

THE ACTIVIST



URGENT INFO

21 SEPTEMBER 2007

PLEASE ENSURE THAT THIS ISSUE IS BROUGHT TO THE ATTENTION OF ALL ONTRACK UNION MEMBERS IN YOUR AREA/REGION!!!!!!!!!!

NOTICE TO ALL RMTU MEMBERS EMPLOYED BY ONTRACK

Ontrack is distributing a booklet Titled "Building our Future" to all staff. This booklet raises issues that affect your core conditions of work and health and safety, and instructs you to engage in discussion with your managers on issues including:

- Your hours of work
- Your rates of pay
- Flat wage structure
- 24/7 operation
- Working more than 14hrs a day
- Callouts
- Ganger and track inspector roles
- Training and skill development

The RMTU was not consulted at any stage in relation to the drafting or distribution of this booklet. The issues raised in the booklet are fundamental to your employment, and as such should be dealt with during the re-negotiation of your collective agreement.

The unilateral drafting and distribution of this booklet, along with the instruction that these issues are to be discussed between staff members and their managers directly, is an attempt by Ontrack to bypass your Union, and undermine both the bargaining process and the RMTU's legitimate role in the workplace.

The RMTU advises that all members should tell Ontrack that any discussions on the issues raised in this booklet will take place through the RMTU, rather than between staff and management directly.

(Use the TEXT below)

Date:.....

To my/our Manager

Location

I/we the undersigned hereby advise Ontrack to talk to my Union, the RMTU, regarding the issues raised in the "Building Our Future" discussion paper dated September 2007

Signed

OR HAND THE BOOKLET BACK TO THEM!

LETTER OF COMPLAINT SENT TO WILLIAM PEET ACTING CEO

Discussion booklet issued to ONTRACK Infrastructure employees - 'Building Our Future'

The RMTU has received a copy of the above-mentioned booklet this morning, which is currently being distributed to all staff by ONTRACK.

Included on the inside cover of the booklet is a letter on ONTRACK letterhead, signed off by Cam Moore and yourself, and dated 20 September 2007. This letter contains an instruction for all workers to read the booklet, and then to discuss the issues raised therein with their managers directly.

The issues contained in the booklet, and which ONTRACK wish staff members to discuss with their managers directly, include:

- Systems and Processes;
- The relationship between workers and management;
- Hours of work, including:
 - flexible working hours (weekend and night work);
 - driving hours – ONTRACK's apparent desire to require workers to drive for longer than the maximum time limits set by Land Transport;
 - maximum work periods – ONTRACK's apparent desire to amend the 14 hour maximum, as contained in the collective, on the grounds that working in excess of 14 hours may not be unsafe;
 - the management of 'callouts';
 - The wage structure;
 - Infrastructure roles;
 - Career planning and training;
 - Productivity, including the management of plant and tools, and purchasing policies.

The RMTU is extremely concerned at the fact that this booklet, and ONTRACK's letter of 20 September 2007, were drafted and are now being distributed to staff without any prior consultation with the RMTU. The issues which ONTRACK are instructing staff to discuss with their managers are of

fundamental importance. The wording of the 20 September 2007 letter makes clear that ONTRACK does not intend to engage with the RMTU in relation to these issues – instead, it has instructed all staff (including RMTU members) to engage directly with their managers.

As such, the RMTU views the drafting and distribution of the booklet and 20 September 2007 letter as a serious breach of the good faith requirements set out in the Employment Relations Act. ONTRACK's actions constitute a direct attempt to undermine the legitimate role of the RMTU in the workplace, and to frustrate the RMTU's statutory right to represent its members in relation to matters involving their collective employment interests. The RMTU also views the actions of ONTRACK as an attempt to undermine the collective bargaining process provided for in the Employment Relations Act.

Yesterday Ross Wilson (President NZCTU) and I met with the ONTRACK board and Management and during which we complained about the adversarial relationship that exists between RMTU and ONTRACK. Our belief following the meeting was that ONTRACK had taken onboard our concerns and had committed to establishing a partnership relationship with the RMTU founded upon the well established principles of good faith. At no time during that discussion were we advised that this discussion document was to be issued today or that it encompassed a direct approach to members to engage in individual discussion on core terms and conditions of employment thereby bypassing the legitimate role of the Union. Such a move is not the act of an employer who is committed to establishing a "good faith" based relationship with a Union. I have spoken to Ross Wilson and I can assure you that he is equally as outraged at your actions as I am.

Be advised that the RMTU has issued a notice to all members, advising them to convey to ONTRACK that all discussion in relation to the issues raised in the booklet is to be carried out through the RMTU, as the legitimate representative of those members, rather than between members and management directly. I have forwarded this notice to you separately by email.

The RMTU requests that ONTRACK refrain from requiring RMTU members to engage in the discussion process set out in the letter of 20 September 2007, and that a statement is issued by ONTRACK to this effect immediately.

The RMTU awaits your urgent reply, by no later than 4.30 pm on Monday, 24 September 2007. If ONTRACK's response is not satisfactory, the RMTU intends to apply for an injunction against the enforcement of the discussion process set out in the letter of 20 September 2007.

MAKING LEVEL CROSSINGS SAFER – YEAH RIGHT!

A Middleton based Loco Engineer had occasion to report (and fill out the appropriate form and fax to the NZ Police) of a car driver at Chertsey zig zagging through the barrier arms as they were fully down. He managed to obtain the registration number of the vehicle as it pulled up outside the Chertsey Hotel. He subsequently heard back from the investigating police officer that the driver of the vehicle had been spoken to and that his explanation for driving through the barrier arms, in front of a clearly approaching train, was that "at times the arms come down with no train approaching". The investigating officer did not charge the vehicle driver with an offence. It appears to us that all the recent television advertising, the Chris Cairns Foundation campaign and our Locomotive Engineer members addressing school children as to the hazards and responsibilities at level crossings is a complete waste of time. Especially when we have an element in the New Zealand Police force who it seems couldn't care less. They appear willing to listen to and give credence to absolute bullshit. Perhaps there is limited "revenue collecting" or quota meeting potential with level crossing issues?

Needless to say we have been advised that the member concerned will never again put himself in this position.

WOMEN MAKING THE DIFFERENCE

"Women joining together in unions continues to be a positive way to make a difference at work and to their lives outside the job," CTU secretary Carol Beaumont said today.

"Women won the right to vote through standing up collectively over 100 years ago to put the issue on the table and campaign around it."

"Women campaigning in unions in the last year have secured major improvements in female dominated industries such as nursing and midwifery, aged care, hospital service work and retail."

"Unions are also actively working to improve the quality of all jobs, and to build women's power at work, in communities and politically."

"We have also seen gains that recognise the changing workforce, including extended parental leave entitlements, the consensus that has emerged around the right to request flexible work and other initiatives to promote work-life balance."

"Women in unions are making a difference, and there is clearly a lot more to be done. A significant gender pay gap persists, and quality, secure work is not the reality for many working women."

"This is best addressed by women acting collectively, and campaigning in unions," Carol Beaumont said.



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 from the MUA, RTBU and TWU will be speaking at conference. **We have just been advised that Deputy Prime Minister Dr Michael Cullen is now unable to be the opening speaker and the Hon. Harry Duynhoven Minister for Transport Safety will instead speak for the Government and give Dr Cullen's speech.**

See you there!

MESSAGE TO AFFCO: DON'T TRY AND LOAD YOUR ACCIDENT COSTS ONTO WORKERS

"Affco should explain why workers should have to pay \$1 million for the cost of a serious accident at work it has now decided it doesn't want to pay," CTU secretary Carol Beaumont said today.

"It is clear that Affco accepted the claim as a work claim in 2003 and it is now trying to unload it onto the ACC Earners Account which all New Zealand workers directly fund from their pay packets for non-work accidents.

"The injury occurred in Affco's carpark during a meal break and it falls square within the definition of "work related personal injury" in section 28 of the Injury Prevention, Rehabilitation and Compensation Act 2001.

"Affco have now made the carpark more secure and safer as it could have done prior to the accident."

"The company accepted responsibility under the ACC accredited employer arrangements which give employers the right to accept direct liability for accident costs in return for discounts."

"If they wanted to wriggle out of their commitment, then they should have tried it on at the time, not wage a PR war now."

"New Zealand workers should be warned. We will see more of this cost dumping onto workers if National privatise ACC as it has vowed to do if elected next year."

"The National Party knows the ACC rules. It should not be supporting an employer who is so obviously trying to rot the system."

NMC NOMINATIONS CALL - RESULT

At the close of the call for nominations for all positions on the RMTU National Management Committee (NMC), in accordance with Rule 24.2 in the policy of the 2003 Annual Conference and as amended in 2004:

North Island Ports (A member of any North Island Port branch)

There was one candidate, Mr Aubrey Wilkinson, and therefore he is declared elected unopposed. Congratulations Aubrey!

South Island Ports (A member of any South Island Port branch)

There was one candidate, Ms Ruth Blakeley, and therefore she is declared elected unopposed. Congratulations Ruth!

South Island General (A South Island branch member not employed within Toll NZ Consolidated Ltd or a port branch member eg, United Group Rail, ONTRACK, Veolia



Transport Auckland, Stagecoach, Cityline, Taieri Gorge Rail etc)

There was one candidate, Mr Tim Spence, and therefore he is declared elected unopposed. Congratulations Tim!

The term of office is 2 years (Rule 24.2) commencing at the conclusion of Conference 2007 and the duties are as contained in Rule 27 of the Union's Rules and standing Orders.

Forthcoming Ballots:

1) **North Island Rail** (A North Island Branch member employed by Toll NZ Consolidated Ltd eg. Toll Rail, Toll Tranz Link, Wellington Tranz Metro, Tranz Scenic or Hillside workshops)

There have been two nominations received: Wally Wallbutton (incumbent), Toll LE Palmerston North & Steve Peacock, Toll LE Hamilton.

2) **North Island General** (A North Island branch member not employed within Toll NZ Consolidated Ltd or a port branch member eg, United Group Rail, ONTRACK, Veolia Transport Auckland, Stagecoach, Cityline, Taieri Gorge Rail etc)

There have been two nominations received: Phil Bosworth (incumbent), United Group Rail Team Leader, Hutt and Albert Barr Ontrack Track Worker Hamilton

"In accordance with Rule 42.1.1 these two elections will be by Secret Ballot."

3) **South Island Rail** (A South Island Branch member employed by Toll NZ Consolidated Ltd as per North Island Rail)

There have been three nominations received: Doug Blakie, Grant Donaldson & Marty Duncan.

"In accordance with Rule 42.4 this election will be by Secret Ballot Preferential Voting."

Wayne Butson Acting Returning Officer.

CONTRACTORS BILL HAS GOOD CHANCE OF SUCCESS

"The CTU believes that a majority of MPs will be prepared to give positive consideration to supporting a Bill dealing with people doing contract work under the minimum wage, when it comes back before the House," CTU secretary Carol Beaumont said.

A Bill amending the Minimum Wage Act to provide that people doing work under contract for service are paid at a rate at least as favourable to the minimum wage was reported back by a select committee yesterday. The committee was unable to reach a recommendation on the Bill.

"Right now there are people in New Zealand who are economically dependent on the sale of their labour, but who are not defined as employees and who, therefore, find they aren't protected by the minimum wage."

"Most contractors in New Zealand would be remunerated at well above the minimum wage, but this Bill would help certain groups of workers who are being unfairly disadvantaged by contracting relationships, and are being paid below the minimum wage."

"The minimum wage marks a minimum standard in New Zealand that is considered acceptable for anyone being paid for their efforts - that standard deserves to be extended to everyone."

Let's be safe and look after one another!

Remember - Unity will ensure success!

