

# THE ACTIVIST



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## **CANTERBURY QUAKE**

The RMTU urges all members to support current appeals for those adversely affected by the recent quakes. Our KR members were amazing in restoring the rail network back into operation following the quake and also the huge slip near Kaikoura. Equally amazing is the fact that Lyttelton Port is still operating even though there are reports that the damage bill for the port is in the order of \$50m.

Members are urged to be aware of the negative effects of stress and fatigue and if you have had trouble sleeping then seriously consider your fitness to work. The last thing we need is for accidents to occur where a moment's inattention can end the employment career of a member who is in a safety critical role.

## **RATIFICATION BALLOT RESULT – TOLL NETWORKS COLLECTIVE AGREEMENT**

The ratification ballot result is as shown below. The procedure agreed by members is that the proposed settlement will be rejected if 51% or more of those affected vote to reject the proposed settlement.

BALLOT PAPERS ISSUED:	170
BALLOT PAPERS RETURNED:	19
SUPPORT the Ratification:	88.8%
REJECT the Ratification:	11.2%
Invalid:	0.0%

As the majority of members employed within Toll Networks Limited voted in favour of ratifying the proposed Collective

Agreement, the Union has been authorised to sign on behalf of RMTU members employed by Toll Networks Limited.

## **RAIL MECA UPDATE**

During the week ending 18 September paid meetings have been held at most locations throughout NZ to enable joint teams of KiwiRail management and RMTU officials/delegates to report to members on the proposed settlement for the MECA.

Ballot papers should be appearing in member's mail boxes during the week ending 25 September 2010. Please make sure we have your latest mailing address so that you can receive your ballot paper. If you have moved and we don't know your updated address then in all probability you will not receive a ballot paper.

Copies of all the relevant documents to the settlement will be available on the Union website for download after 1700hrs Monday 20 September 2010.

The ballot will run for 3 weeks from Monday 20 September 2010.

## **ACC HEARING LOSS REGULATIONS**

As you may be aware, the Government is currently considering putting in place regulations in relation to work related hearing loss. As part of the recent consultation process nearly 20,000 submissions were made opposing the proposed regulations.

In response to this overwhelmingly negative response to the proposed regulations, politicians have been making media statements. The purpose of this letter is to provide you with the facts.

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

**Myth:** "The costs of ACC's hearing loss scheme keep rising – this isn't sustainable"

**Facts about the costs to ACC:**

- According to documents from ACC it is not possible to say what costs for hearing rehabilitation were a decade ago, as accurate data exists only from 2006.
- ACC data shows a drop in costs per hearing claim, albeit claim numbers have increased due to the fact there are a number of baby boomers coming through the system now.
- There has been a dramatic slowdown in costs due to the ACCORD between ACC and the Hearing Industry without passing these costs to ACC claimants.

**Myth:** "Levy payers are funding the full cost of hearing loss claims, even though on average half an ACC claimant's hearing loss is not injury but age related"

Facts about the age related costs:

- Hearing loss claims have only ever been covered by ACC if the loss has been caused by an accident, medical negligence, or by obvious work-related noise injury.
- There is already a system in place to take into account the person's age related hearing loss.
- There is no ACC cover if hearing loss is caused by a natural process or disease, or if work-related injury is hidden by or overtaken by the effects of ageing. The injury related hearing loss must be at least 6%.
- Only 42% of all hearing loss claims lodged in 2009-2010 were accepted by ACC.
- On average older claimants are fitted with cheaper aids than working age

claimants, as they tend to have lower needs.

- If a claimant has both age related and noise related hearing loss, there is no extra cost to ACC.

**Myth:** "Other Government support is available"

Facts about other Government support:

- NZ Veteran's Affairs is specifically for those who have served in the NZ Military Forces overseas and been injured outside of New Zealand. Very few ACC claimants would qualify for this assistance. Currently they provide no assistance to anyone who has ACC cover.

- The Ministry of Social Development (MSD) provides small loans to beneficiaries for hearing aids and the money is paid back slowly over time. The MSD website says that assistance such as Advance Payments of Benefit should not be approved for any services or item where ACC or a private insurer has

paid part of the fees or charges unless there is an immediate need. Additionally, couples with assets of more than \$1617.73, and single persons with assets of more than \$970.87, are not eligible. This eliminates the majority of ACC claimants.

- Ministry of Health provides no partial funding of hearing aids to ACC claimants.
- DHB's prioritise paediatric services and, in many cases, the adult services are minimal or non-existent. Hospital based adult audiology services still require the client to pay the cost of hearing aids although assessment and fitting charges may be reduced or waived.

People who worked in noisy environments in the 1970s and 1980s and who have lost significant portions of their hearing as a result, should not be penalised. Don't let the



government remove your hearing injury benefits without letting them know how you feel.

This Saturday, 18 September, is "Be Heard Day". A large number of politicians from the National, Labour and Green parties have made themselves available to meet with NZ'ers. If you are able, please make an appointment with your local MP to make your views known.

## OECD REPORT HIGHLIGHTS TEACHER PAY GAP WITH AUSTRALIA

The education sector union NZEI Te Riu Roa says the pay gap with Australia is alive and well in education with a new report showing New Zealand teachers are still paid well below their Australian counterparts.

The OECD's Education at a Glance report compares education systems between 29 OECD countries.

It shows New Zealand primary teachers are among the lowest paid in the OECD and that applies from beginning teachers through to those with 15 years experience.

After 15 years experience a New Zealand teacher will earn \$15,000-\$20,000 less than the OECD average and well behind Australian teachers at the same level.



NZEI President Frances Nelson says "if the government is serious about closing the pay gap and ensuring our teachers stay in New Zealand, those figures cannot be ignored. John Key talks about building a successful economy but you can't do that without proper investment in education."

The report also shows that New Zealand teachers work harder for less pay. It says when it comes to teaching hours New Zealand teachers are second only to teachers in the United States. They put in 985 teaching hours a year – well above the

OECD average of 786 hours and ahead of the 873 hours a year of Australian teachers.

"New Zealand has a world class education system which depends on the quality and commitment of its teachers. We need to make teaching as attractive as possible so our teachers feel valued and have their skills recognised. They need a reason to believe that the grass is always greener at home," says Ms Nelson.

## DAY OF ACTION – 20 OCTOBER 2010

First of all, thanks everyone for a great effort in the August rallies. The rallies were a great success with around 5000 attending across four centres. Some media reports were for lower numbers, but overall the reports were good, reflected the positive character and determination showed at the rallies and certainly raised the profile of the issues.

Now of course we are looking to build upon this momentum and to focus on achieving higher participation levels for the 20 October day of Action.

The fairness at Work campaign is a comprehensive campaign with many different aspects including You Tube stories, leaflets, postcards, pickets, 'name and shame', lobbying, advertising and so on. This includes unions making claims to vary CEAs to include Personal grievance and access rights and taking action if the employer will not agree when the

negotiations come up.

We as the RMTU also need to get as many delegates and members to put in submissions on the two Bills.

Branches are asked to consider ways to maximise participation (primarily by combined Section 26 stopwork meetings) but also look at other ways we can get people to join in on the day.

A crucial discussion at NAC this Thursday is how we finalise the main aspects of the Day of Action.

Can you therefore consider this before Thursday so we can nail down as many details as realistically possible then?

If you need to discuss any of this with the CTU before Thursday please ring me, Peter or Andrea.

## RAILROAD RIDERS RALLY

Friday 26th, Saturday 27th, Sunday 28th  
November 2010 - Cass

The 2010 Rally will be held in conjunction with the World Famous Cass Bash. Accommodation for Riders will be in the University of Canterbury Hostel which provides dorm and twin rooms. Sleeping bags needed.

The Cass Bash provides quality music, food and drinks on a "one charge cover all" based on each day's attendance. Costs being prepared and all will be advised ASAP.

On Saturday (weather dependent) we will ride over mountain passes to points of great historical significance (Pubs). Upon arrival back at Cass time will be allowed to clean up bikes prior to the "Line Up" where others may view the machines and choose a "crowd favourite".

STOP PRESS: Mini golf 10.00hrs Sunday on the High Country's No1 Golf Course at CASS

More info and numbers attending:  
[murray.gaidunlop@clear.net.nz](mailto:murray.gaidunlop@clear.net.nz)

## SICK NOTE - SICK JOKE

Check out this YouTube clip on the impact of proposed changes in the Holidays Act if you or your children are sick. It will result not only in pay deductions but disciplinary action against workers.

[http://www.youtube.com/watch?v=iAPhI\\_\\_xb2U](http://www.youtube.com/watch?v=iAPhI__xb2U)

Thanks to NZEI for commissioning this clip.

The current law already provides employers with a viable procedure in the event that someone is not genuinely sick (even for absences of one day). It states that:

"The employer may require proof of sickness or injury within 3 consecutive calendar days if the employer—

(a) Has reasonable grounds to suspect that the sick leave being taken by the employee is not genuine because none of the grounds in section 65(1) are met; and

(b) informs the employee, as early as possible after forming the suspicion that the sick leave being taken is not genuine, that the proof is required; and

(c) Agrees to meet the employee's reasonable expenses in obtaining the proof.

It is totally unnecessary to remove this provision. Please send the clip around.

## INDEPENDENT REVIEW OF ACC NEEDED

Nick Smith's acknowledgement that problems were caused by changes to how ACC deals

with sexual abuse victims highlights the need for an independent review of all changes made to ACC since National took office, the Green Party said today.

"An independent review of the changes is needed to ensure ACC is doing its job and not re-victimising of accident victims," Green Party ACC spokesperson Kevin Hague said.

"The changes made to ACC's sexual abuse assessment procedures are the first to be assessed independently and the review, released today, confirms the changes were a disaster, with victims of rape and sexual abuse being denied essential care and unnecessarily."

Since late 2008 ACC Minister Nick Smith has introduced wide-ranging changes to ACC cover, entitlements and assessment criteria. These include narrowing the criteria for approving surgery, restrictions on cover for hearing loss and work-related gradual process injuries, and widening the vocational independence assessment criteria under which ACC decides to stop paying claimants weekly compensation.



"Given that the panel has found major flaws in this area of changed procedures, the public can have no confidence that the other changed procedures have been handled any better, unless these are also reviewed independently," Mr Hague said.

Mr Hague said recent revelations that the new approach to sensitive claims had been based on work by Dr Felicity Goodyear-Smith. ACC commissioned Dr Goodyear-Smith to provide advice on a number of occasions and then, according to the Sunday Star-Times, attempted to cover this up.

Dr Goodyear-Smith has a history of involvement with the Centrepoint community and held controversial views about sexual abuse. ACC's former General Manager of Health Purchasing, David Rankin, confirmed over the weekend that ACC had known about this at the time, and that an expert panel of clinicians had recommended against Dr Goodyear-Smith's recommendations.

Mr Hague said he suspected that cost cutting was the motivation for the changes despite Rankin and ACC's denial.

"The only possible explanations for the poor decisions that have come to light so far are that ACC has a sick culture, intent on cost-cutting through disentanglement, or that the organisation's systems have failed to the point that catastrophic errors of judgment can occur.

"The New Zealand public deserves a thorough and independent review to determine the source of these problems and ensure that a fix is put in place, in which we can all have confidence."

### **YOUTH UNION MOVEMENT: YOUNG DRIVER LEGISLATION WILL DO NOTHING**

The youth union movement, Stand Up, is calling on the Government to invest in professional driving training, to help save lives on New Zealand roads.

Stand Up Spokesperson James Sleep says the Land Transport Amendment Bill introduced to Parliament last night is a knee-jerk response to an issue that requires more in-depth action.

"We are seriously concerned that the Government's decision to raise the driving age to 16 will only delay the issues the Government is trying to address on our roads. The Government's action in this area will fail to significantly improve young people's driving skills as it lacks any commitment to making professional driver training accessible and cheap for Kiwis."

Sleep says that whilst the Government has the right intentions, it has failed to commit to the most important factor concerning young people's ability to drive safely.

"The Government wouldn't expect young people to master maths, English or science in

secondary school if it cost \$100 per lesson and wasn't available in every community. A similar expectation needs to be applied to the important skill of driving."

Along with the Bill failing in the area of education, the law change will also hurt thousands of young people and their families who depend on the use of a motor vehicle to access work, education and community activity.

"The Government's failure to commit to exemptions for young people, particularly those in the heartland of our country, will harm the social and economic fabric of these communities," concluded Sleep.

## **"WE'RE STRONGER TOGETHER"!**

