

# THE ACTIVIST



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## **STRIKE NOTICE ISSUED**

### **Joint Communication to Staff/Union Members re: Status in Collective Agreement Bargaining**

The RMTU and United Group Limited (UGL) negotiating teams have met in Wellington for another days bargaining.

We have now met on 29 February, 27 and 28 March, 29 and 30 April, 10 July and 29 July 2008. When the parties met on 29 July 2008 the issues were clearly identified the employer negotiators had advised the Union team on 10 July that they needed to adjourn to further review their position and ensure all options had been canvassed within UGL before any further offer could be considered.

The employer tabled a revised offer for the Union to consider for provisional settlement. The parties continued to discuss the settlement for the rest of the day. Whilst agreement was reached on a number of issues both parties could not reach a satisfactory conclusion on a number of the key issues.

Prior to the conclusion of the negotiation session the Union negotiators served Notice of Industrial Action on the company. The notice advises that all RMTU members of UGL who are covered by the collective agreement shall strike for 2 hours from 1100 to 1300hrs on August 15.

The parties will be directed to mediation by the Secretary of Labour in accordance with the Employment Relations act.

## **PLANNING....**

Organisers will be contacting branches to organize the picket line duty and activity for members within UGL during the hours of the strike. All RMTU members are aware of their responsibilities with picket lines.

Further strike notices may be issued.

**Mediation has been agreed to by the parties and this is scheduled to occur in Wellington on 6 August 2008 commencing 0930hrs.**



## **ONTRACK WAGEROUND 2008**

The Union served notice of Initiation of bargaining on both ONTRACK entity's (Infrastructure and Core) 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).

### **Ontrack Infrastructure / Core Collective Agreement Negotiations Joint Notice**

Today (Wednesday 30 July), the RMTU and Ontrack negotiating teams reached a draft settlement of the Multi Employer Collective Agreement.

This agreement covers members in both Ontrack Infrastructure and Ontrack Core.

Full details of the draft settlement will be reported back at member meetings which are currently being organised.

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

The Ontrack and RMTU negotiating teams will be recommending this settlement is ratified by members – “it is the best outcome that can be achieved in the current environment”

The ratification will be conducted via secret ballot at the member meetings, details to follow. No postal ballot will be conducted. To have your vote, you need to attend the meeting nearest you.

Attendance at the meetings will be strongly encouraged by Ontrack and the RMTU.

Scott Wilson                      Graham Boomer  
RMTU Advocate                      Ontrack Advocate

30th July 2008

**Member report back meetings are being arranged currently.**

**NOTE: Voting will be conducted at the stopwork meetings. THERE WILL BE NO POSTAL BALLOT CONDUCTED! Make your vote count attend the meeting nearest you.**

## **NZ LE SAD FUND TRUSTEE VACANCY FILLED**

One live nomination remained at the closing date for nominations for the position of Trustee on the Board of the New Zealand Locomotive Engineers Sickness Accident & Death Benefit Fund. The nomination received was from long serving Canterbury Rail branch secretary Murray Dunlop who is also on the KiwiRail Industrial Council and Executive Member on this year's LE's Reunion Committee. Murray brings a wealth of knowledge and experience to the Board and will be a valuable addition. Congratulations on your appointment Murray and thanks for your desire to continue working on behalf of your peers.

Our sincere thanks to outgoing Trustee Peter Manson from Christchurch for his work on behalf of his peers whilst on the trust board of the fund. Peter is taking up an opportunity to drive trains in Australia.



## **TOLL NETWORKS**

The Collective Agreement has now been signed by the General Secretary on behalf of the members. All of the travel privileges issues have been resolved as have the mechanical engineer issue from Westfield.

Unfortunately the signing resolution of the outstanding issues wasn't completed in time for the monies to be paid this week. Payment of the increase and backpay will occur next pay fortnight in August.

## **TOLL-VEOLIA WAGEROUND**

**Joint Communication to Staff/Union Members re: Progress in Collective Agreement Bargaining**

The RMTU, Veolia and KiwiRail wish to advise staff and members of the status of the current bargaining process for the renewal of the collective agreement. Since the Union's initiation of bargaining on May 5, Veolia, KiwiRail and the Union have met together on five occasions.

The dates of meetings have been; Wellington May 23 to agree the good faith bargaining process, Wellington 6 June to exchange claims, Rotorua 11 to 13 June, Rotorua 23 to 25 June 2008 and 22, 23 and 24 July for bargaining.

The parties have continued to work through the Union and employer claims.

At the conclusion of bargaining on the 24th July, whilst a settlement continued to elude the parties, a good number of issues have been agreed or resolved. Also the Union has suggested that a number of the Sector related claims be referred to joint

working parties.

The remaining claims can be broken into two parts, those that we are close on and require Union/Company alteration and agreement by the parties and a number of key issues for the parties that are proving difficult to resolve.

No dates have been set aside for further talks with KiwiRail and the Union **but 31 July and 1 August sees Veolia and RMTU meeting in Auckland.**

## NATIONAL PARTY EMPLOYMENT AND WORKPLACE RELATIONS POLICY

National's Employment & Workplace Relations policy will expand job opportunities for those having difficulty getting work and let businesses grow, says National Party Leader John Key.

"National believes employment law should treat employees and employers fairly, expand opportunities for those having difficulty getting work, increase flexibility, and let businesses grow.

"We will introduce a 90-day trial period for new staff, by agreement between the employer and employee, in businesses with fewer than 20 people. This will give those having difficulty getting work - like young, inexperienced people or new immigrants - a better chance at a job.

"As well, we want businesses considering expansion to actually take that step and give a prospective worker a chance.

During the trial period, either party may terminate the employment relationship for performance without a personal grievance claim being brought.

"We will have safeguards for workers. Good-faith provisions will still apply, as will rights to sick leave, holidays, and health and safety provisions. Rules of natural justice and human rights legislation will apply. Mediation will be available in disputes, and employers won't be able to hire and fire the same employee every 90 days."

National will also:

- ⊗ Continue to allow union access to workplaces with an employer's consent, which cannot be unreasonably withheld.
- ⊗ Continue to support the social partnership with Business NZ and the

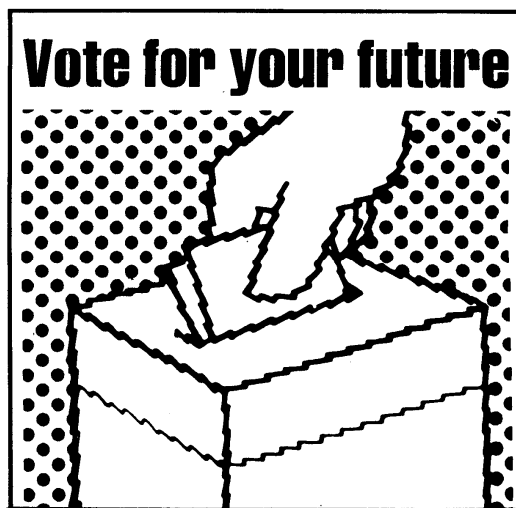
Council of Trade Unions to work together on issues of mutual interest.

- ⊗ Restore workers' rights to bargain collectively without having to belong to a union. (*It's voluntary now! Ed.*)
- ⊗ Retain the Mediation Service but ensure it is properly resourced with "properly" qualified mediators. (*our emphasis*)
- ⊗ Require the Employment Relations Authority to act judicially in accordance with the principles of natural justice, including the right to be heard, and the right to cross examine before an impartial referee.

- ⊗ Allow injunctions and important legal questions to be heard in the first instance in the Employment Court, and allow a general right of appeal to the Court of Appeal. (*makes it more expensive than the Authority*)

- ⊗ Keep four weeks annual leave, but allow employees to request trade of the fourth week for cash. This can be only at the employee's request and cannot be raised in negotiations for an agreement.

- ⊗ Appoint a working party to review the Holidays Act, especially the issue of 'relevant daily pay'.



## IF THE DEVIL IS NOT IN THE DETAIL – THEN RELEASE IT!

"National's employment policy left as many questions unanswered as answered and letting the public in on the 'real' policy might address some of the issues outstanding," CTU president Helen Kelly said.

"Perhaps the real policy will cover areas they have kicked to touch in their one pager – such as their plans for the paid parental leave scheme, which more than 100,000 parents have benefited from."

"Or how a worker who has no rights to a fair process at dismissal enforces the right of natural justice that National says it will retain. You need to get before an authority to examine issues of natural justice and without a ground for action it is unclear how a worker might do this."

"Or clarify how workers will bargain collectively without a union of some form. Collective bargaining requires a collective - and we need to know if their policy simply means employers will draw up binding collectives and remove workers choice to bargain in unions."

"The document might also clarify National's policy on KiwiSaver and the Holidays Act Review."

"Many of us spend much of our lives at work, and it is an area where voters deserve better from National."

While real policy is kept under wraps it is very difficult for New Zealand voters to get an accurate idea of their complete agenda for work rights."



## NATIONAL CONTINUES TO DUCK FOR COVER ON ACC

National still clearly wants to privatise ACC but is too afraid of a backlash from New Zealand workers to say it, ACC Minister Maryan Street said today.

"National would privatise ACC if it ever gets the chance but John Key knows that this was unpopular with workers last time they tried and nothing has changed since then."

"Why else would he try to slip this announcement out late in the day and dress up his statement with weasel words to try to hide their true intentions?"

"Make no mistake, National under John Key has privatisation in its DNA and is eyeing up ACC for the chop. They just don't want to talk openly about their plans - probably under strict orders from Crosby Textor, Maryan Street said."

"National has only released this "policy" after a confidential Merrill Lynch briefing to Australian insurance company investors was leaked earlier this month, highlighting National's plans and how much those investors stood to gain from them."

"The Aussie insurers will be the only ones smiling after today's announcement, because they will read it for what it is - code for big bucks for them at the expense of the ordinary New Zealand worker and business," Maryan Street said.

"Privatising the work account will result in lower quality care for injured workers, less vocational rehabilitation and lower levels of compensation for people with serious injuries in particular. Workers are also likely to become embroiled in disputes over whether they should get compensation for work injuries, as private insurers seek to avoid paying out on claims."

"These experiences are common for workers in privatised schemes, including those covered by the Australian insurers poised to swoop in on ACC."

"Research shows that the prospects for employers under privatisation are poor. Australian employer levies are 250 per cent higher than those here. Why? Because as Murray McCully, the National Minister then in charge of ACC, said in 1998 "Insurers, like everyone else, are in business to make a buck."

"Several recent reports suggest that despite National claims, many employers aren't even interested in privatisation. In a briefing to investors on National's potential privatisation plans this month, Tower Ltd said "There is also the risk that employer groups may oppose the change, a reason which stopped similar attempts to privatise workers compensation is NSW in 2003."

## EMPLOYERS CAMPAIGN AGAINST KIWISAVER RIGHTS MISERABLE

The CTU has slammed the Northern Employers and Manufacturers Association's campaign to stop an amendment to the law that will ensure workers get their fair share of KiwiSaver entitlements. In a very small number of cases employers are making workers pay both their own and the employer's contributions out of their pay.

"EMA Northern is being miserable - KiwiSaver employer contributions are a new entitlement for workers, and not something their employer should avoid," CTU president Helen Kelly said.

"For the first few years, the employers of many workers will have their compulsory contributions fully covered by the employer tax credit."

"Each year employer contributions are offset by a \$20 a week employer tax credit. This equates to 1% for someone on \$104,000 and 4% for someone on \$26,000 a year."

"Those exploiting this loophole are pocketing government money meant for workers savings. It is unlikely any decent employers will support this type of behaviour."

"The EMA risk losing all credibility given over 700,000 workers have joined KiwiSaver already, and most employers have paid the employer contribution and will reclaim it from the Government."

## AIN'T NO SUNSHINE FOR WORKERS IN NATIONAL'S EMPLOYMENT POLICY

"The two themes threading through National policy to date continued today with the release of their Employment Relations Policy," Council of Trade Unions president Helen Kelly said.

"Cuts in workers' rights and entitlements and privatisation are all this party has to

offer to date. The threats to workers rights hinted at in today's release just add to their policy to privatise ACC, allow 90 days of unfairness at work, remove free early childhood education and threaten KiwiSaver contributions."

"In contrast with other parties who have a record of policies that improve workers rights through more holidays, increases in minimum wages and paid parental leave, it really will clarify for workers and their families which parties have their interests at stake."

"National's policy does not mention how they will lift wages, suggests workers could lose the fourth week of annual leave and have pay for statutory holidays cut, and reduces the democratic right of workers to belong to unions. This is consistent with them opposing all legislation that has improved workers lives over the last 9 years."

"The proposal to restrict union access to workers who have freely chosen to join a union and to pretend that workers not in a union can

successfully collectively bargain, simply continues the boring and predictable approach of National. Instead of supporting the current approach balancing employer and employee interests, this party is trying to drag us backwards."

## RMTU CONFERENCE 2008

Conference Delegates and Branch Secretaries are reminded that Conference will be held on **TUESDAY 14 to THURSDAY 16 OCTOBER 2008** at the Royal New Zealand Police College, Porirua, and Wellington.

Final confirmation of who will be attending Conference as Delegates and Observers is required at National Office before **FRIDAY 5 SEPTEMBER 2008** to enable leave, accommodation and travel bookings to be finalised. (There are a restricted number of discounted fares available and to obtain the best deal requires early booking).

The National Union pays all costs for one delegate from each Branch, and costs incurred by Observers (leave,



accommodation and travel etc) must be met by the Branch or at their own expense unless otherwise arranged through the General Secretary. **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 charged to Branches.

If you are unable to provide delegate/observer information by the above date, please contact Julia at Head Office on 04-499-2066 or julia@rmtunion.org.nz. If travel bookings are not available at a later date then those delegates will not be able to attend. Please treat this matter urgently.

Travel itineraries, airport transfers between Wellington Airport and the venue and conference documents will be sent directly to the Delegate/Observer when finalised. Branch Secretaries please ensure your Branch Representative returns the registration form to National Office urgently.

**NOTE: CONFERENCE REMITS:**

Remits for the Annual Conference are required to be submitted to the General Secretary by 31st July 2008 however late remits are frequently accepted. Conference delegates also have an opportunity to table "notices of motion" at conference to be debated on the floor. Remits are the way in which the Policies of the Union are changed or the Union Rules amended (a Policy Manual is sent to Branches following each Conference). The content of Rule 15 of the Union Rules and Standing Orders is drawn to the attention of Branches.

### TRANSPORT WORKER ISSUE 3

The deadline for all branch notes, letters to the editor or other contributions (including photos) is 11 August 2008.

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.

## NATIONAL'S IDEOLOGICAL ACC STANCE FLIES IN THE FACE OF EVIDENCE

"National's desire to reward the Australian insurance industry with access to New Zealand worker compensation has clouded their policy release on ACC, which flies in the face of available evidence on the scheme," CTU president Helen Kelly said today.

"National appear to have ignored the detailed report from PricewaterhouseCoopers, which noted the firm's "moderately strong view that a government monopoly is the best observable mechanism for implementing the ACC employers account."

"Kiwi workers pay much less for ACC. In Australia, workers pay on average \$2 in every \$100 towards their worker compensation scheme, but in New Zealand under ACC it is 78 cents per \$100."

"And workers are back on the job earning a full wage quicker – ACC has 88% of claimants returning to work within six months, outperforming both the Australian average (85%) and all three comparable state monopoly schemes of NSW (86%), Victoria (85%) and South Australia (77%)."

"And a few facts please - Statistics NZ report that between 2002 and 2005 there was a 6 per cent decrease in the rate of claims (ratio of claims per workers) over the four years."

"There is already plenty of evidence that says ACC is one of the best schemes in the world. National will ignore this and remove the right of workers to continue to access this brilliant scheme," Helen Kelly said.

## BRADFORD ASKS NATS TO CLARIFY NGO AND WORK FOR DOLE PLANS

A report in the 'New Zealand Herald' this morning that Australian NGO corporate Mission Australia is keen to bring its work for dole programmes into New Zealand should ring major alarm bells about what may await beneficiaries, and the community and



voluntary sector, in the event of a National victory.

"After yesterday's admission from John Key that National stands ready to reopen ACC to competition, it is high time he and his colleagues also come clean on what exactly their intentions are in regards to both the NGO sector and welfare reform," Green Party Social Development Spokesperson Sue Bradford says.

"While I am delighted to hear Judith Collins say that the National Party has no intention of using Mission Australia to manage NGO contracts here, Mission Australia has been quoted as saying it is keen to cross the Tasman, and National's underlying intentions remain murky.

"My fear now is that rather than bringing a corporate like Mission Australia over here to carry out public-private style contracting, National is instead planning to base its NGO strategy on a copycat of the Australian model.

"For example, Mr Key may well be talking with large faith-based service providers right now about whether any of them would be willing to take on a Mission Australia-type role here.

"This would mean such a provider becoming a kind of Super Contractor, managing contracts and grants on behalf of the Government, doling them out to other NGOs, and making a nice profit from doing so.

"In this way, the Government can cut the jobs of public servants, and use an arms length organisation to make those politically sensitive decisions like refusing funding to groups who advocate too loudly on behalf of the people and causes they serve.

"At the same time, such a Super Contractor could also be paid, as Mission Australia is, to implement the kind of widespread work for dole programmes I fear a new National Government may be keen to put in place, not only for the unemployed, but for other beneficiaries as well.

"The pressure Ms Collins continues to place on Labour in regards to getting invalids and sickness beneficiaries into paid work makes me fearful that they would be next in line for workfare programmes should National become Government."

## AIL IMPROVES RMTU POLICY

Members will be receiving letters in the mail from the Union which advise that the AIL have increased the policy amounts payable for death and injury to RMTU members.

## MOVE TO PUBLIC TRANSPORT A GOLDEN OPPORTUNITY: GREENS

News that public transport use is at a record high – with a 34 percent rise in Auckland rail passengers – is a golden opportunity for the Government to build on this trend and further encourage commuters to leave their cars at home, Green Party Co-Leader Jeanette Fitzsimons says.

The Auckland Regional Council's Transport Patronage Survey shows the level of public transport use this year is the highest since records began in 1986, with bus passenger numbers up 7.3 percent and overall public transport use up 9.4 percent from last year.

"The Government must take full advantage of this historic opportunity to give new public transport users a great experience in light of these figures showing a big upsurge in usage," Ms Fitzsimons says.

"Soaring fuel prices – with a 37 percent rise in petrol over the past year – are a major contributor to this increase in public transport numbers, and we have a golden opportunity to continue enticing commuters out of their cars.

"It is encouraging that people are voting with their feet and their wallets and embracing public transport options. We need to maintain momentum by increasing the number of services available, make sure they are efficient and on time, and resist any pressures to raise fares."

The Green Party views public transport investment as a key issue in reducing greenhouse gas emissions and adapting to the reality of peak oil. The Party calls for a moratorium on building new motorways.

"What we are advocating here will also have a beneficial social effect, and create more vibrant cities," Ms Fitzsimons says.

"Cities with viable bus and train services experience about half the congestion delay as comparable non-rail cities, as residents



drive less, and have an effective alternative on the most congested corridors. This leads to lower transport costs for residents and businesses, reduced dependence on oil, cleaner air, and fewer traffic accidents."

## **NATIONAL'S EMPLOYMENT POLICY WOULD DRIVE DOWN WAGES – EPMU**

The National Party's employment policy attacks work rights and would drive down the wages of all New Zealand workers, says the Engineering, Printing and Manufacturing Union.

The policy aims to take rights from workers in a new job, undermine collective bargaining, block workers accessing representation on site and undermine annual leave provisions and holiday pay rates.

EPMU national secretary Andrew Little says National's policy shows it has no plans to lift wages in New Zealand.

"Every point in this policy is an attack on current work rights and every point would put downward pressure on the wages of working New Zealanders.

"New Zealanders need higher wages to meet escalating costs of living and to close the wage gap with Australia and it simply isn't possible to do this by abolishing basic worker protections and undermining collective bargaining.

"With this policy we are seeing National's intentions include the desire to take all work rights off many workers in the first 90 days of a new job, to stop workers from getting on-site representation, cut their holiday pay and put pressure on vulnerable workers to give up their fourth week's annual leave.

"Every one of these moves is designed to take workers' rights from them and increase the power of employers.

"The last time work rights in New Zealand went backwards, wages fell. National's just

promising working families more of the same."

The EPMU is running 25 mass member rallies around New Zealand this August to promote the importance of strong work rights to higher wages, safer workplaces and better conditions. For more information about the Work Rights Wage Drive visit [www.workrights.org.nz](http://www.workrights.org.nz)

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### **WILL THE REAL POLICY PLEASE STAND UP?**

The Council of Trade Unions today reiterated its call for National to release any background material in support of last week's employment policy release.

"We understand from media reports today that the document is 14 pages, not 34, and in fact isn't policy at all, rather a rundown of previous law changes," CTU president Helen Kelly said.

"I don't know which is worse - National hiding their 'real' employment policy from the public for fear of the reaction it might get, or the party doing no research at all to back up their proposals in one of the more important areas of public policy."

"If it is the latter, this reflects poorly on John Key's approach to policy making. We already know he wants to cut back on strong public services and contestable policy advice in government to pay for his tax cuts, and this move sets up National to be the party of no ideas."

"Will the real policy please stand up?" Helen Kelly said.

### **BITS AND BOBS**

- We note the passing of Richard Graham, Timaru-based signals maintainer who died suddenly on Wednesday 16 July. Our condolences go to Richard's family - his wife Robyn, his three children and one grandchild.
- Pacific National has announced it is abandoning its operations in Tasmania. The Tasmanian government has ruled out renationalizing the rail system on the island but has said it will consider

subsidies to any rail operator who is willing to operate the system. Tasrail was in the past owned by Tranz Rail.

- The Union has ordered a new set of picket line signage which will be forwarded to all Union offices soon.

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

**"WERE STRONGER TOGETHER"!**



**NOTICE OF STRIKE**

**To: United Group Rail (NZ) Limited  
Attention: Don Parker, General Manager NZ  
By hand delivery and Email**

**And to: The Chief Executive of the Department of Labour  
By facsimile (09 970 1522) and post: Workplace – Auckland  
Registry Office, The Dept of labour, PO Box 105 146,  
Auckland.**

On behalf of all members of the Rail & Maritime Transport Union, who are covered by bargaining for a proposed United Group Rail (NZ) Limited Collective Employment Agreement and who are employed by United Group Rail (NZ) Limited in any of its workplaces in New Zealand, you are hereby given notice of strike action.

The strike, will commence on **Friday 15 August 2008** at 1100 hours and will last until Friday 15 August 2008 at 1300 hours.

The strike will be continuous for the hours referred to above, and will occur at each and every place throughout New Zealand where United Group Rail (NZ) Limited's business is carried on.

The nature of the strike action will be a complete cessation of all work.

Signed



Date 29 July 2008

Wayne Butson, General Secretary, representative of the Rail & Maritime Transport Union