

# THE ACTIVIST



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## **UNION FEE INCREASE**

The September meeting of the National Management Committee (NMC) considered and approved the Unions financial budget for 2015/16 which included a recommendation for a \$0.10 increase to the National Union weekly membership fee. The increase will apply from 1 November 2015.

## **GOOD PROGRESS ON LPC INLAND PORT NEGOTIATIONS**

Negotiations at LPC City Depot are going well. The RMTU and LPC are working on a competency based pay system that, if we get it right, should deliver higher wages, improved productivity and better health and safety.

The Company is working on an offer that will encompass a transition to this system and we're looking forward to engaging on making that work for the benefit of our members.

The work of our delegates Simon Gillard and Darryl Haines has been invaluable and we know that they have the support and appreciation of their workmates. We expect to have the Company's offer next week and will keep members updated from there.

## **HEALTH AND SAFETY REP ELECTIONS NOW ON A KIWIRAIL**

Nominations for Health and Safety Reps are open and due to be completed by 30

October. Some Branches have opted to elect H&S reps at their AGMs, where this has not occurred nominations need to be organised locally between the local Union Branch and KRG management. You can find the H&S Rep election process on the RMTU website.

## **RMTU/KIWIRAIL INDUSTRIAL COUNCIL REPRESENTATIVES 2015/2017 TERM – BALLOT RESULTS**

Ballots for the KiwiRail Industrial Councils closed on Friday 25 September 2015 at 5pm and the ballot was counted in the National Office today. The results are as follows:

### **Kiwirail Freight Industrial Council Locomotive Central Rep**

The result of the ballot between Ben Goodin and Les Perrin is as follows:

Issued	123
Returned	70
Invalid	0
Overall Return Rate	56.91%
GOODIN, BEN	11 15.71%
PERRIN, LES	59 84.29%

Congratulations Les and thank you Ben for standing.

### **Kiwirail Freight Industrial Council Upper North Island Terminals Rep**

The result of the ballot between Dean Ngatai and Grant Pope is as follows:



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

Issued	132	
Returned	32	
Invalid	0	
Overall Return Rate	24.24%	
NGATAI, DEAN	20	62.50%
POPE, GRANT	12	37.50%

Congratulations Dean and thank you Grant for standing.

#### **Kiwirail Freight Industrial Council South Island Terminals Rep**

The result of the ballot between Doug Blakie and Marty Duncan is as follows:

Issued	146	
Returned	67	
Invalid	0	
Overall Return Rate	45.89%	
BLAKIE, DOUG	33	49.25%
DUNCAN, MARTY	34	50.75%

Congratulations Marty and thank you Doug for standing.

#### **Kiwirail Mechanical Industrial Council Train Examiner Maintenance Rep**

The result of the ballot between Craig Davidson and Shane McNae is as follows:

Issued	13	
Returned	4	
Invalid	0	
Overall Return Rate	30.77%	
DAVIDSON, CRAIG	3	75%
MCNAE, SHANE	1	25%

Congratulations Craig and thank you Shane for standing.

#### **Kiwirail Mechanical Industrial Council Hutt Workshops Rep**

The result of the ballot between Philip Bosworth and Paul Morrison is as follows:

Issued	140	
Returned	56	

Invalid	0	
Overall Return Rate	40%	
BOSWORTH, PHIL	38	67.86%
MORRISON, PAUL	18	32.14%

Congratulations Phil and thank you Paul for standing.

#### **Kiwirail Mechanical Industrial Council North Island Depots Rep**

The result of the ballot between Rudi Brens and John Evans is as follows:

Issued	127	
Returned	36	
Invalid	0	
Overall Return Rate	28.35%	
BRENS, RUDY	15	41.67%
EVANS, JOHN	21	58.33%

Congratulations John and thank you Rudi for standing.

#### **Kiwirail I & A Industrial Council Infrastructure Trackworker Rep**

The result of the ballot between Brad Claridge and William Lanigan is as follows:

Issued	227	
Returned	35	

Invalid	0	
Overall Return Rate	15.42%	
CLARIDGE, BRAD	24	68.57%
LANIGAN, WILLIAM	11	31.43%

Congratulations Brad and thank you William for standing.

#### **Kiwirail I & A Industrial Council Infrastructure Sigs, Comms, Traction Rep**

The result of the ballot between William Laison and Ian Walker is as follows:

Issued	146	
Returned	64	
Invalid	0	
Overall Return Rate	43.84%	
LAISON, WILLIAM	54.69	54.69%
WALKER, IAN	45.31	45.31%



Congratulations Ian and thank you William for standing.

#### **Nominations were recalled for:**

**KRL I&A Industrial Council Operations Scale 1 Representative:** There were no nominations received and therefore nominations will be recalled.

**KRL Metro Scale 1 Sales & Communications:** A nomination was received from Donna Campbell who was the only nominee and is therefore elected unopposed. Congratulations Donna.

A hearty congratulations to those elected to positions and we thank you to those who participated in the ballot process.

The Complete list of KiwiRail Industrial Council Representatives is as follows:

#### **KIWIRAIL FREIGHT INDUSTRIAL COUNCIL**

C T Site Rep: Antoon Whiu.

Upper North Island Terminals Rep: Dean Ngatai.

Lower North Island Terminals Rep: Rick Barnes.

South Island Terminals Rep: Marty Duncan.

Locomotive Northern Rep: Barry Simpkins.

Locomotive Central Rep: Les Perrin.

Locomotive Southern Rep: Mike Williams.

Industrial Organiser: Todd Valster.

#### **KIWIRAIL MECHANICAL INDUSTRIAL COUNCIL**

Train Examiner Maintenance Rep: Craig Davidson.

Hutt Workshops Rep: Philip Bosworth.

North Island Depots Rep: John Evans.

Wellington EMU Depot Rep: Danny Singh.

Servicing Mechanical Rep: Logan Kahui.

South Island Depots Rep: Guy Miller.

Industrial Organiser: Stu Johnstone.

#### **KIWIRAIL METRO INDUSTRIAL COUNCIL**

Locomotive Engineer Rep: Michael Nicholson.

EMU Depot Rep: Keith Whittaker.

Scale 1 Operations Rep: Dave Sharma.

Scale 1 Sales & Communications Rep: Donna Campbell.

On Board Rep: Harvey Paterson.

Yard Operations Rep: Glenn Hughes.

Industrial Organiser: Wayne Butson.

#### **KIWIRAIL I & A INDUSTRIAL COUNCIL**

Infrastructure Bridges & Structures Rep: Lou Watene.

Infrastructure Mechanical Rep: Jerry Hohepa.

Infrastructure Track Supervisors Rep: Hopa Bell.

Operations Scale 1 – currently vacant.

Operations Train Control Rep: Geoff Young.

Infrastructure Trackworker Rep: Brad Claridge.

Infrastructure Sigs, Comms, Traction Rep: Ian Walker.

Industrial Organiser: John Kerr.

#### **INTERISLANDER INDUSTRIAL COUNCIL**

Scale 1 (Inside Wellington Terminal) Rep: Chris Hanna.

Scale 1 (Inside Picton Terminal) Rep: Tania Haraki.

Ferry Operations (Wellington Outside Terminal) Rep: John Finch.

Ferry Operations (Picton Outside Terminal) Rep: Vern Steele.

Industrial Organiser: Todd Valster.

Signed:  
Howard Phillips  
**National Returning Officer**

### **DRUG AND ALCOHOL TESTING – KIWIRAIL**

Drug and Alcohol testing can be an emotional topic, largely because of the invasive nature of the urine sample screening process and the fact that people are often required to undergo it in stressful situations such as immediately after an incident. This matter came up at a recent KiwiRail Infrastructure Industrial Council.



In KiwiRail our members and managers have very clear responsibilities and frustration can arise when people adopt an inconsistent approach. It's not acceptable to refuse a D&A screening test if you've been involved in an incident for example. We do know however, that the various business units and managers within business units do things differently. We've had examples, at the same incidents, of track workers being ordered to give a sample when Locomotive Engineers haven't – and we're not talking about level crossing incidents here. We've also had cases where a sample has been obtained immediately after the incident and members have been ordered to provide one the next morning, after the 'chain of custody' has been broken. This is not acceptable.

The RMTU advice to members is that if you are requested to undergo a screening test then do not refuse. If you feel the test is being done improperly or isn't justified tell your manager at the time and make sure you inform your delegate or organiser as soon as possible. If management aren't following the policy let's fight that battle together through our union – the last thing you need is to be dealing with a potential disciplinary issue as well as the stress of going through an invasive and intrusive test.

## SIGNIFICANT LEGISLATIVE CHANGE

### **Health and Safety Reform Bill now passed**

Pike River and Parliament's response, the Health and Safety Reform Bill, has attracted significant publicity, particularly over areas deemed or not deemed "high risk" (e.g. worm farms). In essence, this Bill has introduced a significant new health and safety regime, which all employers, unions and employees will need to become familiar with, and which is (more or less) taken from the Australian federal model. The regime includes new duties and duty holders (including PCBU's, or persons in

control of a business or undertaking), higher penalties, and a much more active WorkSafe NZ (formerly, labour) inspectorate, with matching broad powers.

In this respect, and to make the changes, a number of Acts have now been passed under what was the Bill:

- Employment Relations Amendment Act 2015.
- Health and Safety at Work Act 2015.
- WorkSafe New Zealand Amendment Act 2015.
- Accident Compensation Amendment Act 2015.
- Hazardous Substances and New Organisms Amendment Act 2015.

The Health and Safety at Work Act 2015 comes into force on 4 April 2016, giving organisations time to prepare. The Health and Safety in Employment Act 1992 will continue until that time.

### **Employment Standards Bill referred to select committee**

The Employment Standards Bill will enhance the ability to hold people other than

the employer accountable for breaches of minimum standards, for example, where a director deliberately winds up a company to avoid accountability for employment breaches. It also provides enhanced protections in relation to minimum statutory entitlements, including minimum wage, annual holidays and parental leave.

The Bill, has now been referred to select committee. Submissions are due by 6 October 2015, and the select committee's report is due by 12 February 2016. At present, the Bill would amend the:

### **Employment Relations Act 2000, including introducing:**

- provisions intended to counter "zero hour contracts".
- significantly higher penalties for "serious" breaches of employment standards.
- accountability for persons other than the employer who are knowingly and



intentionally involved in breaches of employment standards.

- enhancing the powers of labour inspectors to request information from employers and share information with other regulatory agencies.
- an infringement notice regime for breaches of record keeping and individual employment agreements.
- provisions intended to prevent deductions from wages to compensate the employer for loss or damage caused by a third party over which the employee could not reasonably be expected to have control (e.g. the recently publicised petrol station drive offs).
- provisions to require that where parties to an employment agreement commit to set hours, those are stated in the employment agreement.
- provisions to prohibit: employers requiring employees to be available for work over the contracted hours unless employees are able to refuse any work offered or the agreement provides compensation for that availability; cancelling a shift without reasonable notice or compensation; or putting unreasonable restrictions on secondary employment.

#### **Holidays Act 2003, including:**

- allowing employees to seek recovery of arrears directly and beyond the "employer" to include others involved;
- making changes to what the Authority must consider before directing mediation if the claim is about minimum standards;
- and requiring holiday and leave records to include the number of hours worked each day in a pay period and the pay for those hours.

#### **Minimum Wage Act 1983, including:**

- removing wage and time record obligations (those to be the records to

be kept under the Employment Relations Act);

- allowing employees to seek penalties, and Labour Inspectors to seek penalties against a broad group of those involved in the breach, not solely the "employer".

#### **Wages Protection Act 1983, including:**

- strengthening enforcement provisions (labour inspectors and employees can seek recovery/pursue breach, and again it is not only the employer who can be pursued, but others "involved in the contravention or failure").
- making "unreasonable" deductions from wages unlawful (albeit in our view such deductions are already unlawful).
- changes in respect of unlawful premiums on the employment (in respect of persons engaged on behalf of the employer).

#### **Parental Leave and Employment Protection Act 1987, including:**

- extending parental leave payments to casuals, seasonal workers, employees with more than one employer, and those who have recently changed jobs.
- extending parental leave entitlements beyond biological or formal adoptive parents.
  - extending unpaid leave to workers who have been with their employer for more than 6 months (but less than 12) as a standard 6 month leave period (inclusive of the current 18 weeks' paid leave period).
- providing for greater flexibility in how unpaid leave is taken.
- enabling "keeping-in-touch" days so employees can work limited hours during their paid leave period if they choose.

#### **Rest and meal break changes already in force**

As of 6 March 2015, new Employment Relations Act minimum rest and meal break provisions came into force. We comment on these now as we have fielded several enquiries to date. Essentially, the set requirements for minimum (paid) rest and (unpaid) meal breaks (e.g. for an 8-hour day, two 10-minute paid rest breaks and a 30-minute unpaid meal







showed it could, CAF have now decided that and work on the doors done by anyone other than them would void all warranty on the doors. December was offered as the next date but knowing this would not be acceptable, Transdev have gone back to AT and CAF for a more realistic timeframe to remedy this safety concern.

## NZEI To Sue Government

The New Zealand Education Institute, the country's largest education union, announced it will sue the government on behalf of education support workers over gender discrimination.

"The Government has been ignoring this human rights issue for far too long and we will now pursue our case through the courts," said NZEI National Secretary Paul Goulter.

NZEI said that more than six years ago, an independent job evaluation report by the Pay Equity Commission showed that when compared with the male dominated job of corrections officer, education support workers employed by the Ministry of Education were paid as much as \$8 an hour less. According to the union, the incoming government "sidelined the report," saying the pay issue would be dealt with through bargaining rounds.

"There has been no real movement, and in fact what we're seeing across the workforce in New Zealand is growing inequity and female-dominated workforces are suffering the most," Goulter said.

The teachers' union suit follows court action by the College of Midwives which is suing the government for paying its members less because it was a predominantly female industry.

## PRIV PASS CANCELLATION.

Auckland Transport has decided to no longer accept KiwiRail privilege passes for

discounted fares on the Auckland Passenger services. KiwiRail have committed to honouring their obligations as per the CA for the ex UGL members, we have not received confirmation of what this will look like yet. In the meantime members should keep receipts and fill in expense claim forms while this issue remains unresolved.

## MEMBERSHIP DATABASE UPDATES

The RMTU membership database is an important tool in contacting Union Members or ensuring members are kept up to date with the latest information. We are concerned at the number of "unknown" or "return to sender" envelopes returned to National Office as part of this year's officer elections. We remind members that if you wish to exercise their rights and participate in the decision making aspects of the Union they should ensure they inform National Office of any change of address or contact details as soon as possible. This includes any change of designation or employer.

Branch Secretaries hold "update of membership forms" that you can post or fax in or alternatively for immediate

action members are reminded to utilise the update of membership details link on our website [www.rmtunion.org.nz](http://www.rmtunion.org.nz).

For example – All national Union elected positions are up for election this year and so there may be votes conducted by mail. If we have the incorrect address info you will not get a vote as you will never receive a voting paper. **Update now!**

## IF YOU WANT THE JOB DONE BETTER ASK THE GUYS WHO DO IT!

We couldn't have asked for a better demonstration of the value of management listening to front line RMTU members than at the last Infrastructure Industrial Council.

Christchurch Communications Technician and RMTU delegate Ian Walker has developed an inexpensive and effective secondary protection system for worksites together with Salcom, a firm he deals with as part of his day to day



## UPDATE YOUR MEMBERSHIP INFORMATION

role looking after communications equipment in the South Island.

The system was demonstrated to the Council and the response was enthusiastic to say the least. Management have agreed to progress to a formal trial to see if the system can be used on the network.

The system involves setting up a simple mechanical sensor at the entrance and exit to a work site that will trigger a visual and aural alarm if a train or hi-rail vehicle breaches the primary protection. A warning will also be broadcast on channel 1.

This can be produced for a fraction of the cost of more complex systems so we eagerly await the results of the trial.

## UNION MERGER

The Engineering, Printing and Manufacturing Union (EPMU), with more than 30,000 members, and the Service and Food Workers Union (SFWU), with more than 20,000 members, officially merged to become the second largest union in the country, after the Public Service Association.

According to both unions, the new Union will be formally launched, with a new name and brand, on October 7 in Wellington.

"This is a huge step forward for all working New Zealanders," said Bill Newson, national secretary of the EPMU. "A strong union movement is the foundation for good wages, skills recognition, and decent working conditions. Too many Kiwis aren't in a union and don't see how they can get a better deal at work. We want to reach those workers and help them make a difference through collective bargaining."

John Ryall, national secretary of the SFWU, added, "The new union will be a force for change. It will be a diverse, active organisation, fighting for industrial gains and progressive causes and making a real difference in Kiwis' lives. Together, we will campaign for the living wage, for strong health and safety laws, and for the rights of every worker to be treated with dignity and respect."



## INDIAN NATIONAL STRIKE

More than 150 million Indian workers participated in a one-day national strike September 2 to protest the "pro-business" policies of the Narendra Modi-led BJP government. Most of the strikers work in banking, manufacturing, construction and coal mining industries and belong to 10 major unions. Public transportation was disrupted and a large number of schools and businesses were shut in what has been described as the largest strike in history.

The unions are demanding the government drop plans to sell off stakes in state-run companies and change labour laws. Unions claim plans announced by Prime Minister Modi will deprive large segments of India's workforce of labour law protection at the behest of local and foreign investors. International Trade Union Confederation General Secretary Sharan Burrow asserted the government's proposals will widen India's economic inequality and make it harder for workers to organize unions to advance their interests.

## KRG AND RMTU RENEW EMPLOYEE

### PARTICIPATION AGREEMENT

KRG and RMTU have renewed their joint commitment to worker participation in health and safety by signing a renewed employee participation agreement (EPA).

The agreement includes the role and functions of the Health and Safety Reps, access to H&S training, the election process and problem solving process.

You can find the EPA on the RMTU website, go to [www.rmtunion.org.nz](http://www.rmtunion.org.nz)

## FADE

A Fatigue Risk Management Study has been conducted for our members at North Tugz Marsden Point, our members are on 24/7 call but there is a real hope that working through this process will allow these members to find a work life balance that actually gives them some rostered time away from work that does



not involve them having to use their annual leave.

## ELECTRICS NIMT

The KiwiRail Board will today consider management's recommendation to fully dieselise the operation of the NIMT electric section. The plan, as we understand it, is to leave the overhead in place, maintained and alive (to prevent theft) for a period of 5 years. The RMTU believes that this is a gross act of eco terrorism and that factions within management have been playing fast and loose with the facts and reviews to support a predetermined outcome. The facts are that the electrics go up and down hills much faster than the diesels; they put fuel back into the tank when going downhill by generating electricity and feeding it into the grid; their better to work on for Loco Engineers; their MDBF is presently very high despite them not being invested in; only 6 of the 17 have ever had any form of upgrade/overhaul and so the list goes on.

The RMTU met with management yesterday afternoon and we have asked KiwiRail to reconsider its recommendation and to also revalidate its data and modelling and offered to assist in this work. We also questioned the claimed time gains by ceasing loco changes. Watch this space.

## BITS AND BOB'S

- MetroPort train services have returned to six trains most days. Planning provides for up to 12 return trains a day which would see up to 2540 TEU's moved between Tauranga and Auckland. A shit load of truck journeys saved on this busy transport corridor.
- Auckland Port is a finalist for the Asian Terminal Operator of the Year for 2015. They are the only southern hemisphere operator to be shortlisted.
- Port Napier two new mobile harbour cranes have arrived and are being prepared for service. The new port amenities building is also now in use.
- Transdev has had its contract for the operation of the Auckland Metro services extended for 12 months. This was a surprise move by AT (Auckland Transport) and provides the operator and RMTU members with security of employment for a further 12 months.
- Two new tankers will be distributing petroleum products around NZ coast. They are scheduled to enter service in early 2016 and both vessels will be 50000dwt product tankers.

