submission was very straightforward and it was pressure from the Greens and others that has forced them to withdraw their submission.

"It's time MAF started working for the people of New Zealand instead of working for agribusiness and its lobby groups. People want their rivers to be safe and clean so their kids can swim in them and we expect MAF to be working hard to achieve that goal as soon as possible."

## TOLL-VEOLIA WAGEROUND

The parties have now met on two occasions, 23 May and 6 June. A bargaining process agreement (BPA) has been agreed and signed. The parties met in Wellington on 6 June 2008 to exchange respective claims. At this meeting both employers asked the

RMTU team to keep the company claims confidential in the context of bargaining. This has been agreed to as it is unnecessary to cause anguish to members on matters which may not actually eventuate as the claims may be withdrawn during bargaining. The Union's finalized claims will be circulated to branches.

The Toll-Veolia 2008 wage round RMTU bargaining "core" team is made up of;

- Wayne Butson (Advocate)
- Scott Wilson
- Todd Valster
- Jim Kelly (Toll Engineering)
- Wally Wallbutton (Toll Rail Operations)
- Doug Blakie (Toll Rail Operations)
- Dean Ngatai (Toll Rail Operations)
- Alan McCarthy (Tranz Scenic)
- Duncan Browne (Tranz Scenic)
- Tania Haraki (Interislander)
- Garesh Sukha (CT Site)
- Hayden Smith (Tranz Metro)
- Paul Riddell (TAMM)



- Jack Hingaia, Graham Lewis, Andrew Te Rangi, Kingi Te Reu and Dean Ranguaia (Tranz Link)

Other participants may be added when sectoral specific issues are discussed as needed.

The parties are meeting 11, 12 and 13 June in Rotorua to commence the discussion and negotiation of the wage round. Joint notices will be agreed at the completion of each session of bargaining for the information of members.

### **BITS AND BOB'S**

- RMTU Organiser Todd Valster was seen recently riding in a Police Car in the central North Island. Thinking that Todd had been arrested whilst undertaking righteous Union work we immediately swung into action to mount a defence. However, close examination revealed that actually the Policeman was being very kind and had given Todd a ride as he had run out of gas in his Ford Falcon rental car. Well done to the NZ Police!

### **LET'S BE SAFE OUT THERE AND REMEMBER**

**“WERE STRONGER TOGETHER”!**

