

THE ACTIVIST



Published Regularly

3 August

2007

KEY UNION OFFICIAL AND VALUED WORKER PERMANENTLY REINSTATED AT UGR

On 20 December 2006 Kasia ("Sia") Kurene was summarily dismissed by United Group Rail (the Hutt workshops) for allegedly failing to carry out an instruction. Sia, the Union and all of Sia's work team have always adamantly maintained that Sia was carrying out the instruction and was trying to do so in a healthy and safe way. The Union felt so strongly about Sia's case that it immediately instructed our lawyers to seek an interim injunction, which was successful in reinstating Sia back to her job on an interim basis from February of this year.

The main case was heard by the Employment Relations Authority last week, and three quarters of the way through the main hearing UGR told the Authority and us that it conceded that the dismissal was unjustified and that it could no longer oppose permanent reinstatement. The effect of this is that Sia is now permanently reinstated back in her job, and the Authority will now be making a decision on the other remedies (the 3 C's - Compensation, Costs and Contempt). We will provide a further update on this when that decision is released.

This case provides a number of salutary lessons. First, the importance of health and safety can never be understated and we commend all workers in making sure that health and safety is taken seriously. Secondly, Sia Kurene is a courageous and dedicated woman worker and union official, and it is a source of great joy that she has now been permanently reinstated. The Union and Sia wish to thank all who

provided such tremendous support through an extremely difficult time.



RMTU NATIONAL PRESIDENT

In accordance with Rule 24 of the Rules & Standing Orders of the Rail & Maritime Transport Union nominations were called for the position of National President.

At the close of nominations there was one candidate, **Mr Jim Kelly**, therefore he is declared elected unopposed.

The term of office is for 2 years (Rule 24.2) and the duties are as contained in Rule 27 of the Union's Rules & Standing Orders.

Congratulations Jim can't keep a good man down!



CALL FOR NOMINATIONS - RMTU NATIONAL MANAGEMENT COMMITTEE

In accordance with Rule 24.6 of the Rules & Standing Orders of the Rail & Maritime Transport Union nominations are called for the position of:

- **North Island Ports** (A member of a NI Port Branch)
- **South Island Ports** (A member of a SI Port Branch)
- **North Island Rail** (A member employed by Toll NZ Consolidated Ltd - e.g. Toll Rail, Toll Tranz Link incl Wellington Tranz

Please Post On Noticeboards

Metro, Tranz Scenic or Hillside workshops)

- **South Island Rail** (A member employed by Toll NZ Consolidated Ltd as above)
- **North Island General** (A member not employed within the North Island of NZ and by Toll NZ Consolidated Ltd nor a port branch member and IS employed by United Group Rail, ONTRACK, Veolia, Stagecoach, Cityline, Taieri Gorge Rail, SCS and Halls etc)
- **South Island General** (As above in NI General but is employed within the South Island of NZ)

The term of the office is for 2 years (Rule 24.2) and the duties are as contained in Rules 17-19 of the Union's Rules & Standing Orders.

Nominations for NMC positions must be for current financial members of the Union who work within the area for which they are being nominated (e.g. for North Island Ports the Nominee and the Mover/Secunder must all be employed by an employer within the ports sector and a member of a port branch of the Union).

The Union encourages the participation of women and other minority groups within the Union and members are asked to consider this when nominating a member for the role.

Each nomination must be moved and seconded by a current financial member of the Union. The nominee must indicate his/her acceptance of the nomination on the prescribed nomination form and be received at the Union's National Office no later than **8.30am on Monday 3 September 2007.**

Nomination forms are available from Julia at the Unions National Office Ph. 04-499-2066 and from your branch secretary.

In the event that more than one candidate stands for election then a postal ballot will be conducted to identify members preferred candidate.

VICTORY FOR LOW PAID WORKERS OVER AGGRESSIVE



3/08/07



HEALTH CONTRACTOR

"Spotless Services should never have dragged the chain over government funding that was not theirs to hold out on, and this was a completely unnecessary lockout," CTU president Ross Wilson said on Tuesday.

Following an Employment Court ruling that Spotless' lockout of 800 workers was illegal, the company reached agreement with the Service and Food Workers Union on a wage settlement to bring them to the same level already agreed to by DHBs and three other contract companies. The two will continue negotiations over other matters in the collective agreement in the next two weeks.

Public funding to lift the workers' wages had been provided by government.

"It was unconscionable for the company to try and hold out on the hospital workers getting their pay increase," Ross Wilson said.

"These workers stood strong collectively in their union and wouldn't let the company starve them back to work. Good on them," he said.

SFWU are seeking a court ruling to get the workers' wages back for the period they were locked out.

WORKING PARTY AGREES NEW STANDARDS FOR EWR WAGONS

Following the tragic death of Sean Smith an RMTU working party met Ontrack representatives on the 30th July to discuss how to make the use of EWR wagons safer. A number of issues were discussed and agreed, they form the basis a bulletin that has been distributed to all depots. The improvements include:

- An improved "Form 5" than ensures positive consideration of the need for protection. Forms that do not have the required tick box marked will not be processed.
- A significant "new hazard" has been added to the job plan for people working

Published Regularly

in unfamiliar areas or work locations. An additional new question in addition to "ask yourself, protection obtained?" will be included to read "protection obtained? (Including adjacent lines?)"

- A procedure is being developed to ensure an assembly point is designated for each EWR wagon that will provide a safe refuge in emergencies.
- The use of Radio communications between the safety observer and the crane operators is being examined. Ontrack has undertaken to have a working plan completed prior to the end of the week (3rd August) on this issue.

It has further been agreed that a joint RMTU/ Ontrack roadshow be arranged to jointly discuss with Ontrack members the critical importance of safe working.

YOUTH RATES BILL DEBATED

Parliament debated and passed the second reading of Sue Bradford's [Minimum Wage \(Abolition of Age Discrimination\) Amendment Bill](#) on Wednesday night. It will come up for committee stages in the House in coming weeks.

Earlier in the day the CTU called on politicians to keep an open mind on strengthening the youth minimum wage for 16 and 17 year olds as the Bill progressed through the House.

"Young workers face discrimination in the workplace, purely because of their age, and there is broad public support for the abolition of youth rates," CTU secretary Carol Beaumont said.

"The select committee recommendation creating a new entrant provision of 200 hours work before a 16 or 17 year old reaches the full minimum wage has problems of principle and practicability."

"Unions will continue our campaign to show public support for the removal of youth rates, including through [the](#)

[rally and concert in Auckland next month](#), and industrially to remove youth rates in employment agreements through collective bargaining with employers."

"The Government has a proud record over the past 8 years in lifting the minimum wage and partially removing youth wage discrimination," Carol Beaumont said. "It is now time to again demonstrate strong leadership on an important matter of principle and abolish this discrimination in our law completely."

UGR NATIONAL CONSULTATIVE MEETING UPDATE

On 20 July, UGR Senior Management and RMTU Representatives met in Wellington for the National quarterly consultative meeting. UGR Management in attendance - Don Parker (GM), Dave Goddard (Wagons), Peter Matthews (Locos), Brendan Woodnutt (H&S), Jenny Kuttel (HR), and Mike Smith (Hutt).

RMTU representatives were Phil Bosworth (Central), Rudi Brens (Westfield), Tim Spence (Southern) and Henry Fagaiava (National Office). Kevin Webber (BOP) was absent due to personal circumstances and our sympathies go to him and his family at this time. Some outcomes / points of interest that were raised at the meeting were;

- RMTU "Good Faith" notification to UGR that we intend to ballot our members for a MECA agreement with Toll/Veolia before the expiry of the current Collective Agreement.
- A working party to be set up to review the current H&S participation agreement regarding H&S reps.
- The recent IMP training undertaken nationally by Brendan Woodnutt will be extended to Hutt shops in August.
- UGR confirmed and will send official confirmation to RMTU National Office that Toll is no longer taking back the servicing



at Mt Maunganui and Palmerston North depots.

- Traction Motor testing equipment has been approved by Toll to be purchased for Hutt shops. (Currently being made)
- Project MOSCI has been canned!
- UGR will conduct road shows on Kiwi saver nationally for staff/ members.
- Wgtn depot sanding facility & loco stand options are up for Toll's approval. This is to change the current process being used and to eliminate hazards that the RMTU identified with UGR!
- UGR agreement to brand uniforms with UGR logo. (We still have our members wearing Alstom & Tranz Rail (and NZR) branding!
- Team leader training is to commence at Hutt shops on 7 August. Christchurch and Tauranga to follow with UGR to confirm dates.
- UGR advise that Loco Maintainers courses WILL be rolled out in September / October in terms of the block courses.
- UGR to focus on van/work truck replacement.



NZ HARBOURS SUPERANNUATION PLAN

- KIWISAVER OPTION

Over the last few months the Trustees of the New Zealand Harbours Superannuation Plan have been discussing adding a KiwiSaver section to the Plan. At the last Trustees' Meeting held on 24 May 2007 it was agreed that this would occur and the Trustees signed:

- a revised Trust Deed, adding a KiwiSaver Scheme to the existing Superannuation Scheme; and
- a KiwiSaver Scheme Provider Agreement, to allow the Administration

Manager to manage the Inland Revenue transaction requirements.

The documents have been submitted to the appropriate authorities for approval.

Therefore when KiwiSaver comes into effect on 1 July 2007, members of the New Zealand Harbours Superannuation Plan will have the option to split their contributions and become a contributing member of both Schemes in the Plan. Members of the KiwiSaver Scheme will be able to take advantage of the tax credits that were announced in last month's budget - the one-off \$1,000 tax free contribution, the rebate up to \$20 per week (\$1,040 per year) and the \$40 annual contribution towards costs.

The KiwiSaver Scheme requires all contributions to be locked in until entitlement to New Zealand Superannuation (currently age 65), apart from access for first home purchase, hardship, serious illness or emigration, all subject to tightly prescribed rules. The existing Superannuation Scheme is not subject to such locked-in requirements and, for example, contributions will continue to be available on leaving employment.

From 1 July 2007, new members to the Plan can choose to join only the KiwiSaver Scheme, only the Superannuation Scheme or both Schemes.

Members should therefore give serious consideration (after taking independent financial advice) to diverting 4% of their current Plan contributions and 4% of their current employer contributions to the KiwiSaver Scheme in the Plan, to take maximum advantage of the tax credits. An application and consent form to enable this to happen will be made available to all members and employers later in the month.

For more information go to: www.harbourssuper.org.nz and to www.ird.govt.nz. The Inland Revenue website has an estimator which gives an indication of the possible benefits that members could accumulate under the KiwiSaver regime.

CALL FOR TOC PASSENGER GROUP REP



Nominations were called for One (1) position on the Toll Operations Council (TOC). The position is –

- **Passenger Group Rep**

Passenger Group Rep: This person represents all Toll Passenger Group (Tranz Metro and Tranz Scenic) employee's in NZ except LE's. When nominations closed there were 3 nominations. Brian Armstrong, Hayden Smith and Simone Dixon.

Ballot papers will be posted out of National Office to Passenger group members within the next 5 working days. Please ensure you vote and have your say in who represents you.

GREATER WELLINGTON NEGOTIATING WITH PREFERRED TENDERER FOR TRAINS

Greater Wellington Regional Council has announced that its wholly-owned subsidiary, Greater Wellington Rail Limited (GWRL), is to start negotiating with a preferred tenderer (a consortium of two companies, Rotem Company (Korea) and Mitsui & Co., Ltd. (Japan)) for the delivery of 70 new electric multiple units (EMUs) from 2010. Negotiations are anticipated to be concluded by the end of August. The whole tender process is being conducted within normal terms of commercial confidence. The preferred tenderer was chosen from three tenderers who were shortlisted at the end of 2006.

The standard of all three tenders was high, demonstrating the level of international interest in winning this business, which is a critical part of Greater Wellington's programme to upgrade passenger transport in the region.

ANNUAL CONFERENCE 07

Branches are reminded that the annual

delegates' conference (AC) is being held at the Porirua Police College 30, 31 October and 1 November 2008.

AC is the governing body of the Union and is the forum where we debate what we have achieved during the year and set the direction and priorities for the Union for the following 12 months. For example;

- It's where membership fees are set and where remits are debated and are won and lost on the force of logic of speakers.
- The Unions rail sector ratification process for collective agreements within the rail sector is a hardy annual for debate as another example.

Branches need to elect their conference delegate at the forthcoming AGM's (see Union rule 23). It is essential that National Office is advised ASAP of the name(s) and details of conference delegate(s) so that we can obtain early travel bookings to get the cheapest fares.

NOTE: Should arrangements need to change after the initial bookings are made then any cost of travel alteration (including name change of delegate) will be at the branches expense (a debit on your branch account).

See Union Policy rule 111 for (sub) branch allocations for delegates to conference. National Office pays all costs for one delegate from a branch and any additional observers are funded entirely by the branch (a debit on your branch account).

Various distinguished speakers including international guests will be speaking at conference. **We have just been advised of the Deputy Prime Minister's, the Hon Dr Michael Cullen, acceptance to be the opening speaker.**

See you there!

CONFERENCE 2007 REMITS

A reminder that Remits for conference close on 31 July but late remits are frequently accepted and conference delegates also have an opportunity to table "notices of motion"



at conference to be debated on the floor as well.

It is essential that early advice is given/received for remits which seek to achieve major change within the Union or the way it conducts itself as the delegates need to be able to obtain a mandate on how to vote at conference.

TRANSPORT WORKER ISSUE 3

The deadline for all branch notes, letters to the editor or other contributions (including photos) is **13 August 2007**.

Contributions from Branches who have been absent to date would be particularly welcome as would individual letters from members on topics they feel strongly about.

ROGER AWARD NOMINATIONS OPEN

Nominations are now open for this most prestigious and keenly contested annual Award (won by Progressive Enterprises in 2006; the previous winners are: Westpac/BNZ, Telecom, Juken Nissho, Carter Holt Harvey, TransAlta Monsanto and Tranz Rail – 3 times). Nominations close on October 31.

The nomination form (in Word and PDF formats) can be downloaded online from www.cafca.org.nz (follow the Roger Award links from the Views, Analyses and Research page). Send your nomination(s) and reasons why you nominated it to: The Roger Award, Box 2258, Christchurch; fax (03) 3663988; e-mail: cafca@chch.planet.org.nz You can nominate the same transnational as last year as long as the nomination is about their misdeeds in 2007. Please send as much detail as you can, including press cuttings and reports, but you do not have to do all the research. Just quote sources if

you can.

A new feature this year is the Accomplice Award. Nominations are also invited for an organisation (not an individual) which has been the worst Accomplice in 2007 in aiding and abetting transnational corporations in New Zealand to behave as described in the criteria. The Accomplice's award is in addition to the Worst Transnational Corporation award and will not necessarily be awarded every year. The winner(s) will be announced in early 2008 at an event in Christchurch.

May the worst man win!

RMTU - ONTRACK, HEADING FOR THE EMPLOYMENT AUTHORITY

Recent events have led to a fundamental breakdown in the relationship between the RMTU and Ontrack. The problem has its root in the 27.5hr shift debacle that occurred over 30-31st January 07 in the Auckland

metro system, The RMTU believed it had grounds to proceed to the Employment Relations Authority (ERA) with a claim for breach of the collective agreement against the company. After discussions and legal undertakings from Ontrack it was agreed that at the next Industrial Council meeting a joint position would be

agreed between the RMTU and Ontrack over hours of work, and what had actually occurred on 30-31 of January.

At that meeting Ontrack managers who had been authorized to represent the company agreed to a proposal on hours of work and the circumstances of the Auckland shift, additionally they agreed that contractors working for Ontrack would be required to comply with the hours of work proposal as it would apply to Ontrack, and that contractors would comply with the Ontrack PPE requirements.

“Irrespective of this issue, the whole viability of the constructive engagement process with Ontrack has been brought into question. How can you trust a company that meets you in “good faith” discusses issues, reached agreement, then goes off and holds further meetings which you are not party to, to decide whether they will honor those agreements or renege on them?”



The RMTU representatives left the meeting feeling that the issues had been resolved satisfactorily. Problems began to emerge when the company was reluctant to provide minutes from the meeting. Finally incorrect minutes were supplied, corrected and returned to Ontrack. Final minutes were not supplied by Ontrack until the week of the next meeting of the IC, these minutes were also incorrect.

It finally emerged that subsequent to the infrastructure council meeting where those agreements were reached, a further meeting of Ontrack senior managers was held where the issues previously agreed were relitigated. The outcome of that meeting was that the acting chief executive decided he did not like the agreements previously made and "exercised his right of veto".

The problem is that he does not have a right of veto.

Ontrack authorised the managers involved to represent the company, which they did.

The RMTU believes that Ontrack has committed a clear breach of the requirement to act in good faith, and we will be asking the Employment Relations Authority to confirm this.

Irrespective of this issue, the whole viability of the constructive engagement process with Ontrack has been brought into question. How can you trust a company that meets you in "good faith" discusses issues, reached agreement, then goes off and holds further meetings which you are not party to, to decide whether they will honor those agreements or renege on them?

FLEXIBLE WORKING HOURS BILL- A GREAT FIRST STEP FOR EMPLOYERS AND EMPLOYEES

The Coalition for Quality Flexible Work has welcomed news that a bill providing workers with the right to request flexible working hours will go back to Parliament for MPs to vote on it.

Green MP Sue Kedgley's bill provides

employees who are parents of children under five and children with disabilities under 18, and employees with dependent relatives with a right to request flexible working arrangements. The bill also imposes an obligation on employers to negotiate these requests seriously and provides grounds for employers to turn a request down.

"This is a great first step towards acknowledging the responsibilities of employees who are also parents and caregivers and a step towards changing New Zealand's long hours and inflexible workplace culture," said Coalition member, Angela McLeod of the New Zealand Federation of Business and Professional Women today.

Mrs McLeod said the coalition supported the extension of the right to request to all employees.

"Flexible working arrangements benefit both employers and the employees," she said. "Businesses that adopt flexible work practices have high staff morale and improved recruitment and retention. That can only help New Zealand's very low productivity rate."

Coalition member Cee Payne-Harker of the New Zealand Nurses Organisation said New Zealand lags behind other countries with laws providing workers with the right to request flexible work arrangements.

"More than 90% of workers in Sweden and Germany have access to flexible hours," she said.

"For an increasing number of workers having access to flexible working arrangements is the only way they can manage family and other responsibilities while remaining in the workforce, where their skills and experience are needed."

Mrs McLeod said it was disappointing that the National Party chose not to support the bill.

"It is a shame the National Party was not prepared to follow the leader of the UK Conservative Party who is a strong supporter of flexible working arrangements and the successful UK legislation this bill is mirrored on," she said.



Mrs McLeod said the Coalition would seek meetings with National MPs to encourage them to take a more progressive position. She said the Coalition would also seek meetings with Business New Zealand and individual employers to discuss how they could benefit from the legislation.

RMTU are one of the 50 organisations who are part of the Coalition, formed in November 2006 to support the bill and call for its extension to all employees.

For more information contact Henry Fagaiava at National Office on telephone 027 6006581 or (04) 4731306

CTU KOMITI PASEFIKA BIENNIAL FONO 8TH AND 9TH AUGUST AUCKLAND

The NZCTU National Biennial Fono for Pasefika union members is being held in Auckland on the 8th and 9th of August. The Fono was set up as one of the networks through the NZCTU along with others such as the Runanga and the Out @ work networks as a form of getting Pacific Islander Union member employment issues across.

RMTU National Office has received 6 registrations from our members to attend the Fono. There will be 5 members from Wellington attending and 1 from Auckland.

National Office is calling for any other RMTU member from the **Auckland** area who wishes to attend the fono to contact us urgently. Because the EREL notification has now unfortunately closed (July 26th) those from Auckland that do wish to attend will have to attend at their own expense. However National Office will pay the registration cost of \$80 for the two day fono.

Please contact Henry Fagaiava on 027 600 6581 if you wish to take up this opportunity.

MAINFREIGHT SIDING WESTFIELD

RMTU members who work at Westfield will

recall the drama, meetings, and safety bans that accompanied the installation of the siding to service the new Mainfreight shed at Westfield.

The Union advice to Toll at the time was that the siding was poorly designed. In our opinion the problems stemmed not only from a badly run construction job, but from a general feeling that the design was not "fit for purpose". Ontrack members advised that the track geometry was wrong and problems were just beginning.

Irrespective of the concerns raised by Toll, United Group Rail, and Ontrack members the job plowed ahead, somewhat like the Titanic until the safety issues came to a point where the workers were no longer prepared to accept the risks and meetings were called.

Finally the job was completed by the generous application of several coats of whitewash, unfortunately we are now advised that the job has to be redone, and the United Group Rail members are in revolt, as their car park is now being dug up again, as someone forgot to install drainage.

MORE \$ FOR CAR MARSHALLS IN TIL TERMINALS

On the 19th of July, Wayne Butson & David Jackson, CEO of Toll NZ consolidated signed a memorandum of agreement dealing with the Car Marshall/Reliefs from the Wgtn and Picton Toll Interislander (TIL) terminal. The main point agreed to is;

- Permanent Full time Car Marshalls are now paid pay code 48071 under the Toll Connex RMTU MECA Agreement 2005-2008 for the remaining term of the agreement.

TOLL APPEAL'S RMTU VICTORY OVER DISMISSAL OF LOCOMOTIVE ENGINEER

Many RMTU members will be aware of the unjustified sacking of LE Gary Rowe, a locomotive engineer with 43 years' service with Toll and its predecessors.



The RMTU, unable to get a satisfactory response from Toll in mediation took the case to the Employment Relations Authority. The decision of the ERA was that Gary had been unjustifiably dismissed by Toll and substantial compensation was awarded.

Toll has decided to take the case to the Employment Court, where the RMTU will vigorously fight for Gary. By the time this reaches the court Gary will have been unemployed for over 2 years and the RMTU have spent tens of thousands of member's money in seeking justice for him.

The Employment Relations Act was apparently established to provide swift outcomes for New Zealand workers. This is a good example of how large foreign owned multinational companies can draw out the process and the harm caused to a worker.

RMTU SUPPORTS MEMBERS INVOLVED IN ONTRACK MEMBER'S DEATH

The RMTU has been active in providing both legal and moral support to members of the track gang and the locomotive engineers involved in the tragic death of Sean Smith at Ohinewai on the 19th June.

The effects on Sean's workmates who were with him at the time of his death have been catastrophic, in one case it was the third rail death that the person had seen.

Our sympathies go out not only to Sean's family, but to his workmates, some of whom have been witness to a tragic event, and others who have lost a good mate.

The RMTU has provided independent legal representation to both the track gang and the LE's, to assist them through the interviews with TIAC, OSH, and Ontrack. This has been done under the provisions of the Indemnity clause of the applicable

This is a good example of how large foreign owned multinational companies can draw out the process and the harm caused to a worker.

Collective Employment Agreement.

The occurrence of this tragedy is also a reminder about another very

important point for us all. RMTU members must remember that when they are involved in an incident that could be serious, **it is critical that they seek advice** before speaking about what happened. Even if the police or OSH is there asking questions, you are entitled to say that you want to take advice before responding to any questions. This is obviously difficult when people are traumatised by involvement in a fatality, for example, but accountability for incidents such as this are likely to fall somewhere, and workers are entitled to seek legal advice, and to deal with the inevitable investigations in a balanced state of mind, and not immediately after an incident such as this when they are distressed and in shock.

VARIATION TO PORT NELSON 2006 – 2009 AGREEMENT SIGNED

On the 27th of June, RMTU and Port Nelson signed a variation to the Port Nelson Agreement.

The main point from this variation agreed to is;

“RMTU members must remember that when they are involved in an incident that could be serious, it is critical that they seek advice before speaking about what happened.”

- That the Collective Employment Agreement which came into effect from 2 October 2006 be varied by adding the following

paragraph to **Section B, Full Time Permanent Employees:**

B9 ALLOWANCES

“B9.9 PFSO ALLOWANCE”

An allowance of \$1.07 (from 1/10/07 \$1.11) per hour will be paid to individuals who have been deemed competent and appointed as a PFSO by the Company and who have successfully completed the PFSO training course.”



HEARING LOSS

The union has been assisting some of our LE members with hearing loss. It is estimated that up to 10% of NZ LE's have hearing loss. Many if not most of this loss is due to work related noise. For members with borderline hearing, practical hearing tests, in the field, have been undertaken which to date have reflected reality.

"It is estimated that up to 10% of NZ LE's have hearing loss."

New "elacin RC15" hearing protection, which is getting excellent feedback, will be issued to all Palmerston North LE's. For more information on this hearing protection, check - <http://www.elacin.co.nz/clearsound.htm>

With or without hearing loss, workers in similar noisy environments must have the same level of hearing protection.

There must be a strong call for Toll to go beyond minimising the hazard of harmful noise, with hearing protection, by removing the hazard in the first place. A full report will be in our next *Transport Worker*.

ERA RULES IN FAVOUR OF RMTU MEMBERS AT NORTHTUGZ

RMTU members employed by Northtugz, a subsidiary of both Ports of Auckland and Port of Tauranga who provide pilotage, tug and work boat services for Northport at Marsden Point scored a victory when the Employment Relations Authority (ERA) ruled in their favor on two points in a long running dispute. The ERA ruled that RMTU members employed on towing and bunkering must be paid a minimum of 5 hours for engagements, the company had argued that they only had to pay a minimum of 3hrs.

The RMTU has contested the company view over casuals; our view was that some RMTU members were in fact permanent employees who were being called casuals to deny them certain benefits. The ERA agreed stating, that in the case of the two workers the case was taken for the

company interpretation was "inconsistent with the concept of a casual".

In the case of three other issues raised by the RMTU the ERA declined to agree with the Union, regardless the success in these two issues was a step forward for Northtugz members.

PORT ASSET A PUBLIC ISSUE

The protection of Christchurch City Council assets, including the Port of Lyttelton, has become a local body election issue.

The RMTU had been urging the left-wing grouping Christchurch 2021 to take a position on asset sales, after the present council tried to sell off the port's operational arm to Hong Kong's Hutchison Port Holdings last year.

At a ceremony on the deck of the historic tug Lyttelton, mayoral candidate Megan Woods and a team of 2021 candidates standing for community boards and the council signed a pledge to retain public ownership and control of the city assets such as the port, the airport and public housing. The event was well covered by local media.

Rival mayoral candidate Bob Parker is claiming that retention of public assets is already council policy. It remains to be seen whether he will sign the public ownership pledge!

When the city council voted to sell the operational arm of the port, it said it was retaining the "asset" because it would still have held a controlling interest in the land and wharves.

The RMTU has argued there is little value in public ownership of a bit of coastline and some wharves, if the business of the port, the employer of our members, is controlled by private interests and the profits are going to foreign investors instead of the local community.

The sale of the port operation to HPH was stymied by Port Otago, which bought up sufficient shares to prevent the port company being privatised.



PARTNERSHIP @ TOLL OWENS

The partnership project at Owens Cargo Company is on the move, with members about to vote on a Heads of Agreement. Reporting progress to members and giving them their say is the next stage in a long process towards a better working relationship between the company and the unions.

Phase one of the project was to get a snapshot of the workplace relationships between Union members and Management at Toll Owens. This was achieved through a survey and meetings with the delegates. A project steering group made up of RMTU and MUNZ members and senior management used the information gained from the survey to work out guiding principles to create a "whole company culture" to benefit members and the company.

The steering committee drafted a heads of agreement in which the company and the unions made a commitment to each other's success and acknowledged their obligations and responsibilities to each other. They proposed a joint commitment to:

- the success of the company,
- developing and obtaining a workplace culture reflecting a work life balance,
- development of career pathways
- developing a best practice health and safety workplace culture.

The survey identified low morale and motivation amongst the casual workforce and undesirable patterns of work, so it was decided to run a problem solving exercise on casualisation.

Five delegates from both unions and 10 managers from both senior and operational level attended two days of training, facilitated by the Partnership Resource Centre. As well as tackling the important issue of casuals, the exercise enabled managers and delegates to work together as equals and to gain a better understanding of each other.

In the end, the participants decided the real concern regarding the casual workforce was the broader question of "What are the types of employment relationships that are required and work for Toll/Owens and for the workforce as represented by RMTU and MUNZ?"

A working party was established for delegates and managers to look at employment relationships, including alternatives to casualisation. It is hoped that the guiding principles agreed will achieve a more positive workplace culture.

LABOUR ELECTORATE COMMITTEE'S

As the Union is affiliated to the Labour party members are able to attend Labour Electorate Committee meetings and participate in the affairs of the local party branch. On candidate selection we are entitled to have delegates attend the meeting and vote on potential candidates commensurate with our affiliation numbers within the electorate. A detail of the rules, affiliation numbers and other material information is being mailed to branches this week.

HELP US TO FIND THESE LOCO ENGINEER'S PLEASE!!!!!!

The following ex members left the Loco Engineers Trust fund and they are entitled to a refund of contributions. Anyone knowing the current contact details for any of the persons listed below please contact them and urge them to contact Julia @ RMTU National Office on 04 499 2066.

- Francis Keith, Amy, 13/03/82
- Jack Barry, Ellis, 02/01/82
- Donald Stewart, Fraser, 27/03/82
- Frederick B V, Groves, 05/07/85
- Leslie Arthur, Koschel, 14/04/79
- James Allister, MacLean, 06/04/84



- Patrick John, Page, 03/03/87
- Geneva Morgan, Pongia, 10/03/84
- Les John, Rabone, 16/12/84
- Michael T M, Ryan, 15/06/85
- Grant Gordon, Wild, 21/09/85

Bits & Bobs –

- Recent delegate training in New Plymouth was well received by keen delegates from the Port and Rail branches in that area.

- Renegotiated Collective

Agreements have finally been signed off for our WCT Controllers and Cityline Mechanical members. Highlights include a 1 year term and 4% for the Controllers and 2 year term with 4% & 3% for our Cityline members

- Drug & Alcohol policies are currently being discussed with a number of employers including CentrePort and NZ Bus (formerly Stagecoach). There are ongoing discussions with Toll on their D & A guidelines following an interpretation of the guidelines by management that resulted in increased testing.
- Negotiations are due to commence on the General & Casual Collective Agreements' at Port Napier, members are focused on improving terms and conditions at this busy profitable Port.
- The union is waiting to see whether Toll appeals a recent decision from an ACC review which stood by the decision to accept a claim as a work related injury from one of our members suffering whole body vibration after 30+years on the footplate.
- The Toll LE Roster centre has come under the spotlight in recent times with members frustrated over, what appears to be, rostering in ignorance of the rostering instructions. Site and sector

meeting are taking place nationwide with Toll being fully informed of the issues and given an opportunity to put them right before good will dries up!

- Working Women's Resource Centre in Auckland is looking for issues of concern to our women members employed within the Auckland Area. Any woman member in Auckland who can share their concerns with the centre are urged to do so by calling Ros Hiini on 09 379 7906 or 021 299 2921. **If the issue is of concern for women then it is an issue of concern to the Union!**

- ***"There is no job which is too dirty, difficult or dangerous for women that isn't too dirty, difficult or dangerous for men"***

WHAREROA MILK ROAD.

At a recent branch meeting held at Whareroa, members voiced deep concerns about the milk road at Whareroa on two fronts, firstly over whether the track was up to scratch and secondly the disgusting smell when it raining and past split milk comes to the surface so they guys feel like there are working in a sewer. These issues are not new and Toll appeared unwilling to fix them so the members collectively placed a ban on the milk road with 14 days notice to fix the issues. While the Toll regional manager and the union disagreed on the need to ban the milk road, pleasingly the issues are getting fixed with Ontrack tamping and repairing sleepers where required, the ballast getting a "hot water" treatment and ballast replaced. Also in the interim the road will be tarsealed and plans to concrete around the milk unloading areas for next season. A successful outcome for the guys from sticking together - well done to those members - Collective Action wins in the workplace!

Let's be safe and look after one another!

Remember – Unity will ensure success!

