

THE ACTIVIST



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MERRY CHRISTMAS AND A HAPPY, JOYOUS AND SAFE 2019!

The end of 2018 is nigh and so it is important that we all remember that at this time of year there are Xmas Parties and other work functions. Whilst it is important that we all begin to relax and get into the Xmas Spirit and enjoy the company of workmates, colleagues etc it is essential that we don't let the good times become nightmares with unintended outcomes.

REMEMBER that as the year comes to an end it is essential that we are mindful of some of the issues that we all tend to face when it comes to work functions, social media and no alcohol or drugs in the workplace. When you are at a work function you remain connected to the workplace and so the policies of the employer apply.

Work functions are great times to relax and interact with colleagues but do not take the opportunity to tell your boss, supervisor or colleague just what it is you think of them!

In social media the line between our private lives and work can become blurred. The Union all too often has to represent members who are called to "meetings" to answer allegations of misconduct arising from social media posts. There is no such

thing as closed groups or confidentiality in social media. Do not put anything in a social media post that you would not pin on a noticeboard at work. All employers have social media policies and many contain provisions that state that any breaches may lead to disciplinary action which may include termination.

The same policy principle applies to Drugs and Alcohol. These policies exist to provide for your safety, your workmates safety and of course the safety of the public. As humans our bodies all operate and behave differently and so when it comes to processing alcohol there is no hard and fast rule of the time between the throttle and the bottle as it were. It is essential that you self assess your fitness for work following a bit of a bash on the booze or the pipe etc. Remember also that D&A testing is post incident, reasonable cause and random and so you have no control over whether

you are subjected to a test let alone a police roadside check enroute to or from work.

Our best advice is that you don't take the risk and call in sick if you think your unfit for duty.

Finally if you are called into a meeting to discuss any of the above then do not go in

**On behalf of the
Union's President,
National Management
Committee and Staff
we wish all members
and their families a
happy and joyous
Christmas. We also
wish you a healthy,
safe and prosperous
(the only outcome
with collective
bargaining) 2019.**

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

alone – **ALWAYS TAKE IN A DELEGATE OR A WITNESS TO ANY MEETING WITH THE BOSS.** There is no such thing as a quick informal chat in our experience in these circumstances.

Be safe, be smart and above all else be proud to be RMTU!

UNION OFFICE CLOSURE

The Union's National and regional offices will close at 1700hrs on 21 December 2018. The Wellington Office (Chelsea Cardy) and the South Island regional office (John Kerr) reopen on 7 January 2019 @ 0830hrs.

The **Emergency** "on call" roster for Union Industrial matters for delegates during the closedown period is;

- Wayne Butson 22 to 24 December 2018 inclusive on 0274454691
- Todd Valster 25 to 27 December 2018 inclusive on 0272464941
- Phil Spanswick 28 December 2018 to 30 December 2018 inclusive on 027 2188126
- Rudd Hughes 31 December 2018 to 2 January 2019 inclusive on 02742464961
- John Kerr 3 January 2019 to 6 January 2019 inclusive on 0272464941

Debby Green returns from leave on 14 January 2019. Wayne Butson and Todd Valster return from leave 22 January 2019 and Karen Fletcher returns to work on 28 January 2019.

TOLL PARCELS

Good news for all those working at Toll Parcels. We have coverage for all the Toll Networks Limited workers and Toll Parcels is a subsidiary company whose workers work in the Toll Parcels warehouses. We have negotiated a rate of \$18.62 per hour for the parcel freight handlers alongside a parcels freight operator rate of \$19.30 if they drive a fork hoist.

Union members in Toll Parcels will also be entitled to overtime rates of time and a half for any hours in excess of 80 hours per fortnight. There are also penalty rates for Saturday work (time and a half), Sundays (double time) and any time worked between 2000 hours and 0600 hours (time and a quarter). There are also the other benefits such as 6.5 sick leave days per year and membership of the NZR Railway Staff Welfare Trust as a group A member which includes medical benefits and the Holiday Housing. We are already having a successful recruitment drive and look forward to seeing all the Toll Parcels people joining the RMTU whanau.



POSITIVE DRUG TESTS IN KR ON THE SOUTH ISLAND

We've had a couple of members tripped up by drug screening in in network services KiwiRail on the South Island. One member left KiwiRail and the second has entered the rehabilitation programme. This option was not open to the former member as he was already in the programme.

KiwiRail's drug and alcohol policy was negotiated with the RMTU some years ago and is very clear. Whilst your union will do everything we can to ensure you are treated fairly if you return a positive sample members must understand that there is little that we can do to save your job if you test positive whilst in rehabilitation. Moreover, while rehabilitation is normal the first time a positive sample is returned it is by no means guaranteed.

The simple way to avoid the stress and unpleasantness associated with this is to not return a positive or 'non-negative' sample in the first place. Stay away from the banned substances, tell the employer if you have been prescribed medication by your doctor, and don't try anything 'smart' to cheat the test!

HEALTH AND SAFETY REP TRAINING-HOW TO REGISTER FOR A COURSE

Following the Union AGM's, new Health and Safety Reps who've recently been elected to Health and Safety Committees are required to register for H&S Rep training. H&S Reps attend 2-days paid training per year paid for by the employer.

To register on a course go to www.worksafereps.co.nz

RAIL TUNNEL SAFETY

The RMTU is lobbying NZTA to develop consistent safety standards for rail tunnels.

There is a lack of consistency between rail providers with regard to respiratory protection. KiwiRail has provides all staff working in tunnels with respiratory protection for low oxygen environments such as in the case of a fire. The other rail providers such as Transdev have not been required by the Regulator to meet the same safety standard. The NZTA have agreed to convene a cross rail industry forum to discuss the Union's safety concerns.

STOPWORK MEETING AT TRANSDEV AUCKLAND

On 12 December, members employed by Transdev Auckland held a stopwork meeting to discuss their stalled negotiations for the renewal of the Collective Agreement (CA) and for an update on the HP2 facilitated "challenging issues". The parties are a long way apart in terms of the monetary claims and the meeting was to seek member direction on a way forward. It was a very productive meeting and we covered the state of play and the overwhelming decision from the members was to run a ballot for industrial action next year. There will be 3 options on the ballot. This ballot will be held towards the end of January. In the meantime, we are back at the bargaining table this

Wednesday 19 December and hopefully we can get some movement from the company around wages and sick leave.

The second part of the meeting dealt with the HPHE project. A motion came from the floor to park the HPHE project until bargaining is settled. This was passed unanimously. Once bargaining is completed and ratified we will be coming back to members for guidance on where we go with the HPHE project.

We saw real solidarity from the members and it gives the team a great deal of encouragement going into the next round of negotiations.

JOINT CANTERBURY RAIL & PORT BRANCH MEETING CELEBRATE SUCCESS

On 12 December our two biggest South Island Branches held a very upbeat meeting to recognise our most active members and celebrate the successes of 2018.

The Lyttelton Port dispute was the big event locally, but we also remembered the big wins achieved in Wellington and Auckland, together with

the landmark national pay deal with KiwiRail and the tremendous success of the campaign to refurbish the EF locos.

Recently retired National Management Committee South Island Rail Representative Mike Williams gave an inspiring speech summing up the work the RMTU does as he passed the baton over to the newly elected Jed O'Donoghue who won a hotly contested election for the role. We are truly blessed in that we have a cadre of high calibre delegates and active members who are prepared to stand for office in our union.

Active members who were awarded certificates of appreciation were Stu Marsh, Bruce Baldwin, Julian Stewart, Mike Shrimpton, and Heiner Benecke, all of the Lyttelton Port Branch, together with Malcolm Ross, our Rail Branch delegate at Toll. All of these have done outstanding work on behalf



of their fellow members and the wider union movement.

We recognised retiring members including Hamish Smith who clocked up 48 years at LPC and **Trevor Ressels who set a record with 53 years** (almost 54 he tells us) membership in KiwiRail and its predecessors. What a great example to our younger members.

Officials and delegates from Unions Canterbury, the New Zealand Nurses Organisation, the Public Service Association, FIRST Union and NZEI, the primary teachers' union, attended and spoke about their struggles in 2018 and thanked the RMTU for our support. Members were proud to be RMTU, the union that kicked off the growing wave of union activism in the last year!

KIWI RAIL TOLD TO MAKE CHANGES TO IMPROVE SAFETY

The KiwiRail Executive has been advised to prioritise work on rolling stock to improve running capability of locos in an emergency situation. The risk assessment report identified that the Loco engineers must have the ability to override the automatic fire suppression system or emergency brake to prevent the shutdown of the locomotive, particularly whilst in a tunnel or on a bridge. The report also recommended the on-board communication systems must be upgraded to enable communication between all train crew.

CENTREPORT EMBARKS ON A JUST FAIR CULTURE

CentrePort and the combined Unions (RMTU, MUNZ and ETU) are trialling a joint Just Fair Culture programme at the port of Wellington. The pilot Just Fair culture training course was delivered in December with a commitment to jointly review the trial and if successful roll out the training programme to all Centerport staff.

The Just Fair Culture programme aims to improve safety by identifying and managing the system failures that lead to unsafe behaviours whilst responding to people in a fair and consistent way.

SOUTH ISLAND RAIL NMC BALLOT RESULT

The postal ballot results for the North Island Rail National Management Committee governance role for the remainder of the 2017-2019 Term which was conducted in accordance with Rule 42 of the Union Rules and Standing Orders is as follows:

Ballot papers issued: 805,
Returned: 308, Total ballot return rate 38.26%. As there were four nominees, a Preferential Voting System was used.

At the first count, no nominee received more than 50% plus 1 of the total votes returned. As Mr Blakie had the least number of votes, in the first count, his

SECOND CHOICE preferences were distributed to the remaining candidates.

At the second count, no nominee received more than 50% plus 1 of the total votes returned. As Mr Kearns had the least number of votes, following the second count, his THIRD CHOICE preferences were distributed to the remaining candidates. Following the third count, Jed O'Donoghue received 57.14% of the total votes returned.

The increase in the number of invalids is due to the voter either not completing votes for additional candidates or their vote was in favour of a discounted candidate.

JED O'DONOGHUE IS DECLARED ELECTED

Howard Phillips
NATIONAL RETURNING OFFICER

CHAMPION FLOUR MILLING / RMTU COLLECTIVE AGREEMENT.

On 14 December the members ratified the Champion Flour Milling/RMTU Collective Agreement for a term of two years from 1

MERRY CHRISTMAS!



August 2018 to 31 July 2010. The settlement followed 6 months of negotiations including a mediation.

The main issue between the parties was the wage offer, which was settled at 2.3% from 1 August 2018 on all wages and allowances and 2.5% from 1 August 2019.

Many thanks to the delegates Gary Cluitt and Corey Power for their sterling work during the negotiations. Corey has been granted 12 month leave without pay to travel overseas, have a great time Corey. In the meantime Dennis Collins has stepped up to the plate as delegate.

LOGISTICS OFFICERS BARGAINING GOES TO MEDIATION AS SHIPPING LINES PUT PRESSURE ON LPC

Readers of the previous edition of *The Activist* will be aware that this bargaining has stalled and we have sought the assistance of the Ministry of Business Innovation and Employment's Mediation Service. As this issue of *the Activist* goes to press mediation is set down for Tuesday 18th December.

We have heard that at least one shipping line has indicated its dissatisfaction with productivity and throughput at Lyttelton Port and we have seen correspondence in which another line is calling LPC 'untrustworthy'. The acknowledged poor morale in the container terminal is doubtless a factor in the low productivity and it was only a matter of time before the shipping lines became unhappy.

The sticking points in this bargaining are LPC's desire for a roster change and their unwillingness to pay a fair price for achieving it. In addition we have spent months working with management on agreeing a roster, only to have them say they didn't want it after all when we last met on 14th November.

As always, we hope for the best and look forward to a constructive and productive mediation. Past experience indicates this is unlikely but we remain committed to working through the issues in good faith. After all, given the context, it is in LPC's interests to settle this bargaining.

RAIL TUNNEL SAFETY

The RMTU is lobbying NZTA to develop consistent safety standards for rail tunnels. There is a lack of consistency between rail providers with regard to respiratory protection. KiwiRail has provided all staff working in tunnels with respiratory protection for low oxygen environments such as in the case of a fire. The other rail providers such as Transdev have not been required by the Regulator to meet the same safety standard. The NZTA have agreed to convene a cross rail industry forum to discuss the Union's safety concerns.

C3 / RMTU NAPIER CA

We continue to battle away with C3 in endeavoring to settle a Collective Agreement. The major sticking points are the even distribution of the wage offer, C3's claim for a 3 year term, backdating, and hours of work.

Talks will continue through to Xmas and we still may have a result by then. The RMTU delegates John Stok and Kristina Eparaima have diligently worked through the

negotiations on behalf of members. Well done and thanks John and Kristina.

HPHE UPPER NORTH ISLAND TRAIN OPTIMISATION PROJECT.

While there are no more meetings of this project workgroup this year, the "Adherence to train plan" trial is in full swing. This trial is to validate the train plan and provide an evidence base for any train plan changes. Having the trains run to time also benefits the terminals with their planning. The terminals are responsible for not letting the trains leave more than 10 minutes early. It



is not up to Train Control to ensure compliance with this trial.

HOLIDAY ACT NON COMPLIANCE - UPDATE

It is the view of the RMTU that the Holidays Act is fit for purpose – rather the issue is that the international software payroll manufacturers just do not understand NZ law and so we now have an issue around compliance. This is another case of the 3 E's being breached Engineering (the software engineers not knowing what they don't know), Education (the Government not promoting enough the plain English expectations and requirement of the Law) and Enforcement (MBIE being an ineffective regulator in this and many other areas).

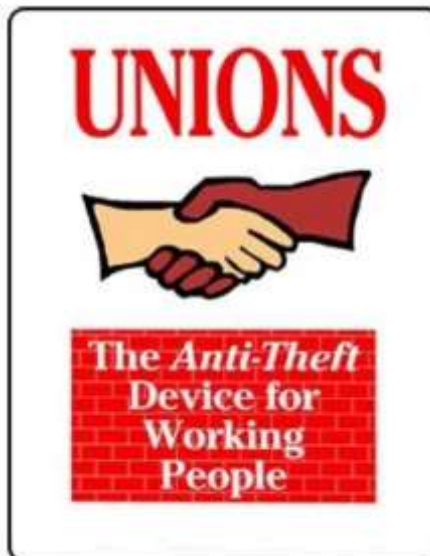
KiwiRail has had EY undertaking an examination of its payroll system for many months to assess their compliance with the Holidays Act. The Unions have been briefed and it is fair to say that we are still in the investigative quantifying phase. KiwiRail has provisionally advised that EY's work to date has identified a potential liability of NZ\$15 to 30m dollars owed to workers. More detailed information should become available in early 2019. It has been agreed that the backpay liability is set from April 2011 no matter how long this matter drags on.

The RMTU has been in discussions with Transdev Wellington as they cloned the KiwiRail payroll as part of taking over the Wellington metro business. TDW has just advised the RMTU that they have engaged EY to undertake an audit of their payroll system and to assess their liability. Their liability in any event shall be limited to when they took over the Wellington Metro operation in 2016.

WAIKATO RAIL

We have dealt with a number of issues in the Waikato, An LE's personal grievance against KiwiRail for having their roster links changed without consultation and the subsequent bullying to force the LE onto a different link. The LE's personal grievance will be heard in mediation in the new year.

We are close to resolving the Team Leader issue at Mission Bush which means the members will take turn about as Team Leaders and be paid accordingly.



SUCCESSFUL JOINT UNION-MANAGEMENT FATIGUE MANAGEMENT TRAINING AT QUALITY MARSHALLING TIMARU

The RMTU Timaru Port Branch and Quality Marshalling continued the fatigue management project that emerged out of collective bargaining this year with a joint membership-management

education session on fatigue in early December given by RMTU National Health and Safety Organiser Karen Fletcher.

Members and management, including the site manager and labour allocator worked through a half day course on fatigue focusing on the systemic factors that cause fatigue and assist in its management. This was followed by a meeting of our joint Fatigue Risk Management Group that was set up at the conclusion of negotiations this year. We've agreed this body will meet monthly for six months and quarterly thereafter. Good data is starting to emerge and the group is keeping the focus on the risk of fatigue front and centre in workers' and managers' minds.

The progress made with this employer is remarkable, especially when we compare it with some other waterfront employers we deal with.

FIRST HYDROGEN TRAIN – GERMANY

The worlds first hydrogen fuel cell powered passenger train is now in operation in Northern Germany. Two bright blue eco-friendly Coradia iLint loco's, built by French TGV maker Alstom, are running on a 62 mile (100km) route between Cuxhaven, Bremerhaven, Bremervoerde and Buxtehude – a stretch of line normally plied by diesel locomotives. The train is now in commercial service and ready for serial production. Alstom plan to deliver another 14 of the zero emission loco's by 2021.

Hydrogen trains are equipped with fuel cells that produce electricity through a combination of hydrogen and oxygen, a process in which steam and water are the only emissions. Excess energy is stored onboard in lithium batteries. The trains can run for 600 miles (1000km) on a single tank of hydrogen, similar to the range of the diesel trains.

A UK company which owns 30% of the UK rolling stock has signed an MOU with Birmingham university to build Britains first H Train. A class 319 electric unit will be made available to the Birmingham Centre for Railway Research and Education to convert into a HydroFlex vehicle ready to test run mid 2019.

BOP RAIL.

We are in Mediation 18 Dec to try and resolve a members Just and Fair Culture dispute with KiwiRail. We dispute KiwiRail's claim that the SPAD in question was a "reckless choice" as we believe it was "human error". The member has strong support from delegates Allana Ranui, Kelven Collings and Norm Lee who will all be at the mediation. Also at the mediation we will hand over a petition signed by 48 RMTU members supporting the member and calling on KiwiRail to work thru the Just and Fair Culture policy using the principle of good faith in resolving the grievance.

KIWI RAIL LE TRAINING

KiwiRail has failed to train sufficient LE's in the last few years. KiwiRail is now in serious catch up mode with 6-7 schools of 8 LE trainees planned in the next 12 months. The HPHE People Development Workgroup for Freight / Ops included LE training but KiwiRail have requested to set up a separate group to solely focus on LE training so as to provide greater focus on understanding the issue and focusing on solutions.

There have been two meetings of the focus group to date and one of the outcomes is that the Union will lead a survey of all LE's that have been certified in the last 5 years and their minder drivers. The survey will be done via an internet survey tool "survey monkey" with the survey group sent a link. The survey is confidential (we don't know who has responded) unless you put you name in it. The survey will be sent out by the end of this week and so if you do not receive a link to the survey and you think you should have received it, then email tvalster@rmtunion.org.nz to request the link.



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.

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!

POLICY MANUAL UPDATE

Conference 2018 had as part of its work the approval of the update and revamp of the Union policy manual. The great news is that the manual was approved with the request of one further change which has been actioned and so the policy manual is now available for viewing and download on the Union website under publications.

UNION FEE INCREASE

The RMTU Biennial Conference held in Wellington 24 to 26 October 2018 unanimously voted to increase the Union Membership Fee effective 1 December 2018 to the following;

- \$8.90 per week for full-time members
- \$17.80 per fortnight for full-time members
- \$38.56 per month for full-time members
- \$1.35 per day for daily casuals
- \$4.45 per week or \$8.90 per fortnight for part-time employees working less than 20 hours per week
- \$4.45 per week or \$8.90 per fortnight for trainees-apprentices earning remuneration below a determined amount.
- \$30.00 per year for Honorary Membership (which is defined as having been a continuous member of the Union for no less than five (5) years which then entitles the Honorary Member to receive:-
 - The Transport Worker – mailed out quarterly; and
 - Group C Membership of the Railway Welfare Trust Fund (for which a separate application &



fee of \$50.00 per year needs to be paid.)

All employers who do fee deductions from wages have been advised of the increase.

CALL FOR CASUAL VACANCY NOMINATIONS – NATIONAL MANAGEMENT COMMITTEE (NMC) – REMAINDER OF 2017/2019 TERM OF OFFICE.

As a result of the resignation of the current incumbent, John Keenan, from his position as **North Island Rail Rep** on the RMTU National Management Committee “the Union” calls for nominations from current financial members for the following position on the Unions National Management Committee.

John has been successful in obtaining a promotion to become the KiwiRail Linehaul Operations Manager based in Palmerston North. We wish John great success in the role and thank him sincerely for his work on behalf of members whilst on the Union’s NMC.

🔦 **North Island Rail Representative** (A current financial member of the Palmerston North, Taranaki Rail, Hawkes Bay Rail, BOP Rail, Waikato and Northland Branches).

The period of office is the remainder of the 2017/2019 electoral term for the NMC. Nominations shall be in writing on the official NMC Nomination form and contain the signed consent of the candidate, and be proposed and seconded by financial members (Rule 1) of the Union from the correct branch and industry designation. Nomination Forms are available on the RMTU Website www.rmtunion.org.nz or from the RMTU National Office by calling 04-499-2066 or admin@rmtunion.org.nz or your local Branch Secretary.

Correctly completed nomination forms must be received by the duly appointed National Returning Officer at the National Office of the



Rail & Maritime Transport Union, PO Box 1103 Wellington 6140 **no later than 1700 hrs on Friday 30 November 2018.**

The term of office is the remaining period of the 2017 - 2019 years (Rule 24.2) and the duties are as contained in Rule 18 of the Union's Rules and Standing Orders.

For the information of members - KiwiRail employed NMC members are normally appointed to an applicable KiwiRail Industrial Council upon election to NMC however this may not be assured depending on the employment rail occupational sector that the successful candidate is from.

Howard Phillips
National Returning Officer

JOINT KR/RMTU UPDATE - ROM SEC 3 2018 – ROSTERING LE IMPLEMENTATION

We are pleased to confirm that KiwiRail and the RMTU have agreed on new rostering parameters that will deliver safe and efficient life balance rosters for locomotive engineers using current fatigue risk management principles. These new rostering parameters are in the new version of the Rail Operating Manual – Section 3 (Rostering of Locomotive Engineers) which has been ratified by the Locomotive Engineer membership of the RMTU.

The development of LE master rosters and day of operations management and assignment of locomotive engineer crews is undertaken through our Quintiq Rostering System (QRS). The system changes will be fully completed during March and will go live on or by 1 April 2019.

A number of changes agreed to earlier (such as the minimum 12 hours off between shifts) have already been made in

the rostering system. The following are the interim steps being introduced before the full go live in April:

Master Roster Construction;

- New Level B or Level C master roster proposals presented to roster delegates after 1 January 2019 will fully utilise the new rostering parameters,
- Any master rosters that have not been updated with the new rostering parameters by 1 April 2019 will have these completed by 30 June 2019.

Mini Roster Construction;

- Mini rosters developed for relief links which relieve less than a full fortnight will use the new rostering parameters for mini rosters developed from fortnight commencing Sunday 27 January 2019.

Day of Operations;

- Extra work period opt in/opt out system – manually set preference in QRS and manual assignment of extra work periods,
- Public holiday opt out – manually recorded in QRS.

These interim steps will require manual intervention of the roster system by the roster planning and roster centre teams. With the system changes not being in place until 1 April there will be the

possibility the new parameters are not being fully delivered. This will not be intentional so please be patient with the team in the interim period up to 1 April when the full system changes are implemented.

In the early part of next year there will be training provided to roster delegates and managers on the process for designing rosters. This will also assist in providing further understanding in applying the hours of work parameters for locomotive engineers in the ROM Section 3.



KR ADMIN COUNCIL MEETS

In 2016 an Administration Council was formed to deal with some longstanding issues that had been set for further study and discussion coming out of wagerounds over the years. The issues were ones that were across the business and a solution had alluded the parties for some time. One topic for example was prescription safety glasses and who got them and what was paid for by the employer. This issue was finally resolved together with all the other items. It was therefore decided that in 2018 we would continue to use an Admin Council. The issues for this council are;

- NZCE vs NZDE qualification eligibility
- Harmonise the OJT allowance across KR
- Review the H&S Matrix in the MECA
- Determine what is an RDO
- A review of KR's application of the coverage clause of the MECA versus their offering of IEA's to employee's

- Is Scale 1 fit for purpose vs designation and rates for all occupations
- Other?

The RMTU reps on this council are Wayne Butson, Annelies Griemink (TIL) and Myles Carter (Hutt Shops). The council met for a short time yesterday and will get stuck in to the above challenges in 2019.

**Please take
care of each
other and
above all else -
Have a Merry,
Safe and Joyous
Festive Season!**

