

THE Transport Worker

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IAN WILKIE FAREWELLED



Ian Wilkie (L) at his farewell function with Ian Stewart

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SERIOUS ROT

Taieri Gorge Rail have uncovered some serious rot and rust beneath the skin of their 'new' cars

Pages 8 & 9

A LESSON FOR EMPLOYERS



When an RMTU member was unfairly dismissed for a SPAD the Union gave him their full support. The result was a win for him and an expensive lesson for Toll

Pages 12, 13 & 14

Managerial prerogative or blatant disregard for H&S?

Standing the line



What employer has the right to make young workers scabs for life? The company manager at the front of the bus should know better than to have a new bunch of young workers branded scabs for life. And where's the safety focus when he would not stop when instructed to by the NZ police AND nearly runs over the policeman and RMTU member, Russell Fairbrother, MP?



THE complex situation at Port of Napier prior to Christmas last year placed enormous stress on RMTU members working there and local delegates. The general and casual collective agreements had been under negotiation for many months and at the same time the Port company retendered the stevedoring contract on container ships and awarded the contract to another stevedoring company. The Port

said that the issues of training and H&S were important factors in its

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RMTU Port of Napier members at a meeting in mid December to bear back from the union negotiating team on the lack of progress on the CA negotiations. The RMTU negotiating team was given a clear message by these members to "call whatever action is required".

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RMTU – NZ's Largest Specialist Transport Union

Standing the line

decision to make this change.

This stevedoring had been done by companies employing MUNZ members for nearly two decades. The result being that many MUNZ members would lose their jobs.

concerns of very experienced crane driver employees, at least one of whom has been lauded by the port company for his valuable work in health and safety at the port. It is not possible to compare risks

It would, however, be a bold court that would ignore . . . cogent and sober evidence of skilled and experienced staff.

Two main concerns

Port company management then unilaterally requested RMTU crane drivers to train the new stevedores giving rise to two very important concerns for our crane drivers:

- Health and safety - they were being told to train stevedores over a very short time without proper regard to health and safety, and when they were obviously not stevedores themselves; and

- Whether their collective employment agreement required them to train stevedores, let alone stevedores employed by a third party contractor.

The Port Company ignored these concerns and insisted that their orders be carried out. When RMTU crane drivers held firm on their genuine concerns the Port's response was to sue for an injunction in the Employment Court.

The Port lost on all grounds.

The injunction was refused, and the Court made a number of telling statements about health and safety and the collective agreement.

Court ruling

In accepting the crane drivers' health and safety concerns as genuine and serious, the Court noted:

"Next, given the evidence of risk of injury or death in training a substantially inexperienced workforce over and after a relatively short period, the Court should be slow to ignore the persuasively reasoned

of severe injury or death with monetary losses that may be incurred by undertaking more thorough and well planned training and I do not intend to do so. It would, however, be a bold court that would ignore, on an urgently convened interlocutory hearing, what I assess to be apparently cogent and sober evidence of skilled and experienced staff about the potential safety risks of the training of a new contractor's inexperienced staff that PONL has instituted unilaterally."

These findings were fatal to the Port's application for an injunction on the training. The Court also expressed serious concerns about the second issue, namely whether training the stevedores was even part of the crane drivers' CEA, stating: "I consider PONL's claim to a contractual entitlement to direct the crane drivers to participate in this training is weak."

As well as failing to get an injunction forcing crane drivers to train another company's stevedores, the Port Company also tried to get an injunction against MUNZ and the RMTU about a threatened picket. Yet again, the company failed. Its decision to go to the court was premature on this point as well, and its claim was dismissed.

One can rightly question why the Port Company sought an injunction to force RMTU members through a picket that did not exist and to force its crane drivers to train in an unsafe way.

The hypocrisy of the situation became more evident the further the dispute developed. Why had the company awarded the stevedoring contract to a stevedoring company that had no experience working alongside mobile harbour cranes when it had said that health and safety was one of the key factors in its decision to change stevedore companies?

As the dispute moved on, pickets were put up at the Port by MUNZ, and a standoff resulted with the Port Company. Once again the Port Company sought an injunction to force RMTU members across, although this time the company steered well clear of the issue of training, which had been decided resoundingly in favour of the RMTU and its members.

The Court said that RMTU members had to cross the picket however, the serious concerns about health and safety and training remained.

At the same time, the dispute quickly gained momentum and support nationally and internationally, even the shipping lines were choosing to bypass the port – a dire situation for all which was unnecessary and preventable. After many days and hours of mediation, resolutions were reached on the stevedoring issue and a provisional settlement was reached with the Collective Agreement negotiations.

Lessons learnt

The company believes it exercised managerial prerogative. What it chose to ignore was the health and safety rights of our members, and this is why its claim for an injunction about the training was thrown out. The company's actions also placed the crane drivers under immense and avoidable stress, and risked key contracts. This should never have happened.

What other lessons were learned by the RMTU?

First, how important it is to stick to your convictions on health and safety. The crane drivers had every right to raise their concerns and to hold fast. Their views were critical in the Employment Court case. Second, the value of sticking together as part of the RMTU. The local port delegates were absolutely fantastic and so were the members. Together they were able to make a real difference.

Solidarity

Dear Brothers and Sisters,
First of all, I would like to extend our deepest appreciation to your support for our struggle. The negotiation was very difficult. We demanded that Sagami Railway Co Ltd provide for a fair wage level which is not so different from that of other workers of the same occupation and to make non-regular employees regular employees.

The management specially emphasised the following points and continued resisting our demands: the Sagami Railway Co Ltd had a deficit of more than 10 billion yen and the bus section of the company recorded a loss of 1 billion yen every year. Therefore we informed the management of our plan to stage a four day strike action from 24-27 December 2007 but the management continued to resist our demands.

On December 22 however, the management accepted all our demands thanks to support from fellow trade unionists both from home and abroad such as Oceania, Europe, the United States and the Middle East.

Thank you once again for your heartfelt support to us.

Yours in solidarity
Masayuki Aoki

Action applauded

Dear Editor,
We wish to applaud the action taken by your members in standing firm and respecting the recent Maritime Union picket at Napier, despite the pressure and threats made against you.

We believe the solidarity you displayed was a material component of the weight brought to bear on Port of Napier management that has resulted in the successful settlement of this watershed dispute.

Collective action taken by workers always gains respect into the future.

John Whiting
Branch secretary
MUNZ Wellington Waterfront Branch

Discrimination

Dear Editor,
The cover story of the September issue of The Transport Worker celebrated the restoration of Tier 1 conditions for all RMTU rail members.

Sadly this is not yet the case as those designated Trans Scenic Train attendants still suffer the discrimination and inequity of Tier 2 wages and conditions.

This has led to a complete distortion of parity with other staff and the company introducing ludicrous business practices that potentially compromise safety and service rather than realistically addressing the serious injustice that now exists.

We look forward to the day, with increasing impatience and frustration, that we may cease to be the "forgotten few" and can celebrate the final demise of the grossly unjust Tier 2 conditions.

Brian Armstrong
Train attendant

Retirements

Dear Editor,
I have resigned from Toll Rail and taken up a position with Pacific National, Queensland in Townsville, so I would like to formally resign from the RMTU and my position as locomotive delegate for the Greymouth branch. I have enjoyed my short time in this position and was looking forward to the challenges that lay ahead this year, especially the 45 wagon trials coming up. I would like to take this time to thank the branch for all their help over the past 22 years and wish you all the best for the future.

Kevin Sheard
Locomotive delegate

Dear Editor,
Due to my taking of early retirement I must tender my resignation from the RMTU. I am proud to have been a member of the RTA, CURE and RMTU for over 40 years and have enjoyed various roles at local levels during my time at Hillside Workshops. I must thank Head Office, South Island industrial officers and Hillside's local branch officials for all their help and support over the years of my

involvement. To all my workmates thanks for all the good times and memories, work safe, support your union and all the best for the next wage round. I will miss you all.

Yours fraternally
Wayne Ritchie

Dear Editor,
I reluctantly resign as a member of the Union. After 23 years as a member and an employee of Port Marlborough I am retiring early on 15 January 2008.

I particularly want to thank Leonie for all her help (especially in the early years) and thank Todd and Henry over recent times.

In the earlier times we had huge support from Ross Wilson and Eddie Dickson and wondered how we would get on without them but you all filled their shoes admirably.

Best wishes to you all for the future
Carolyn E Weetman
Port Marlborough

Bannerman's 'salmon'



In a boastful letter to Union members John Bannerman sent this photo of his first 'salmon'. Observant fishing folk will notice that not only is our dear colleague wearing his Union shirt on his fishing trip but that the salmon is also in disguise – dressed up to look exactly like a kahawai!

Well done Bannerman!

A happy New Year to all of you and yours! This is the first issue for 2008 and boy what a year it promises to be for RMTU and YOU!

We have the centenary of the Blackball Strike being held over Easter and two celebrations of the 100-year anniversary of the North Island Main Trunk later in the year. Let us also not forget that we have the 100-year locomotive engineer reunion being held in Christchurch over Labour Weekend which will see many an old face – and friendships renewed. And of course it is election year! Just to keep us all from wondering how to fill the day we also have 20 collective agreements up for renegotiation this year and they include all of our big ones – Toll, Veolia, United, Taieri Gorge, ONTRACK and Hall's and in the ports we have Lyttelton, Otago (Chalmers), Tauranga, Timaru, C3 (Owens), Centreport, Napier, Marlborough and Southport. So it's all on for young and old. With unity and solidarity we all will ensure that we have good outcomes that will meet the needs and wants of members and also ensure the sustainability of the employers' businesses. It is worth noting that the abounding rumours of what the Government has in store for the rail industry are very distracting for all involved and so an early sorting out as to what is to occur would be appreciated by us all.

Two key dates

The International Transport Workers Federation has two key dates in March. On the 6th is International Railway Action day and the 8th International Working Women's day. The RMTU will participate and add its voice to celebrations on both days. Our Union is taking an ever-increasing leadership role in international events and I urge you all to get involved and engage in the process. The rights that we often take for granted are the same rights that our international brothers and sisters lay down their lives to achieve. We owe it to them to assist in their struggle in any way that we can.

The national president, organiser Henry Fagaiava (in his role as co-convenor of the Pacific Island CTU sector group Komiti Pasifika) and I attended the two-day Union Leaders Forum in Rotorua on 18 and 19 February. The forum brought together all the leaders of CTU affiliated unions in NZ and was very inspiring.



Wayne Butson, general secretary

One feature was that all unions reported a "growing hostility" among employers toward unions and union members. Given that we are eight years into good faith industrial relations this is an alarming situation and suggests that employers are rubbing their hands together at the prospect of a John Key-led government being elected and are anticipating that the industrial relations pendulum will swing strongly back in their favour.

Jeff Lawrence, the new secretary of the Australian Council of Trade unions, attended and reported on the growing joy at the election of Labour in Australia last year. After so many years of John Howard's Liberal (National) Government's damaging right-wing conservative policies there is much work to be done there. An illustration as to how angry the Australian voter had become with Howard is the fact that he lost his own electorate seat and isn't even an opposition MP any longer. A number of recent post-election polls and surveys show Howard's extreme anti-worker "work choices" industrial relations legislation was his downfall. In all reality "work choices" left workers with no choices as it made it much easier for employers to slash wages and conditions by placing workers onto AWAs or individual agreements. Remember workers' rights are union rights.

Another major union event for 2008 is the the 3rd International Pacific Rim Mining and Maritime Seminar in Sydney in April. The

RMTU will be represented at the conference by Aubrey Wilkinson (vice president) and Ruth Blakely (SI ports). This forum brings together unionists to discuss the impact of the neo-liberal agenda for the globalisation of trade with increasingly rigid anti-labour legislation. Transport and mining, together with energy, manufacturing and retail industries, are linked through the nature of freight forwarding and the ever-increasing dominance of developing countries in the manufacturing sector, particularly China. The two previous seminars developed a structure for organising locally and globally and have maintained important solidarity and communications networks between participants and their spheres of national and regional influence and activity.

The Labour-led Government have introduced into Parliament an amendment to the IPRC Act which will see post-traumatic, stress syndrome become a "covered" injury under the ACC legislation. This is a great breakthrough for RMTU as we have been lobbying successive ministers of ACC heavily on this matter. You may recall that a few years ago we ran a story in this journal which told the story of Brownie Bristowe. Brownie could no longer drive trains as he was so traumatised by repeat trespasser fatalities. Sadly this was not classed as a workplace injury under the legislation at the time and so Brownie received no ACC help, support or assistance. When carried, the amendment will see any new "Brownies" covered under the Act.

Outrageous booklet

I talked earlier about employer hostility and can report that our negotiations with ONTRACK are almost complete and as this goes to print we are close to having a settlement to the unilateral release by ONTRACK of their "Building Our Future" booklet. This will see exposed one of the most flagrant anti-union attacks on this Union and its members that I have seen. I urge members to carefully read the material when it is sent to you by ONTRACK and then judge for yourselves the benefit of belonging to this Union. Then ask yourself that if this can happen under the Employment Relations Act what could it be like under a John Key-led government?

As we progress through this year we will all need to stick together.

United we stand – Divided you beg!

Paku Neera Rigby

26 January 1941 – 28 January 2008

Paku Neera Rigby, a cargo handler at the Port of Lyttelton and RMTU member for 38 years, died while saving his granddaughter from drowning at a Northland beach last month.

Puk, as he was known, was in the north for a family get-together that included celebrating his 67th birthday. They were swimming at Matapouri Bay when 20 year old Tiara got into trouble in the water. Puk went to her rescue, but after putting all his strength into saving her from a rip, he was swept away himself.

His body was returned to Christchurch, to the Rehua Marae, for a tangi and funeral service. Hundreds of friends and work colleagues were there to pay their last respects. At the service, colleagues recalled Puk's carefree approach to life, but



Paku Rigby surrounded by workmates at the Lyttelton RMTU branch end of year social. From left: Peter Brasell, Mike Tasker, Hamish Smith, Paku, Tony Rodriguez, Tommy Thompson, Ray Spain, Bill Houston.

in an emotional moment, Tiara tearfully said she owed him her life and would never forget him.

Puk loved the camaraderie of his job at

Lyttelton, but was reluctantly working towards retirement by outfitting a camper bus so he could better indulge his second love, fishing.

Puk was from Wairoa, but moved to Christchurch under a training scheme for young Maori to complete a carpentry apprenticeship. Like many other trainees, he stayed in a hostel at the Rehua Marae and actually completed some of the building work at the marae.

He started with the Lyttelton Harbour Board as a chippie in July 1969, but like many tradesmen in those days, later transferred to cargo handling. In his heyday he was respected as a plant operator and crane driver and renowned as a

socialiser.

He leaves behind three children and six grandchildren.

Clint Bucknell, locomotive engineer Whangarei – Bucko to his workmates – passed away in sudden and unexpected circumstances on Sunday 13 January. His passing has saddened all of us who knew him and worked with him and has left a big hole in our small depot. The funeral service, which overflowed, was attended by a diverse cross section of the community from young to aged including several retired drivers and workmates from his earlier days with rail. A few old friends had travelled from Australia to be there. This was testimony to the character of the man who seemed to have touched many people with his friendship and his ability to empathise with others, often lending a listening ear and shoulder to lean on. He was a loyal friend and a devoted family man who loved nothing more than to spend time with them.

He was an avid gardener and every visitor to his well maintained property got the royal tour, often coming away with samples of the fruits of his labour'



Clint Bucknell (Bucko)

30 June 1955 – 13 January 2008

Bucko joined in 1973 as a trainee and after passing his loco assistant's ticket was transferred to Auckland to do his time there before being able to sit his driver's ticket. His time in the 'big smoke' was often the topic of conversation, as he would recall the many memories of the mischief that occurred, both on and off the job, and those people who he worked with. He eventually returned to Whangarei where he would see out his days as a first grade loco engineer.

When redundancy was on offer back in the 1980s Bucko decided that night shift wasn't as attractive anymore and left to try his hand at something new. He would leave and return two more times before settling back into his career on the footplate. This latest stint would last 11 years.

He became more involved in the issues of his workplace standing for conference delegate for the local branch of the RMTU and was a passionate defender of any topic that he had a personal view point on. He was a 'facts and figures' man which was part of his nature from young, a family member said, and if you were to have a debate with him on a topic you had better know your stuff as he was a terrier once he got going.

Clint also took on a role as H&S rep for the depot, a source of frustration for him as, in his view, the wheels of progress turned too slowly for him.

A popular member of the depot, he was great to work with and always made the long shifts more interesting with his colourful stories. He will surely be missed and fondly remembered by all who worked with him. Our heartfelt sympathies go out to his family.

In the words of the song by U2: 'Sometimes you can't make it on your own.'

Farewell friend.

Clint is survived by his wife Linda, six children and one grandchild.



Ian Wilkie receives his life membership award from RMTU president Jim Kelly in the National Office

Wilkie walks

IAN WILKIE, vice president of the RMTU and National Management Committee retired just before the Christmas break. Ian's workmates, through the Canterbury branch organised a great afternoon (which we believe extended to the evening and then into the night) at the Woolston Club which was attended by Ian's friends and family.

All enjoyed themselves even though the short speeches and story telling seemed to concentrate on Ian's

past deeds of misbehaviour.

Anyway, importantly Ian and his family enjoyed the day which we hope will give Ian more memories of his varied working life within the rail system and in the union movement.



Ian Wilkie and his son Shane enjoy a joke at his farwell

Working with management

A Labour Department specialty team focusing on developing constructive workplace partnerships has been working with both the Union and United Rail Group management over the past couple of months.

"We have been asked by both parties to look at ways of improving workplace relations and workplace practices to ensure we have a thriving engineering operation at both the Lower Hutt workshops and throughout the URG operation," says Paul Chalmers, the PRC associate.

Both parties have admitted the relationship could be better and these have been affecting productivity and progress.

Union representatives and management attended a "Clean Up Day", designed to focus on designing a participative process which both parties felt they could contribute to positively. As a result they expanded the Local Consultative Committee to include all delegates with work area responsibilities and the full management team. Both parties agreed to concentrate on key issues affecting either the business or employee conditions and to confine minor issues to other forums.

"The aim," says Chalmers, "is to have both parties participating in operational decisions that impact on either the workforce or productivity. There should be no surprises as both management and union collaborate on these key issues".

Be at the Wellington rally at the Iranian consulate on March 6, 2008 at 151 Te Anau Road, bataitai. at 1200 hours

Iran's rising workers

Mansour Osanloo, leader of the Tehran Bus Workers' Union, is the focus of an international campaign to have him released from prison.

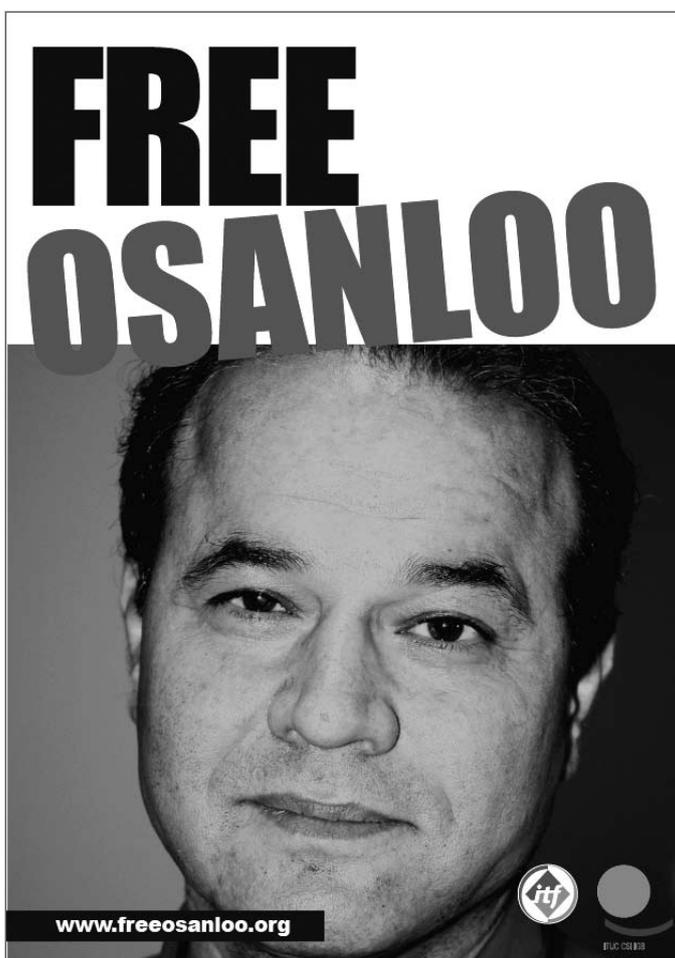
IN October 2007 Mansour Osanloo was sentenced to five years in prison on trumped up charges of endangering Iran's national security and criticising the regime. However, the real reason that he has been targeted is as a member of a free trade union not controlled by the government.

Since the union was formed in June 2005, he has been arrested three times and spent more time in the notorious Evin Prison than out of it.

In January 2006 the nascent union held a one-day strike which was crushed by the authorities. More than 1000 workers were detained in the notorious Evin Prison. Following ITF (International Transport Workers' Federation) and ITUC (International Trade Union Confederation) organised global protest most of the detainees were released. However, the bus company dismissed 46 workers who took part in the strike.

In April that year the union joined the ITF and in May its members were attacked for taking part in a May Day event.

Osanloo was finally released from Evin



Prison in August following continued backing and protest from the ITF and the ITUC at Iranian embassies worldwide.

Osanloo freedom was short lived. In

November he was violently detained by plainclothes police and only released a month later again, after global protests.

In February 2007 the Iranian court says Osanloo's charges are "attempts to jeopardise national security" but take no further legal action.

However an unsuccessful attempt to kidnap him was made by the secret police in May, and in July, following his attendance at ITF and ITUC meetings in London and Brussels they succeeded. Global protests begin immediately with action days supported by Amnesty International.

In October, Indonesian trade unionists visited Tehran and Osanloo received long overdue eye surgery.

Meanwhile, the Iranian government continues to ignore worldwide opinion.

Osanloo is not alone. His deputy, Ebrahim Madadi, was sentenced to two years while Mahmoud Salehi, a union activist in Kurdistan, has been sentenced to five years – both for distributing leaflets on May Day in 2004. Recently

Continued on the next page

Injustice to workers fuels union growth

ALL 2,500 construction workers building a copper-smelting plant in Iran's southern province of Kerman were promised permanent employment when the plant came online. They had been hired under a joint venture between the state-owned copper-production company and a Chinese corporation.

Just before the first stage was set to open in January 2004, all but 250 were sacked. The workers and their families blockaded the building demanding the agreement be honoured and delayed wages paid. They were at first confronted by the police and then

on 24 January, after eight days, the security council of the province dispatched special police forces in helicopters who fired live ammunition into the crowd killing seven to 15 and wounding 300. At least 80 were arrested, tortured and later released. As word of the carnage spread throughout Iran, it became a rallying cry for what subsequently developed into a new labour movement. Since then the movement has had to meet secretly, its members and leaders under constant threat of attack.

Skin deep

Exposing the dangers lurking beneath the thin skin of passenger carriages

Question:

What to do with a set of old, decrepit, rusting and rotting carriages?

Answer:

Sell them to an unsuspecting tourist venture.

IN this case the carriages were old stock used on the Wellington-Wairarapa run now replaced by wonderful new SW cars produced by RMTU members at Hillside Shops. The proud new owners are Taieri Gorge Railway (TGR).

The photographs with this article attest to the bargains they bought.

Iran's rising workers

Continued from the previous page

another activist, Majid Hamidi, was shot by masked men in Sanandaj.

Iranian workers don't believe that government founded work associations are representing their interests and in recent months teachers, car workers, sugar production workers and those working in Tehran's metro, as well as women and unemployed people, have all staged protests.

What you can do

- Watch the film "Freedom will come" and download other campaign materials.
- Sign a petition set up by the ITF, Amnesty International or Labour. You can also write to the Iranian government.
- Wear a Free Osanloo badge available from the ITF.
- Lobby your local MP.
- Spread the word by distributing leaflets

www.itfglobal.org/campaigns/freeosanloo.cfm

The possible extent of their problems were revealed when one of the carriages was taken into the workshop to be modified as a buffet car. When they took off the interior and exterior panelling they discovered rotting and rotten bearers and braces and rusted metal joints and structure.

Lucky Weka Pass Railway also received one of these carriages and by the time they had stripped it of its rot and rust all that was left was a flat metal deck and its bogies.

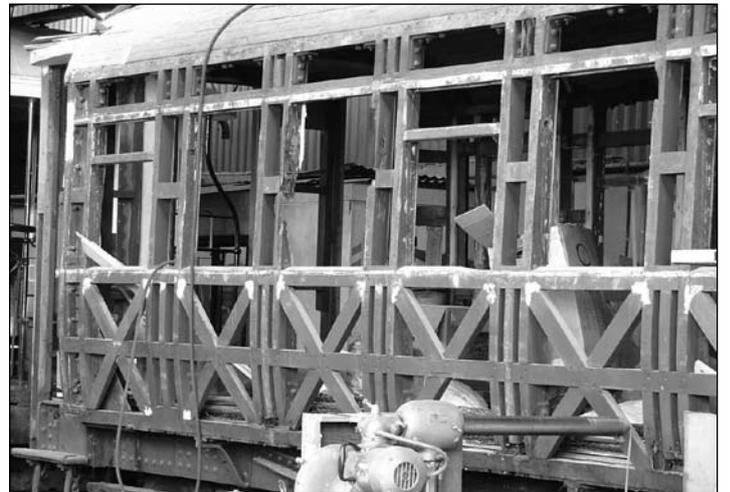
It looks as if TGR might end with a similar result from their 'bargains'.

Adding to their woes are a lack of bogies. Those that came with the carriages were designed for high speed running (100 kph) and were to be returned as part of the deal.

Unfortunately, to fit the high speed bogies the carriages had needed modifying. Reinstating those modifications won't be easy – and the work will almost certainly reveal a festering bed of rust and rot.

It is moot to keep in mind that these rust and rot buckets were in service between Wellington and Wairarapa until almost the day they were shipped south and that many who worked on – and with them – were aware of, and had reported, their sorry state.

Dunedin City Council, a majority share holder in TGR, should be concerned but so far they have only crowed about the value of their new stock to local media. They appear





to have their eyes shut to the problems beneath the surface.

The real concerns for the RMTU are:

- If something nasty happens and the carriages are split open who will be held responsible for the likely injuries – and possible deaths?
- Who passes these – and other rolling stock - as ‘fit for purpose’ on our railway tracks?
- Isn't it high time rail had similar safety regulations as apply to road vehicles – and for that matter all other transport modes?
- If the police wanted to check a rail vehicle's suitability for use what basis would they use to scrutinise the vehicle?

The RMTU values the lives and health of its members. It is appalled at the shoddy way regulators are treating them and the public by not prescribing a strict vehicle

fitness standard to railway rolling stock and subjecting them to regular independent certified scrutiny.

Can you imagine the air and bus industries if it was left up to the operators to set their own standards of fitness for purpose?



KiwiSaver update

THERE have been some recent changes to KiwiSaver regulations that readers should be aware of. Most relate to employers – but it's wise to aware of what is happening to your superannuating and savings.

The two key changes are:

- From next month compulsory employer contributions begins; and
- To offset this cost employers will be able claim a tax credit of up to \$20 per week per employee.

The level of minimum employer contribution will increase each year until 2011 at 4%. Meanwhile, over that same period, employee contributions remain constant at 4%.

These are the minimum rates. Employers may also make voluntary additional contributions.

The employer tax credit can be claimed from the first pay after an employee starts new employment or after they receive notice that they have joined a KiwiSaver scheme.

Other changes:

- Casual employers who receive holiday pay with their wages are now not subject to automatic enrolment in the scheme.
- Salary and wages now excludes redundancy payments, accommodation benefits and allowances for accommodation and overseas living costs.
- Compulsory employer contributions are required when an employee is getting ACC or paid parental leave.
- Contributions to existing superannuating schemes, under certain circumstances, can count towards the employer's compulsory contribution, though they would not be eligible for a tax credit. Contributions will be based on the employee's base, not gross, salary or wages.
- If a person's enrolment in the scheme is deemed invalid they will receive a refund via Inland Revenue.
- Previous home owners who are deemed to be in the same financial position as a first-time buyer may also be eligible for a first home withdrawal and deposit subsidy.



The Toll Operations Council

THE Toll Operations Council is an ongoing joint working party between Toll NZ and the Rail & Maritime Transport Union. The TOC discusses matters involving shunting, terminals, CT terminals, locomotive running and onboard services and their associated activities.

The general purpose of the group is to:

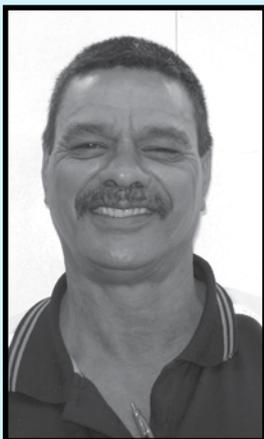
- Build an appropriate framework for the future;
- Enhance discussion and consultation at local level;
- Provide leadership and direction necessary for local committees developing, trialling and implementing agreed outcomes;
- Counsel on how local projects (modelled on the national 'big picture') can be jointly developed, trialled and implemented;
- Ensure the maximum possible local participation in any debate and project work;
- Reviews and updates all relevant codes, training and rules;
- Provide a joint (RMTU/Toll) national overview of the 'big picture';
- Share all information, data and ideas at all levels as appropriate;
- Deal with the 'exceptions', local quirks;
- Develop agreed educative programmes to enhance safety and understanding;
- Develop and set facility and equipment basic standards (e.g. lighting, underfoot conditions, loco cab conditions, etc);
- Provide a national overview and processes for the development, trial and introduction of new technology and work processes;
- Vet, debate, amend or endorse issues incorporated into or arising from the Toll New Zealand Operating Plan (or further issues which may arise from the Council);
- Review Tunnel Committee reports; and
- Overview local H&S action team minutes and escalation point for unresolved issues.



Bernie Snook RMTU - I believe union participation on this Council is important for a safer work place. During the time I have represented those in the northern sector we have brought about changes to the cab environment seen on the DXR locomotives in this region. I look forward to representing the interests of members in 2008 and meeting up with some of you over the coming year. There are plenty of issues in H&S we will be looking at.



Mike Sumner Toll - The TOC is a great forum to discuss the link of common operating behaviours across the Toll group of companies and to then establish best practise operating processes that ensure a healthy and safe work environment and a productive workforce.



Mike King RMTU - Working on the Toll Ops Council has given me the chance to meet a lot of Tranzlink employees and negotiate on their behalf. Being included in the last pay negotiations for Tranzlink was a major achievement for me besides visiting all the CT sites. The Council works very hard for all rail and Tranzlink employees enhancing health and safety issues. I believe all parties in the TOC (RMTU, employees and management) have debated interests for both sides quite vigourously at times. I love my job!



Murray Dunlop RMTU - Happy and prosperous New Year to all. I need to explain to members how to use the TOC. Regional issues are important and can have a bearing on members nationwide. Visits to outlying branches are a continuing problem and these will be addressed at the March 08 TOC meeting.



between meeting regional participation matters.

TOC



Wally Wallbutton RMTU - From its inception the Shunt Council and the Locomotive Engineers Council, with what is now the Toll Operations Council, have brought in

safer operating standards to ensure that we are safe in the work place. It has been very challenging and no doubt will face even greater challenges in the future. We may not agree with everything the company asks likewise the RMTU, but we strive to meet in the middle ground and get a workable and satisfactory outcome.

Todd Valster RMTU - The TOC has enormous potential to improve safety through the participation of members. We need to get better at communication to and from the TOC and make use of the time to strengthen local and communication on operational safety



Craig Nelson Toll - TOC is a unique industry body and something I am proud to be associated with. Our business continues to have challenges and opportunities and TOC is often an important element in meeting them. Engaging the wider business in the process and outcomes of TOC, from both management and staff continues to be a challenge and something I see as a priority for 2008.



James Carragher RMTU - During 2008 I hope to spread the word about TOC and its benefits. Along with helping out and building relationships

with the CT and distribution teams throughout the South Island



Ian Wilkie RMTU H&S champion, shunt and Toll Operations Council Southern Terminals rep showing off his gift from Toll at a dinner put on for him to celebrate his career and retirement.

Dean Ngatai RMTU - Happy New Year to members in the north, wishing prosperity to all in 2008, looking forward to catching up and meeting all terminal members in the northern region. Until then be safe and take care.



Maree Cooper and Danny Malone Toll - We look forward to a continued commitment from all parties to use the TOC forum

for new ideas and resolving issues in a honest and constructive environment. This forum can work well in cementing relationships for a team approach in achieving goals that benefit us all.

Hayden Smith RMTU - My role in 2008 will be focusing on getting around the various worksites in the passenger area to raise awareness of TOC and its function. I believe it is vitally important that passenger participates in this forum.



Continued over the page

A lesson for employers

Toll NZ failed to follow proper procedures when dismissing a worker and subsequently paid a great deal of money in compensation and legal costs. The case, taken up by the RMTU, gained national coverage as an example to employers of what not to do.

LOCOMOTIVE engineer Gary Rowe can count his lucky stars that he belonged to a strong, vigilant and caring union.

In July 2005 he missed a red light (known as a 'signal passed at danger' or a SPAD) and made an error of judgement and then failed to report it. Shortly afterwards he was dismissed for serious misconduct.

Between the incident and the dismissal – and for a significant time prior to the incident – a number of processes were missed or ignored and some miti-



gating factors brushed aside by Toll.

Gary, 61 at the time and with 43 years continuous service in rail, was borderline depressive, a condition discovered months prior to the incident. A significant stressor which had led to that condition was the freight roster that Gary was working on. The negative impact of the roster on Gary had in fact been identified earlier in 2005 by a psychologist engaged by Toll itself.

Following a two-month period of sick leave, where the company psychologist and his own GP treated

him for his depression, he returned to work and was immediately put back on the same freight roster.

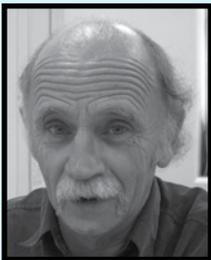
Many errors

This was one of Toll's many errors.

"I was booked to run a freight train to Hemopo near the Kaimai Tunnel," he said. "I travelled back as a passenger on the same train to Te Rapa where I took over. It was about 8pm on a Friday night. The incident occurred a couple of minutes later as I was settling in for the drive to Auckland."

Continued on the next page

The TOC (continued)



John Sargent Toll - Having been a management rep on the Council since it started in 2000, I am keen to continue to build on the safety initiatives we helped put in place in our terminals. During 2008 we need to focus on reducing the number of accidents and yard collisions which result in damage to equipment and property and put our staff and workmates at significant risk. To

achieve this the Council will rely on input from terminal staff in the field.

Richard Priddle Toll - Having recently become a member of TOC I will be looking forward to being part in developing strategies and initiatives to make our workplaces safer. What I hope to achieve is greater visibility and involvement of the people on the ground who implement new and improved procedures. For us all it needs to be about continuous improvement.



Doug Blakie RMTU - As most of you in the South Island will know, I am the new kid on the block. I have replaced Ian Wilkie on both committees and look forward to meet with many of you in the coming months so you can at least get to know who I am and I can get more of a feel of who you are and who I represent.

This year is a busy year for the RMTU and Toll and there will a lot of expectations and demands on us all. Ian did a great job, sometimes under lots of pressure. I undertake to give my best in this new endeavour



Danny Ellis RMTU - Having been on the Council for the last two years I would like to get around all work sites within the central region to see how things run and to meet and make contacts. I would like to see operating incidents and safety improved so that members get to go

home to their families – a right of all workers. Being on the Council gives me and the workers I represent a say and keeps the company honest.

He reached down to get his thermos of tea and as he looked up noticed the red light.

He also noticed a group of people crossing the track illegally and the oncoming train with its lights on full beam.

He caught a glimpse of the signal and whacked the brake valve into emergency and stopped approximately three or four engine lengths past the signal.

Gary's response to this error, and his inability to cope, were part and parcel of his depression. Toll's psychologist confirmed at the Employment Court hearing that people suffering from the depressive symptoms that Gary had can shut down when they make an error, and that their ability to cope is vastly reduced. According to the psychologist, putting Gary back on to the same roster meant that he would almost certainly retrigger his depressive symptoms. Her unchallenged evidence in the Court was that Toll had never told her that it was putting Gary back on to the same roster.

Court records

Court records: - Question: "Were you told by anyone in Toll, Shane Koolen or Dr Cameron or anyone else that Gary Rowe was being put back on to the same roster?"

Answer: "No, most certainly not. I would have been very concerned if that was the case. I thought I had indicated, as I say, in that when I had raised the issue around the importance of the roster he was on as being one of the critical factors for his presentation."

The same psychologist noted that by being put back on the same roster, Gary's depressive symptoms were almost certain to retrigger – "He went back, right back to the same environment and certainly one's going to expect that he's going to have a similar range of symptoms as a result of that," she said.

Unable to properly cope with the SPAD,

Gary reversed the train back until it was behind the signal, received a green light,

Gary has no doubt that without the Union's backing and support he would have been "hung out to dry". . It is a lesson to all employees about the value of belonging to your union.

and proceeded to Auckland. He also was not able to bring himself to file a report. That was an error of judgement, but it was made by someone who was not well. Toll's refusal to see this was a fundamental failing in its decision making.

A signalman noticed an unexplained occupation of the track and reported it. His report was picked up the following Monday and acted upon.

Later on the Monday Gary was requested to meet his Auckland-based operations manager. He noted that while he wasn't told what the meeting was about nor was he invited to bring any union support, his manager had already arranged to have a second manager there supporting the company.

"He asked me questions without ever telling me what it was about so I didn't volunteer anything without having a representative there," said Gary.

Later that evening, after thinking about the meeting and the reason which lay behind it, he phoned the manager to tell him about the SPAD.

Unfair approach

"Later the company claimed I had lied to my manager at the first meeting, but in court it was shown the manager's story was not clear and that his approach to the meeting was totally unfair," said Gary.

Two days after that meeting Gary was called before a management meeting. That led to other meetings during which Gary and his union representatives raised the issues

of the roster and medical retirement. The Toll manager who was the decision maker said he would look into this, but as the Court identified, this was superficial at best.

The decision maker in the process also withheld documents and information he had been provided, but which had not been provided to Gary nor the RMTU. This included a full internal report which had been withheld on the instructions of Toll Head Office. The Employment Court was very critical of Toll's approach to disclosure.

The process ended with a very short meeting in which Gary Rowe was summarily dismissed, after 43 years continuous service in rail. Gary noted: "My union reps were as shocked as I was. They thought the meeting was to discuss my early retirement on health grounds, but the company said that I wasn't sick."

Toll's refusal

Toll refused to take any responsibility for the harm the roster had caused Gary and for putting him back on to the same roster prior to his SPAD.

There followed a series of legal proceedings and appeals, during which Gary had the full support of the RMTU and its lawyer.

First, the Employment Authority granted \$66,000 in lost wages and \$15,000 in compensation less 15% for contributory conduct by Gary. This was a resounding result for Gary and reflected the failings of Toll and the harm caused to Gary.

Toll then decided to appeal that decision to the Employment Court. The Court heard evidence over four days, deliberated and then issued its decision. That decision raised every award granted by the Authority. Toll's appeal was dismissed totally.

The end result was an increased award of \$75,000 lost wages, and \$25,000 for distress, less 10% for 'contribution'.

These awards are at the very highest end of the range that tends to be awarded by the Court. They again reflected the seriousness of

Continued on the next page

Toll pays the price of its own blunder

Continued from the previous page

Toll's failures. Not only that, Toll also paid a significant sum to the RMTU in relation to costs, and also spent many thousands of dollars on its own decision to appeal – a decision that ended up with a significantly worse result for Toll. The medical retirement option, which everyone thought would be the issue on the table at the early meetings, would have cost Toll nothing, with the retirement cost being borne by the NZ Locomotive Engineer's Sickness, Death and Disability Fund paying all cost.

Notably, Toll did not appeal the Employment Court's decision, so that is the end of the legal process.

"We won hands down in both cases," Gary said.

Important case

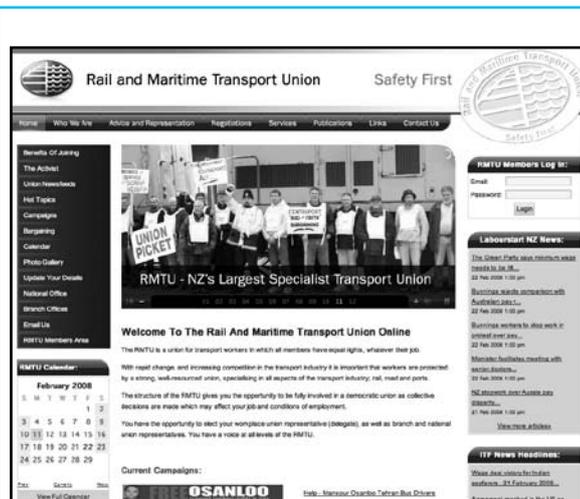
Gary and the RMTU lawyer Geoff Davenport noted that this was an extremely important case about health and safety, and the failure of a large company, such as Toll, to assess its own failings. Toll's decision was focused

very much on Gary, without looking at why the situation arose in the first place, Geoff said, adding that Toll's decision making was fundamentally flawed. As the Court concluded, this was not a dismissal that was unjustified simply on technical grounds. Had Toll addressed the health and safety issues properly Gary would never have been dismissed.

RMTU crucial

Gary has no doubt that without the Union's backing and support he would have been "hung out to dry". This has been reinforced by Geoff Davenport: "Without doubt, being a member of the RMTU was absolutely critical in this case. It provided Gary with the strength and support to see his case through. A person fighting Toll and its lawyers by themselves, especially when they are sick, faces a huge task."

"The support of the RMTU and its members to Gary was absolutely invaluable," he added. "It is a lesson for all employees about the value of belonging to your union."



Website makeover

THE RMTU's website has recently had an upgrade with some classy rotating photos to grab your immediate attention.

But the real meat is in the content – chock full of interesting and vital information for its members. Headings include the latest union news from around the world, hot topics, bargaining news, union campaigns, downloadable copies of *The Activist* and *The Transport Worker*, contact details for your Union reps and links to useful websites – and much, much more.

As part of your daily web browsing you should be checking out your own website.

www.rmtunion.org.nz

AIL of New Zealand

AIL has been serving Rail and Maritime Transport Union members since 1995 with a No Cost \$1000 Accidental Death Cover provided automatically through your membership.

In addition to this, **AIL** now offers all members an additional \$5000 Accident Death Benefit for a premium of just \$1 for the first year, renewable every year

thereafter for just \$2.50 per year. There are no medical questions to answer and this is only available because you are a union member!

AIL also offers full family benefits plans on a Union-Only basis including supplementary Life Insurance, Accident Injury Benefits (Hospital/A & E/doctor treatment), and Cancer Protection.

To take advantage of this service please fill in a yellow **AIL** reply card. MEMBERS MUST SEND BACK A NEW CARD TO GET THESE BENEFITS. Or contact **AIL** directly on freephone

0800 127 887

Wake up LEs & rest assured

IN the last 31 years 222 locomotive engineers had to retire due to medical reasons. Since the Funds inception members departing the Fund for whatever reason have received a total payout of \$4,316,051 from the New Zealand Locomotive Engineers' Sickness, Accident and Death Benefit Fund.

If they hadn't belonged to that Fund they would not have received anything.

You could be next, says Fund secretary Julia Harrison.

"You just don't know when ill-health, or an accident will hit. Paying a nominal amount each fortnight from your salary or wages to the Fund is cheap insurance and the Fund is Company subsidised."

Last year six locomotive engineers (LE) lost their certificates due to medical reasons and received a total of \$220,430.

With a total of 367 members out of a possible 600 LEs, Julia says there are far too many of them pushing their luck.

"Or maybe they think their chances of challenging their employers in court are better," she says.

Despite some successes in this arena, the heartache, angst, worry and stress are hardly worth the bother.

A recent case (see pages 12, 13 and 14) where an LE was forced to defend himself in court and eventually won, would have reaped him a similar payout if the company had accepted his medical grounds for retirement and allowed the Fund to pay. The difference was a few thousand dollars, and more than a year of stress – not a good look for a man nearing his natural retirement anyway.

The Fund was established for the benefit of eligible employees of Toll NZ Consolidated Ltd and its associated companies to provide benefits for medical retirement due to the



loss of certificate or death. Those benefits are based on the age you join and your age at the date you lose your certificate or die. The Fund is administered by a Board of Trustees including Roy Cowley (chairman), Terry Nowland (lawyer) and RMTU representatives Wayne Butson, Wally Wallbutton and Peter Manson and Toll NZ representatives Paul Ashton and Brian Fouhy.

To become a member of the Fund applicants must hold a current Locomotive Engineers certificate, must have completed their OJT and be a full time employee of Toll NZ or an associated rail company United Group Rail Ltd (previously Alstom Transport NZ Ltd), Veolia Transport (previously Connex Auckland Limited), or, most recently, Taieri Gorge Railway Ltd. Applicants must also have completed a medical examination within four months of their application.

"All LEs within the RMTU meet these requirements as part of their daily work so there are rarely, if ever, any problems in this regard," says Julia. "It's also noteworthy that

if they do have to claim against the Fund, that any benefits are not subject to income tax."

Contribution rates to the Fund depend on age and start at (per annum) \$403 for someone under 30 to \$1130 for someone between 45 and 49.

The benefits paid out depend on how many years you have paid into the Fund but start with a minimum of \$7,612 from day one of becoming a fully financial member of the Fund, rising to \$76,122. Additionally after five years membership, members are entitled to receive an additional \$20,000 and \$40,000 after six years membership. If a member dies before the age of 65 their estate receives between \$12,687 and \$63,435 depending on age at death.

"In the end," says Julia, "there are no exclusions, which is always the case with insurance company payouts or such cover. If you lose your LE certificate on health grounds the Fund will pay. There's no question – join up and rest assured."

To apply for membership contact:

Julia Harrison
Secretary to Trustees
NZ LE SAD Benefit Fund
PO Box 813, Wellington
04-499-2066
julia@rmtunion.org.nz

100 years driving locos in NZ

THIS year represents a century of industrial organisation for locomotive engineers and will, most likely, be the final opportunity to celebrate the occasion on a scale such as that planned for the upcoming reunion.

The Locomotive Enginedrivers Union was formed in 1908 and was initially named the LEF&CA (Locomotive Enginedrivers, Firemen and Cleaners Association). It later changed to the LEA (Locomotive Engineers Association) and formed part of the combined rail union CURE (Combined Union of Railway Employees). While it is now part of the transport industry amalgamated Rail & Maritime Transport Union, the collective of locomotive drivers still maintains a strong identity within the Union.

Your registration and payment will see you participate in the following functions and activities, all inclusive, although you are able to book individual functions/events at a set price.

The primary venue will be the facilities of the Riccarton Park Raceway for all evening events. This venue is surrounded by a circuit of quality motels, a list of which can be supplied. A free dedicated bus service from those motels will take you to and from all functions at the Raceway.

All the functions and activities below can be booked for only \$295. All prices are GST inclusive.

Friday October 24

◆ **“Meet & Greet” - \$80/person**

Price includes transport, all refreshments

and a continuous, high quality, finger food buffet with ample serveries to avoid congestion. Those who are on the free bus service will be notified of pick up and drop off times.

Saturday October 25

◆ **Bus, Train & Winery Trip \$60/person**

Travel by comfortable air-conditioned coaches to the carriages waiting for you at Glenmark Station, Waipara and the Weka Pass Railway. The chartered train will take you on a gentle journey to Waikari where you can visit the craft shops, hotel and/or café. A small walk to the Waipara hall for a sumptuous lunch will be followed by a visit to the highly regarded Mud House Winery and Vineyard for a tour of the winery and the optional extra of a most pleasant wine tasting of their prize winning wines. We will have you on the bus and back to Christchurch by about 4pm.

◆ **Centennial Dinner & Celebrations \$105/person**

You will be entertained at Riccarton Park Raceway facilities by the well-known five piece dance band ‘The Coyotes’, who will be accompanied by guest artist and singer Marian Burns from Auckland. For your entertainment and humour we have gained the services of the renowned New Zealand writer, columnist and humourist Joe Bennett. Joe will lead the speeches and formal aspects of the Saturday night celebrations. The first course will be served at the table and the timing of speeches will be programmed to allow sufficient time and a smooth operation between courses.

The superb buffet dining on this evening will also be followed by a pleasant supper at approximately 2300 hours. Those who are on the free bus service route will be both picked up and taken back to their motels at notified times. Price includes transport, entertainment, all refreshments, liquid and otherwise.

Sunday October 26

◆ **Free time**

Sunday morning is purposefully left free for you to decide what to do. The committee will provide you with brochures and suggestions of activities and entertainment around Christchurch including the now famous Riccarton Park Market with its 300 plus stalls and food outlets.

◆ **Farewell Get Together \$85/person**

‘The Coyotes’ will return to entertain you at the Riccarton Park Raceway facilities at 4pm on the Sunday afternoon as we farewell old friends and colleagues. Those who are on the free bus service route will be both picked up and taken back at notified times. Price includes transport, entertainment, all refreshments, liquid and otherwise. Food arrangements will consist of a high quality light buffet.

Once you have registered you will be supplied with more detailed information and other Christchurch options. When registering request a copy of the recommended motels on the free bus service route.

Please spread the word among workmates and previous loco colleagues in New Zealand and overseas to ensure we have the best possible turnout.



Registration Form

A \$50 non-refundable deposit per person to accompany each registration. Early registration would be appreciated.

NAME _____
 NUMBER ATTENDING _____
 ADDRESS _____

 PHONE _____
 E-MAIL _____

- Motel list
- Deposit \$50 per person enclosed

PER PERSON

- All functions (\$295)
- Friday (\$80)
- Saturday train (\$60)
- Saturday night (\$105)
- Sunday (\$85)

Total \$ _____

All correspondence and registrations to :

The Secretary
Centennial Celebrations
 Post Office Box 6223
 Upper Riccarton
 Christchurch 8442
 Email: murray.gaidunlop@clear.net.nz

- The Centennial Committee advise that, while it is unlikely, the above programme and function venues may be subject to change.

ITF conference

Indonesian rail union welcomed

THE Asia Pacific Rail Workers section meeting of the International Transport Workers Federation (ITF) was held in the Indonesian capital, Jakarta on December 10 and 11, 2007. General secretary Wayne Butson, who is a section vice-chair, attended and was elected meeting chair. This was the first time that the regional meeting had been held in Indonesia and was set to celebrate the affiliation of the Indonesian Railway Workers Union to the ITF.

Indonesia is embarking on a major rehabilitation project of its railway system as there has been a loss of public confidence in the network, particularly on Java. The Government is inviting the private sector to participate in planned projects including the construction of new lines and services.

During the conference a protest rally was held outside of the Iranian Embassy protesting at the ongoing arrest of trade union officials and human rights breaches by the Iranian regime and specifically called for the release of Mansour Osanloo and Mahmoud Salehi. There have been recent reports of union members being whipped there following court orders just

for participating in May Day 2007 celebrations.

Wayne delivered a country report on rail in New Zealand with a disturbing aspect of the report being an acknowledgement of a growth in employer hostility toward the Union and its right to represent workers. He also reported that there is major reinvestment occurring in rail in New Zealand and that there is a growing skills and labour shortage.

This theme was reported by a number of country delegates and is a reflection of the worldwide reinvigoration of rail services as an environmentally friendly transport option.

Motions condemning the military junta in Burma and its crack-down on civil liberties and basic human rights were unanimously adopted.

The meeting was very successful in continuing the work of the ITF to 'Globalise Solidarity' and to give force to the "Touch one – touch all" trade union ethos.



ITF country convenor Hanafi Rustandi (L) and ITF Asia Pacific regional assistant secretary Mabendra Sharma keep the police happy during the protest rally



(L to R) Wayne Butson, Greg Harvey RTBU, Mac Urata and Eddie Dickson ITF



UGL depot retirement (l to r) Tim Spence, Ron Milburn (retiring) and Phil Bosworth



Peter Clark's retirement- (l to r) Mani Raumati, Peter Clark and Henry Fagaiava



Service at UGL Wellington depot Joe Atoa and Mani Raumati

HILLSIDE BRANCH

IN the lead up to Christmas, a long serving member of the Hillside workshops and RMTU member took retirement. Wayne Ritchie decided to end his long association with the rail industry after 46 years.

He began as an apprentice fitter in 1962. During his time at Hillside he participated in many of the clubs that Hillside offered including basketball, cricket, rugby, boxing, St Johns, choir, indoor bowls and film.

A lot of these associations had trips away including the cricket club trips to Christchurch to play Addington workshops. He also played in the South Island Golf Tournament in Geraldine. So as you can see Wayne was involved in heaps of different activities.

Sadly, over the years and changes, downsizing and so on many of these clubs have gone. Wayne was still involved in one more

event in the year that was important to him which was Anzac Day.

He always pushed this and helped to pull it together. On the Union front he was a delegate for the RTA through all of the changes to the RMTU. He was also the treasurer for Hillside branch.

Wayne was always full of good advice and a supporter of strong union principles and stood up to be counted. On behalf of the Hillside branch we were sad to see him go and wish Wayne and his family all the best for the future.



Wayne Ritchie at the Hillside workshop.

NAPIER PORT BRANCH

AS we are all probably back to the coal-face by now, all the best and have a safe year. To our leaders in Wellington, with the pending expiry of contracts, particularly in the rail sector, may your combined endeavours be fruitful. With the elections just around the corner let's be vigilant in spreading the word to keep it red and keep it green!

MUNZ support

At Napier leading up to Christmas was new territory for many of our members. With MUNZ strike action at the port we did as any union must, not cross another union's picket. This was based on the grounds of health and safety. We were outside for four days before being injunctioned back to work in the afternoon.

Without going into the details of the why, who and what, the reason for the MUNZ action was over our Port of Napier management's decision to contract ISO as the port's preferred stevedore company.

The MUNZ strike lasted a week with a positive outcome. By way of support both locally and around the globe via the ITF and MUA there was without a doubt some big

power playing going on behind the scenes, with one vessel leaving the port without any cargo exchange. At the end of the day, the battle was won but rest assured the war is not over.

We also had concerns over the bringing in of a company that had no experience in working in, around, or under mobile harbour cranes. Which in essence may have created consequences for the port employees from a health and safety perspective, as there was an expectation by management for port employees to train these people. There was nothing contractually to compel us to do so.

We were also injunctioned over this issue; however the outcome in the main rested in our favour over this issue.

On this note I would like to acknowledge the huge effort put in by Geoff Davenport our Union's lawyer and thanks to Warren Stoddart for his support at the court appearances in Wellington.

Somewhere along the way there has to be some accountability for such decision-making – be it management or the board. There are many questions being asked both from the community and by those caught up

in the fall out of such actions.

So what has been taken from this? It is apparent that some Port of Napier management have little or no respect for unions or for those who are on the coal face.

Divide and conquer

By bringing in such companies it is blatantly clear there is a desire to drive down wages and conditions. Regimes of divide and conquer are well at play by managers and the underhanded manipulations that go on to control members are well noted, playing off against the union to win people over. It is a recipe for disaster. The sooner they understand we are not working against them the better. I'm sure most of us can relate to this.

During this process we were also in negotiations which compounded to make for a very eventful time. The negotiation process is now complete but we are due to ratify this with the members.

All the best for the New Year comrades, as with the quotation from Hill Street Blues: "Do it to them before they do it to you".

They have all day to sit round and make up plans to undermine unions, so we must stay proactive.

OTAGO RAIL BRANCH

TAIERI GORGE RAILWAY are awaiting with anticipation the arrival of the last of the DJ class locomotives still in operation with Toll NZ.

They just hope that they are not up for some serious maintenance before they can put them into service to complement their fleet of fine vehicles.

There has been considerable debate and discussion both between the RMTU and the management of Taieri Gorge as well as in the Otago Daily Times regarding

the purchase and commissioning of the carriages that were used until recently on the Wairarapa line.

Nostalgia

The arguments are a mixture of nostalgia versus safety and their current state. The first car unclad was found to be woefully degraded in certain areas and this prompted concerns regarding the whole structural integrity of the vehicle as well as the rest of the fleet that was purchased.

ONTRACK and United Group Rail have submitted remits for the upcoming wage rounds and both groups are optimistic of significant gains this time.

Loss rued

At the last branch meeting we were advised that our ONTRACK delegate was exiting the rail industry and pursuing other opportunities, and although we rue the loss of a committed and passionate delegate we also applaud the aspirations of someone who seizes an opportunity to complete academic study.

PORT CHALMERS BRANCH

HAPPY New Year from Port Chalmers. One hopes everyone is well rested and ready for a busy 2008.

Here at Port Otago the busy season is once again on top of us, we see lots of new faces around the place, but once again the staff numbers are not where they need to be. Staff are working longer and harder and under immense pressure to get everything done. We are handling a large number of tranships which makes an already full port an overflowing port.

High expectations

Of course with the expiry of our CEA later this month, I'm sure that the company will reward our hard work. I hope so anyway, because the expectations of the troops is huge. People have had enough and want the long hours and flexibility rewarded.

On the political front, with 2008 being election year we have to throw our apathy behind us and focus on returning Labour to power. It is critical we retain a 'worker friendly government'.



Clare Curran

Recently some RMTU members were involved in the selection for the Dunedin South Labour candidate. It involved a couple of hours on a Saturday to go

along to the selection committee meeting and hear the candidates talk and vote for your choice. The RMTU had endorsed our support for Clare Curran – one of four nominees, the others being Keith McFadyen (PSA), Don Pryde (EPMU) and of course incumbent David Benson-Pope.

The lack of members was a bit of a disappointment but much to our relief, and after quite a few hours, Clare was selected. Clare has worked in the union movement for 20 or more years and is passionate about the transport industry. She also pledged to work closely with the RMTU.

End of year functions

Our end of year 'Retired Members' Christmas function was well attended and ran smoothly thanks to the continued efforts of Jeff Anderson (JJ). It was a great night and great to see so many oldies having a good time – and they each had their own story to tell.

More than can be said for the effort of the company Christmas functions. There was a number of them, some you could take your other half to, some you couldn't, some taxis were provided, others weren't. Why would you want to go somewhere that your partner wasn't invited to and you had to drive home because the venue was so far away? Plus it would cost approx \$50 for a taxi. Not the sign of a responsible employer. One would hope there is a lot more thought put in for this year's.

Personalities

Lots of our members were involved with Masters Games held here last week and it has filtered through that a number of medals were won - well done guys!



Lisa Stevenson

One of our branch executive members, Lisa Stevenson, recently took the plunge and married the love of her life Michael Adam. They married at RMTU member Jeff Anderson's property in Seacliff, a wonderful tranquil setting and a credit to JJ. We all wish them all the best for a long and happy marriage.

We farewelled Gwenda Phillips from the corporate area a couple of weeks ago. Gwenda has been a member for a number of years and we wish her all the best for the future. Gwenda's contribution to various things will be greatly missed around the office.

Reports on Geoff Grubb are good and we hope that his recovery will continue to be positive. We all look forward to welcoming him back on board when the time comes.

Bruce Walker continues to make headway with his illness and we wish him all the best for whatever he faces in the future.

Well that's about it from the sunny south. Until next time be safe out there.



Bruce Walker

LYTTELTON PORT BRANCH



Maurice Parker's colleagues gather at the Lyttelton yard to bid him a fond farewell in his well-earned retirement. Maurice (pictured right) has worked on the waterfront for an incredible 58 years

IT was the best of times, it was the worst of times... In the same week the Lyttelton branch farewelled Maurice Parker to a well-earned retirement and Puku Rigby, who died a brave and untimely death.

Puku Rigby's drowning at a Northland beach while rescuing his granddaughter from a rip, came as a shock to his many friends and cargo handling colleagues at the port. Puku had worked at Lyttelton for more than 38 years. (see obituaries page 5)

Farewell

Meanwhile, Maurice Parker said goodbye to his mates at the mechanical workshops, as he celebrated the completion of 50 years' service at the port. Maurice was designated a "breakdown man", working with mechanics and maintaining port company plant since 1992. During his last few months he had cut back to working three days a week as a wind-down towards retirement.

Maurice left school at 15 and started work for the Greymouth Harbour Board in 1952. From the beginning he showed an ability to turn his hand to anything, working on the

dredge, tug and steam crane for six years before moving to Lyttelton in 1958. He has been a union member on the waterfront for an incredible 58 years!

He started work in Lyttelton as a fireman on the dredges Canterbury and Tewhaka, shovelling untold tonnes of coal through the night shift then catching the train home (this being before there was a road tunnel through the Port Hills to Christchurch). Later he was on the tug Lyttelton II which was involved in several marine rescues. On one occasion they towed the Patagonia Star into port after she was drifting 50km off the Heads. The ship had obviously had a disastrous voyage because the crew were begging for food. On 10th April 1989 the Lyttelton II was minutes from sailing for Wellington in a horrific storm to assist the ferry Wahine when word came that it was too late.

"We could see the seas breaking over the moles, so we weren't unhappy about it," he recalls. In 1981 he was aboard the tug when she made her final voyage to Sydney, the last coal-fired steamship to cross the Tasman. Maurice remained a jack-of-all-trades, some-



times driving cranes and even doing some gardening and landscaping work around the port. However he found his niche in the workshops, primarily servicing the front-end loaders in the coal yard.

He is planning a relaxed retirement and is already travelling the South Island in his camper van. At home he has a well-equipped workshop and some woodworking projects in mind. We wish him well and thank him for his 56 years' loyal membership in the union.