

THE ACTIVIST



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DRUG AND ALCOHOL TESTING BY OTHER EMPLOYERS – ALERT

One of the main reasons for going to random D&A testing at KiwiRail back in 2010 was to avoid the requirement of members being tested by other employers, like KiwiRail's customers. Our members were saying back then – 'we don't mind being tested by our employer, KiwiRail, but do not want to be tested by KiwiRail's customers'. There are good reasons for this. We have not input into the testing regimes by other employers. KiwiRail workers have no employment relationship with KiwiRail's customers. The other employer owns the test results. A worker could be tested at every siding or site.

This issue has recently come up in the Bay of Plenty with a logging company requiring KiwiRail workers to be part of their random testing regime if they are on their site. We have raised strong concerns with KiwiRail management, they are checking with the Zero Harm team.

In our view the solution is simple, KiwiRail advises its customers that there is an active and thorough D&A testing regime within KiwiRail that goes back to 2003 with random introduced in 2010. If there are issues or incidents on the customer's site, KiwiRail will test KiwiRail people.

Our advice is to not be tested by KiwiRail customers and to contact a delegate or your local RMTU Organiser if requested to be tested by another employer. There is an exception to this, that being when KiwiRail is the contractor for another company on

large capital works, this has a separate protocol which includes no surprises and the opportunity for members to be briefed prior.

RMTU CONFERENCE OPENING

Whilst we are of course disappointed that the Prime Minister Jacinda Ardern is unable to open our conference we are very pleased to have Andrew Little as the Govt representative. Andrew's responsibilities include;

Justice - Minister

Courts - Minister

Workplace Relations and Safety - Minister

GCSB - Minister Responsible

NZSIS - Minister Responsible

Treaty of Waitangi Negotiations - Minister

Pike River Re-entry - Minister Responsible.

He will present the opening address on 14 October at 0830.

MINISTER OF HEALTH CONFIRMED FOR PANEL DISCUSSION ON 'PORTS AND THE BORDER'

RMTU National Conference features a Ports Workshop on the afternoon before Conference proper opens.

One of the highlights of this session is a panel discussion featuring Maritime NZ, a representative from Lyttelton Port responsible for coordinating the response to COVID19, a pilot from Napier Port and the Minister of Health, Chris Hipkins. The aim is to share experiences and information in a collegial way and to review the role of ports in the management of our border in a global pandemic.

We also have a session planned on

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community organising that will focus on the RMTU's campaign against the importation of 'Blood Phosphate' from occupied Western Sahara as well as the efforts of our Port Otago Branch to organise the distribution of groceries in Port Chalmers during the COVID lockdown.

In addition to this we will update delegates on progress in dealing with fatigue across our ports since last year's Port Forum.

KIWI RAIL NETWORK SERVICES CONTRACTING OUT: RMTU TAKES LEGAL ACTION

The RMTU has filed proceedings in the Employment Relations Authority against KiwiRail alleging multiple breaches of the RMTU-KiwiRail Collective Agreement or MECA.

Specifically, your union alleges that KiwiRail has persistently breached its obligations relating to the contracting out of work in relation to:

- The Northern Rail Upgrade (NRU)
- The Auckland Metro Network
- The engagement of contractors to do line protection north of Napier

The above are just three examples of when KiwiRail management has, in the opinion of your union, breached the MECA in relation to this issue.

Your Network Industrial Council Representatives are in no doubt that this is the single most deeply and widely felt issue across our network services members in KiwiRail. We are constantly fielding calls in relation to actual and alleged breaches of the MECA over the contracting out of work.

Whilst we have made some progress working with senior management and KiwiRail's Learning and Development department on a training module for managers on their obligations regarding this

issue the fact remains that there are still elements in the business that appear to be disregarding what KiwiRail has signed up to.

YOUR UNION WILL KEEP MEMBERS INFORMED AS MATTERS DEVELOP AND WE URGE ALL MEMBERS TO REMAIN VIGILANT REGARDING THE USE OF CONTRACTORS AND TO INFORM THEIR RMTU DELEGATE, INDUSTRIAL COUNCIL REPRESENTATIVE AND/OR NATIONAL OFFICE SHOULD THEY BELIEVE CONTRACTING OUT IS OCCURRING WITHOUT THE PROPER CONSULTATION WITH THE RMTU.

LYTTELTON PORT 'WATERFRONT' COLLECTIVE AGREEMENT RATIFIED

A meeting on 23rd September of RMTU members at Lyttelton Port covered by the recently expired main 'waterfront agreement ratified a new proposed agreement by an overwhelming majority. The deal delivers pay parity with other workers employed by LPC and lines up the expiry of our agreement with that of the other waterfront union. This provides our members and the members of that union the option to combine into a multi-union collective agreement when both our current documents expire in March 2022.

There is also a commitment to participate in a 'High Performance High Engagement' project with LPC. We have done this with KiwiRail with mixed success over the past four years and doing so with LPC will mark a significant departure in the approach to industrial relations between the parties that has been the pattern in recent years.

CAMPAINING A KEY FOCUS FOR RMTU CONFERENCE DELEGATES

The RMTU has a well-deserved reputation for being a campaigning union. We are well aware of the words of the late Bob Crow, General Secretary of our comrade union in Britain, the RMT: 'if you fight you might not



win, but if you don't fight you will lose'. We have never shirked from a fight if our members have been under attack.

This year's RMTU National Conference will feature a session on three major campaigns we have run over the past couple of years. Two of these were fought in Auckland, the first the battle for safe staffing on our trains and against Transdev Auckland's attempt to introduce Driver Only Operation; and the other the fight for fair pay and conditions in CAF, the Spanish owned multi-national responsible for maintenance of the city's passenger trains. A third campaign we will focus on will be that to keep Dunedin Rail rolling, a major fight to try and save jobs, rolling stock and an iconic piece of track in Dunedin that involved the use of some new techniques given it was partly waged in level 3 & 4 lockdown conditions.

Delegates will be presented with interactive exercises and the Dunedin Railways session features a short film made by one of our members that summarises the key aspects of this campaign.

WORKSAFE REP- HEALTH AND SAFETY REP & SUPERVISOR TRAINING

WorkSafe Reps is now offering online courses as well as face to face classroom based learning.

For KiwiRail HSAT Reps, contact KiwiRail's Learning and Development on KLE to arrange a course KLE.Help@kiwirail.co.nz Or go to Worksafereps.co.nz Phone: 0800 336 966

2/3 September, Initial Stage 1 H&S Rep - Blended Learning, Virtual Learning

8 September, Managers/ Supervisors/ Team Leaders Health & Safety Training, Virtual Learning

9 September, Preventing & Managing Fatigue, Virtual Learning

15 September, Stage 2 - Investigation & Risk Management, Virtual Learning

16 September, Creating Positive Workplaces, Virtual Learning

1/2 October, Initial Stage 1 Health and Safety Rep Training, Whangarei

17 September, Creating Positive Workplaces, Auckland Central

18 September, Stage 2 - Investigation & Risk Management, Auckland Central

29/30 September, Initial Stage 1 Health and Safety Rep Training, Auckland Central

9/10 September, Initial Stage 1 Health and Safety Rep Training, Auckland South

23 September, Preventing & Managing Fatigue, Auckland South

24 September, Creating Positive Workplaces, Auckland South

11/12 August, Initial Stage 1 Health and Safety Rep Training, Hamilton

25 August, Preventing & Managing Fatigue, Hamilton

26 August, Creating Positive Workplaces, Hamilton

8 September, Stage 2 - Investigation & Risk Management, Hamilton

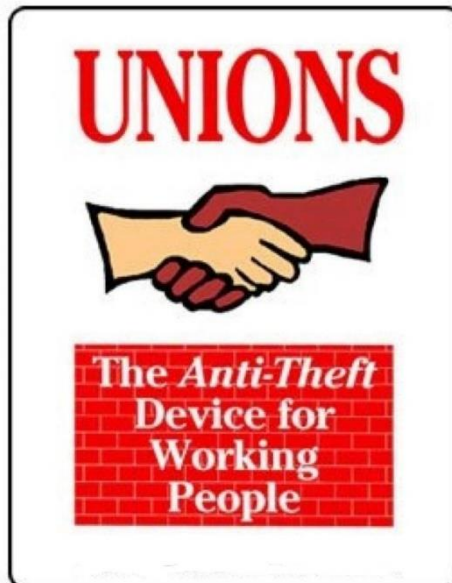
9 September, Managers / Supervisors / Team Leaders Health & Safety Training, Hamilton

19 August, Creating Positive Workplaces, Palmerston North

20 August, Stage 2 - Investigation & Risk Management, Palmerston North

RMTU CONFERENCE TO REVIEW COVID19 AND ITS IMPACT ON OUR WORK

COVID19 has had a huge impact on New Zealand society and the industries the RMTU organises in have been very much in the front line. The effect on our day to day organising, bargaining, members' health and safety, and



job security for those employed in tourist focused jobs has been huge. The fallacy of applying a narrow business model to supply chain infrastructure was demonstrated as the economy was effectively closed down with the onset of the pandemic.

Conference delegates from the port and rail industries will have an opportunity to participate in a structured review of their experiences that will focus on the above aspects of our work and will also look at implications for our priorities in the future.

AUSSIE PORT DELAYS

Major delays continue at Australian ports — with Sydney worst impacted — despite the Maritime Union of Australia (MUA) having temporarily suspended industrial action in its

dispute with Patrick Terminals. The MUA put forward a “peace deal” to Patrick during a conciliation hearing before the Fair Work Commission over September 29-30.

Although that offer was rejected by the terminal operator, the MUA nonetheless opted to voluntarily withdraw all planned industrial action until a further hearing scheduled before the commission on October 26-27.

Currently shippers are experiencing vessel waiting time up to 19 days in Sydney impacting on-time arrivals and departures across Oceania.

SOUTHERN REGION

FATIGUE MANAGEMENT WORKING PARTY PROGRESSING AT LYTTTELTON PORT

This group has been working at terms of reference and a fatigue ‘standard’ over the

past few months. This is part of a process agreed in the terms of settlement signed at the conclusion of the 2017-18 bargaining round after a protracted and bitter industrial dispute. The previous management regime at LPC neglected to implement this aspect of the terms of settlement and it was only with the arrival of the new CEO and once the impact of COVID19 started to lessen that it was restarted.



The RMTU and the other unions are working separately with LPC but in parallel. This is largely because we are not in a multi-union collective agreement with any other union, so the good faith obligations of the Employment Relations Act do not apply, as legally there is no ‘employment relationship’ between us.

That said, in practical terms, should the fatigue management process progress as our union hopes, it is inevitable that, at some point, all unions at LPC will have to be in a room together

with management. This will very much be the case when we begin to discuss rosters and hours of work in areas where there is overlapping union membership, such as the container terminal.

**BE SAFE, BE
HEALTHY, BE KIND
AND ABOVE ALL
ELSE**

BE RMTU!