

THE ACTIVIST



Published Regularly - ISSN 1178-7392 (Print & Online) 11 December 2020

UNIONS SAY BUSINESS AWARD FOR PORTS OF AUCKLAND BOARD CHAIR MUST BE RETURNED

This week on Thursday 3 December, the chair of the Board for Ports of Auckland Limited, Liz Coutts, was presented with a Deloitte Top 200 award for Chairperson of the Year in recognition of business excellence and leadership.

The following day, Friday 4 December, her company Ports of Auckland Limited was sentenced for their role in the death of a young employee in 2018 and fined over half a million dollars.

On 27 August 2018, 23-year old Laboom Dyer died at the Ports of Auckland after the Straddle Carrier he was operating tipped over during night shift.

Earlier this year, POAL admitted being guilty of failing to comply with a duty that exposes an individual to risk of death or serious injury or serious illness under the Health and Safety at Work Act.

At a sentencing on 4 December at the Auckland District Court, Judge Evangelos Thomas fined POAL \$540,000 and awarded \$130,000 in reparations to Mr Dyer's family.

Judge Thomas said the Worksafe investigation found Ports of Auckland had failed to train its staff, and in monitoring and enforcing safety plans, and noted 'there was a systemic failure to install and maintain a culture of safety and compliance.'

Another worker lost their life in Ports of Auckland on 30 August this year.

Father of seven Palaamo Kalati, aged 31, died in the incident on a ship at the Fergusson Container Terminal.

That death resulted in the Mayor of Auckland Phil Goff announcing an inquiry into health and safety at the port due to his concern about the safety record of the council-owned company.

Two of New Zealand's leading unions, representing thousands of transport workers, say the award to POAL Board Chairperson Ms Coutts must be returned.

Maritime Union of New Zealand National Secretary Craig Harrison says it is incomprehensible in the circumstances that such an award should be given, or accepted.

Mr Harrison says two families will be having Christmas without a father, partner or family member this year.

"This award is an insult to them and it shows the real attitude of some employers towards workers in our country."

Rail and Maritime Transport Union Wayne

Butson says the message given by the Award is a shocking one.

"Those at the top of businesses where workers die or are harmed should not be getting prizes at the same time they are being sentenced for exposing those workers to harm."

Both Unions are calling for stronger enforcement of health and safety laws, including the prosecution of individual managers and Board chairs who fail in their duty of care towards their workers.



Safety matters

MORE ON AUCKLAND PORT....

Auckland Mayor Phil Goff is refusing to express confidence in the chief executive or leadership of the Ports of Auckland, following major delays clearing cargo and a spate of serious accidents including deaths.

The port says Covid-19 and interruptions to supply chains worldwide have contributed to its problems, but it concedes staff shortages and problems with its automated unloading system are also to blame.

Last week it was fined more than half a million dollars for its role in the death of a man who was crushed when the straddle carrier he was driving toppled over.

Goff has declined to publicly back port chief executive Tony Gibson, and says the company needs to take responsibility for the things it can control.

"There are two things specific to the Ports of Auckland: one is that they have a shortage of stevedores at the moment, which means that they're not able to operate all of the cranes 24/7 as we would want them to," he told Checkpoint.

"They need to explain why this situation has arisen. They will undoubtedly say they didn't anticipate the surge in demand, and I'll be cross examining them further on that.

"The second is the process of automation, which has been interrupted partway through implementation and that clearly is slowing down the operation on the ports. I asked of the ports in committee of the council the other day what was the processing of containers compared to this time last year, because notwithstanding the extra pressure of demand, you would have expected that they'd be doing the same as they were doing last year. They're not.

"They are processing fewer containers, and they put that largely down to the fact that they are partway between a manual system and an automated system.

"What I've told them is whatever their explanations, I want to see the situation improved as quickly as possible, and within their capability to do it.

"I'm not holding them responsible for international factors. I'm not holding them responsible for the fact that we've had a huge drop in the air freight capacity for goods being imported, but they need to be responsible for the things that they do have control over."

When asked if he still has confidence in the leadership at Ports of Auckland, Goff said he is waiting and seeing. He said that question would be best answered when the new automation process is running efficiently and reliably.

"I'm happy to be proved wrong about any doubts I have about the automation process by them demonstrating that it delivers what they've promised."

"I've just appointed to the board of the Ports of Auckland a woman called Hazel Armstrong, she's probably the foremost lawyer dealing with health and safety issues in the country. And she'll be casting a steely eye on everything that the port is doing."

Goff said he would also like to see the port do right by Auckland ratepayers and return the former dividend payments to the council-owned organisation.

He is expecting the automation process to be working fully in the first half of 2021.

Ports of Auckland has had systemic failures in terms of monitoring and enforcing safety rules, Goff said.

"Those accidents and the most recent fatality was another factor that slowed the port down.

"I've said in no uncertain terms that has got to change. I've set up an independent inquiry into health and safety on the port. That will be paid by the port but done independently of them.

"I've just appointed to the board of the Ports of Auckland a woman called Hazel Armstrong, she's probably the foremost lawyer dealing with health and safety issues in the country. And she'll be casting a steely eye on everything that the port is doing."

The Port Companies Act limits the amount of power Auckland Council can wield over the operation, but Goff said he is doing everything he can to improve the port's performance.

"The decision about the employment of the chief executive is wholly within the hands of the board of the Ports of Auckland. I've contributed to two new ports board directors in the last month and I expect both of them to have an impact in terms of how the port is operating."

ANDNORTHLAND ROAD CHAOS

Two Northport mobile port cranes unloaded cargo from the ANZDEX ANL container ship Constantinos P once berthed after being diverted from Ports of Auckland on Sunday. The diversion follows the chaos at Ports of Auckland associated with a mishandled implementation of automation. Dockers were made redundant and when the automation ran into trouble there were insufficient staff to maintain productivity at the Port. This has resulted in KiwiRail and other Ports having to scurry around trying to deal with cargo volumes so as to ensure goods are on the shelves for Christmas in New Zealand.

Because the Northland rail line is shut to enable a major upgrade to the tunnels, bridges and track trucking of the cargo back down to Auckland has to be implemented. Locals are predicting chaos on the roads and this concern is being echoed by the National Road Carriers Association. It is believed that the discharge will entail 2600 road trips for trucks to travel to Northport to pick up the containers and then bring them back to Auckland.

KR MECA UPDATE

The RMTU and KiwiRail wish to advise members and staff of the status of the renewal of the KiwiRail MECA 2018 – 20.

The parties met on Monday 23 November 2020 in Wellington where KiwiRail presented an offer for the proposed settlement of the Multi-Employer Collective Agreement (MECA). The Union and the Company have provisionally agreed to a settlement, subject to successful ratification by Union members.

The provisional settlement key elements includes:

Term - The term of the proposed MECA be for twelve months from 1 July 2020 to 30 June 2021.

General Wage Increase - Nil wages offer

Superannuation - 1% added to KiwiSaver and to UGL Super

Occupational Class Increases - Increase for Locomotive Engineers and Ferry Terminal Operators

Leave Increases;

- Sick Leave to increase to 10 days from ratification
- New Stress Leave provision debited to sick leave
- New Fatigue Leave provision with no loss of remuneration when taking fatigue leave

- Bereavement Leave maximum increased to 5 days

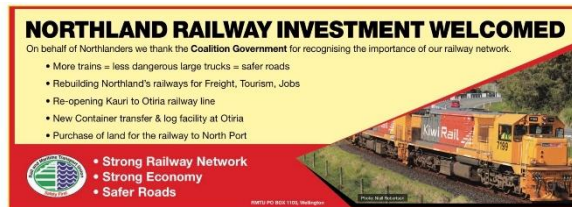
There are other elements of the settlement that will be outlined in full in the full terms of settlement and information to members at terminal report back meeting and the ratification postal ballot pack.

The parties are now finalising the Terms of settlement and drafting the new MECA and preparing for joint roadshows in 2021 so the offer can be presented and discussed with RMTU KR MECA members as part of the normal ratification ballot process. Postal ballots will be issued concurrent with the meetings being held. Owing to the festive season intervening the ballot period will be extended beyond the normal 4 weeks.

Further communication stating the meeting timetabling will follow.

SUCCESSFUL DELEGATE TRAINING IN BAY OF PLENTY

The RMTU held a very successful day of delegate training in the Bay of Plenty on 1 December with 20 delegates from the local



port Branch and Rail Branches attending. The course focused on taking an organising approach and provided attendees with a toolkit of dealing with individual and collective issues in the workplace and beyond.

We looked at up to the minute examples of RMTU campaigns, including the Dunedin Railways campaign and the Blood Phosphate campaign.

Further courses are planned for those who could not attend this course and for members who will be going into bargaining in 2021.

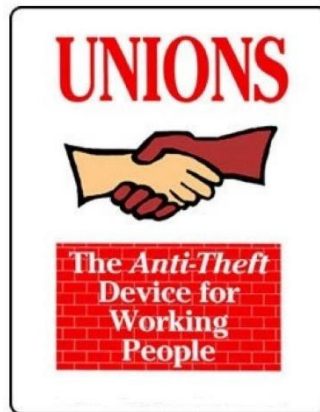
KIWI RAIL WESTFIELD SERVICING ROSTERING ISSUE

The second mediation failed to resolve the issue and so proceedings have been filed in the Auckland Employment authority. The nub of the issue is that KiwiRail want to change the existing rostered hours of the servicing teams. The members in Westfield have built their lives around the current shift patterns and, having gone the extra yards throughout the Covid lockdowns, are now being asked to turn their lives upside down.

Our members have stood tall and together all through this issue and that has given us the impetus to keep fighting. This is an important issue because, if we don't stop this abuse of employer prerogative here it will be rolled out right across the country.

CASUAL VACANCY - NOMINATIONS CALL - NATIONAL WOMEN'S COUNCIL - 2020/2022.

Following receipt of an unexpected resignation (for personal reasons) from Christine Fisihoi, Nominations are called for the Transdev Wellington (including Hyundai Rotem) position.



Nominations MUST be in writing on the official Nomination Form and contain the signed consent of the candidate, be proposed and seconded by current financial members (Rule 1) of the Union.

Official Nomination Forms are available on the RMTU Website

www.rmtunion.org.nz or from the National Office by calling on 04-499-2066, or

emailing admin@rmtunion.org.nz or office@rmtunion.org.nz

The term of office is 2 years and shall be in alternate years to the elections for the National Management Committee.

RMTU CANTERBURY RAIL & LYTTELTON PORT STOP WORK MEETING

These Branches are once again holding an end of year joint meeting, something that has become a hardy annual fixture over the years. This year the meeting will be at the Woolston Club starting at 1400 on Tuesday 15th December. This is a paid meeting under s26 of the Employment Relations Act 2000 and members are entitled to attend and be paid if the meeting is at a time then they would normally be working

Our General Secretary will be in attendance to present the certificate of RMTU Life Membership that biennial Conference conferred on former National management Committee South Island Rail Representative Mike Williams. The meeting will also present certificates of appreciation to members who have done outstanding work on behalf of their brothers and sisters in this

most unusual of years.

The meeting will hear from a guest speaker, New Zealand Nurses' Organisation Delegate Gem Kelley, a nurse working in a Managed



Isolation & Quarantine Facility in Christchurch.

NATIONAL WOMEN'S COUNCIL – NOMINATIONS CALL - RESULT

At the close of nominations (Friday 20 November 2020 at 1700hrs) there were four National Women's Council positions that received only one nomination and therefore those four nominees are declared elected unopposed.

Congratulations to:

Women's Council North Island Ports Rep

– Rata Sidwell –
nominated by Frank Weijers and Rick Henry.

Women's Council South Island Port Rep

– Ann Wells – nominated
by Margaret Trestain and
Rhiannon Williamson.

Women's Council Transdev Auckland Rep

– Makarita Hill –
nominated by Natasha
Bekker and Daniel
Foepua.

Women's Council Transdev Wellington Rep

– Now a casual vacancy following
resignation of Christine Fisiioi.

More than one nomination was received for
the positions of;

Women's Council North Island Rail Rep

- Debbie Brown – nominated by Matt Hamilton and Maurice Butler.
- Emilia Cabral – nominated by Mark Sayers and Mark Gaffney.
- Elaine Keegan – nominated by Lisa Davidson and Courtney Brown.
- Kasia Kurene – nominated by Manu Barclay and James Somerville.
- Toia Tiwha – nominated by Rata Sidwell and Richard Henry.
- Christie Yule – nominated by Rata Sidwell and Richard Henry.

Women's Council South Island Rail Rep

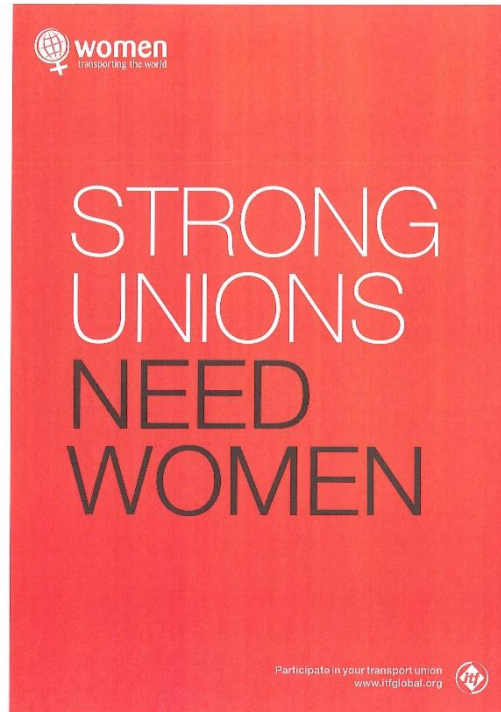
- Holly Egger – nominated by Ian Walker and Les McIntyre.
- Annette Telfer – nominated by Rachael Martin and Catherine Adams.

A postal ballot of members within the voting constituency for each representative position will be conducted. The Preferential Voting System is used by the Union in any ballot with more than two (2) candidates. This will be the voting method for the National Women's Council North Island Representative position as there are six nominees for this position. The other position being the Women's Council South Island Representative will be voting "first past the post" ballot.

It is anticipated that Postal Ballots will be issued from the National Office to the home address of those financial members who identify themselves as female in the North Island Rail and South Island Rail regions eligible to vote on or before 23 November 2020 and must be received in the envelope provided at National Office **no later than 1700hrs on Friday 18th December 2020.**

If you have not updated your address to the RMTU National Office since changing your place of residence then please update your details on the Union website or email to office@rmtunion.org.nz or fax to 04 4710896 or call 04-4992066 to talk to a member of staff to ensure you receive your voting paper.

Congratulations to Rata, Ann, Makarita and Christine on their inaugural election and good luck in the ballot process to all the aspiring nominees.



PORT OTAGO SECTION JOINT UNIONS STOP WORK MEETING

The RMTU Port Chalmers Branch and MUNZ Local 10 will be holding a stopwork meeting at 1400 on Wednesday 16th December, venue to be advised. This is a paid meeting under s26 of the Employment Relations Act 2000 and members are entitled to attend and be paid if the meeting is at a time then they would normally be working.

Two long serving RMTU Branch members, John Lydiate and Merv Read, were awarded the ultimate accolade of life membership of the RMTU at our biennial conference in October. National Management Committee South Island Ports Representative Andy Kelly will present John and Merv with their certificates and badges at this meeting.

Another discussion point will doubtless be the antagonistic relationship between Port Otago management and its workforce and what the unions' members can do about it.

DAMNING REVIEW OF CULTURE AT LYTTTELTON PORT

Two reviews have been published by Lyttelton Port Company in recent days, one into alleged bullying of an RMTU member who tragically took her own life and another into the 'workplace culture' at LPC.

According to Radio New Zealand 'the review into Lyttelton Port's culture found that staff were in fear of speaking out, offensive behaviour was normalised and that the port lacked diversity... There were also "disturbing reports" of anonymous intimidation and aggression towards staff'. The report also highlighted alleged racism, homophobia and misogyny at the port with 90% of non-European interviewees describing racism as an issue.

As a union that advocates zero-tolerance towards racism, homophobia and misogyny the RMTU broadly supports management's reaction to the report which was to accept its 32 recommendations to achieve change. Our union is also mindful the report commented that for much of the period covered by the review there were several industrial disputes at LPC and these 'damaged employment relationships'.



Clearly there is much to be done at LPC and it appears the current CEO, who took up his role in February and commissioned this review in May, is committed to change.

Meanwhile, an investigation into the experiences of a late former RMTU member was also provided to the port. That report did not find evidence of direct bullying. But it highlighted improvements that needed to be made around the port's capabilities to support staff mental health and well-being.

DUNEDIN RAILWAYS ROLLING AGAIN

Dunedin Mayor Aaron Hawkins announced that Dunedin City Council had agreed to support a limited season of rail services that would allow the Seaside and the Inlander to run on Sundays. The trips start on December 20 to test the appetite of Otago residents and domestic tourists for train trips after the international market was severely affected by fallout from COVID19.

The assets of Dunedin Railways Ltd have been in hibernation since July and the RMTU has campaigned since COVID19 hit for their restoration to full use. A number of our members who were made redundant in June have been offered fixed term and casual work for the duration of the trail.

The RMTU campaign was successful in galvanising public and political support for the railway and we can be rightly proud that our efforts have achieved this result.

Dunedin Railways is wholly owned by Dunedin City Council through its investment arm Dunedin City Holdings Ltd. The council is awaiting a report setting out options for the longer-term future of the company and the results this trial are expected to be used in that.

MORE PROGRESS AT LYTTTELTON PORT

The previous edition of The Activist reported that progress was being made in relations between the RMTU and management, as well as between the unions on the waterfront. This has been sustained with senior RMTU Branch officials meeting with MUNZ officials and then a meeting of the RMTU Branch Executive and the MUNZ Local Executive being held. The four unions at LPC are now working jointly on a fatigue management programme after deciding to combine processes that were being run in parallel.

This is an important project as it was seen as progress in this field a necessary prerequisite for agreement to changes to hours of work clauses in our collective agreement. It appears at this stage that management has been true to its word and is committing to working with the RMTU and other unions on this.

Discussions are continuing around a joint unions'-management delegates' day to be held in the new year. Doubtless the publication of the report into the workplace culture at LPC will become the focus for

more discussion between management and the unions as well.

Overall however, relationships seem to be moving in the right direction, although given it is difficult to imagine how they could have got worse given the unhappy history at LPC in recent years.

NZ SUPER FUND UNDER SCRUTINY AS FRESH SHIPMENT OF BLOOD PHOSPHATE DUE IN NEW ZEALAND

The Polisario Front, representing the people of Moroccan occupied Western Sahara is taking the Guardians of New Zealand Superannuation to court, calling for a judicial review on its investments in businesses in the West African territory. The hearing began in the Auckland High Court on 27 October. Morocco invaded Western Sahara in 1976 when Spain withdrew from its former colony, driving thousands of Western Sahrawi people into refugee camps in neighbouring Algeria where they remain. Morocco has ruthlessly exploited Western Sahara, plundering the territory of its phosphate reserves, hence the term 'blood phosphate'.

The Super Fund has revealed it holds stakes in 10 companies with business interests in Western Sahara, and dairy farms which have shares in Ravensdown and Balance because of their cooperative structure.

Since 2011, the Polisario Front claims, the number of countries importing phosphate from Western Sahara has fallen from 13 to just New Zealand.

The New Zealand Council of Trade Unions passed a resolution at its conference last year condemning the trade and calling on the New



Zealand government to stop it. As an affiliate of the CTU the RMTU has supported this resolution by protesting when shipments of have arrived in New Zealand. We have held off exercising our right under international law to refuse to berth or work the ships on the basis they are carrying illegal cargo, pragmatically settling for handing a letter of protest to the captain on arrival in port. In 2018, a South African court ruled that a cargo of Western Saharan phosphate rock bound for New Zealand belonged to the Saharawi government, and not Morocco's state-owned phosphate company OPC. The ship Cherry Blossom was detained in South Africa in 2017 with a 54,000 tonne cargo of phosphate worth \$5m destined for Ballance in Tauranga.

Another shipment of blood phosphate, is due into Tauranga on 5th November aboard the IVS Windsor. At the time of writing the RMTU is coordinating with activist groups to organise protest action.

Aside from supporting the CTU resolution and the Sahrawi people this issue highlights just how restrictive New Zealand's anti-strike legislation is as it is only under international and not New Zealand law that the RMTU could legally refuse to berth or work this ship. Had today's anti-strike laws been in place in the 1980s it would have been illegal for waterfront unions to take action against US nuclear ship visits for example.

OHAI LINE FUTURE SECURED – FOR NOW

The Ohai to Invercargill Branch Line, commonly referred to as the Wairio Branch, has its future secured after Fonterra and KiwiRail signed a deal that will allow the continuation of its use to transport coal to the Clandeboye plant north of Timaru.

Readers will recall the line was in jeopardy after negotiations between the parties broke down some months ago. The RMTU lobbied hard, pointing out the stupidity of transporting coal by road, and we're pleased to report that it appears sense prevailed.

Our Southland Branch members are now looking forward to welcoming more staff to ensure the line is kept in tip-top condition for the foreseeable future.

MANAWATŪ GORGE REPLACEMENT HIGHWAY MOTORS AHEAD

Transport Minister Michael Wood broke ground for Te Ahu a Turanga: Manawatū Tararua Highway - the new road that will replace the former SH3 route through the Manawatū Gorge today.

Michael Wood was joined by Prime Minister Jacinda Ardern in Woodville to mark the occasion along with Tararua District Mayor Tracey Collis, local MPs Tangi Utikere and Kieran McAnulty, iwi and community leaders.

Michael Wood said the project is a great example of the Government's focus on accelerating the economic recovery.

"This project is creating hundreds of jobs and has a target to employ 60 per cent locals on the project, which will help upskill the region's workforce.

"The new road will reconnect Manawatū, Tararua, Hawke's Bay and Wairarapa, helping freight move quicker and assisting the region's economic growth.

"Safety is our top transport priority and the new highway will be built to the latest safety standards. There will be a central median barrier along the highway, 1.5m wide shoulders, and slow vehicle lanes to allow people to pass heavy trucks safely.

"We're also building back better and the highway will include a safe separated path which will link up to other local pathways, supporting cycle tourism in the region.

"The project team is working to protect the environment as much as possible. They will plant 46ha of native forest, protect and enhance 48ha of existing forest, undertake pest control in 300ha of forest reserve and rehabilitate 28km of streams through planting



110ha of plants around waterways. Around two million plants are expected to be planted.

"I want to acknowledge the strong partnership between the project Alliance, Waka Kotahi and local iwi which is setting a great example for our upcoming major infrastructure projects," Michael Wood said.

Te Ahu a Turanga will be 11.5km of new highway between Ashhurst and Woodville, with six bridges and structures, and a shared path for walkers and cyclists.

Enabling works on the \$620 million project are underway, with main construction beginning early next month. The highway is expected to be completed at the end of 2024.

MESSAGE TO ALL REGISTERED USERS OF THE NZ COVID TRACER MOBILE APP.

We've now updated the app with Bluetooth tracing. This means it will be able to alert you when you've been near another app user who tests positive for COVID-19.

What do I need to do?

Once the update has been installed, you will be able to turn on Bluetooth Tracing. If your phone is compatible, it will ask for permission to use your phone's Exposure Notification System. This is entirely optional but strongly recommended.

If you have an Android phone, it might take a few minutes for it to confirm whether your device supports Bluetooth tracing. Please be patient and check back later if you need to. You can read more about [compatibility requirements for Bluetooth tracing](#) on our website.

Do I still need to scan the QR codes?

Yes, whether or not you choose to participate in Bluetooth tracing, you should also continue to scan the official QR codes wherever you see them.

QR codes allow us to create a private record of the places we've been, while Bluetooth tracing allows us to create an anonymised record of the people we've been near. Both are important for contact tracing.

What is Bluetooth tracing?

Bluetooth tracing uses radio waves to allow your phone to securely exchange randomised 'keys' with other nearby phones up to around 2 metres away.

When an app user tests positive for COVID-19, the contact tracing team will ask them to upload their Bluetooth keys. If you were near enough to that person for long enough to be at risk of exposure, you will receive a Bluetooth alert.

The Bluetooth alert will give you advice on what you need to do to protect yourself and your whānau to help stop the spread of the virus.

Watch a [short video](#) here for an overview of Bluetooth tracing.

Does Bluetooth tracing affect my privacy?

Protecting your privacy has been one of our top priorities throughout the development of NZ COVID Tracer.

Bluetooth tracing doesn't involve exchanging any identifying information. Anyone who receives a Bluetooth alert won't know who sent it or where they were when they were exposed to the virus.

Similarly, your digital diary of scanned QR codes and manual entries is stored securely on your phone where only you can see it.

The app has been [endorsed by the Privacy Commissioner](#) due to its focus on privacy.



We have also released the [source code](#) so you can see for yourself how the app manages your data.

Will Bluetooth tracing work on my phone?

Bluetooth tracing requires iOS 13.5+ on iPhones or Android 6.0+ on other phones. Phones with Android must also support Bluetooth Low Energy and have access to Google Play Services.

If your phone does not support Bluetooth tracing, you can still scan the QR codes to keep a private record of the places you visit, and will still receive location alerts if you have them enabled.

How do I update the app?

NZ COVID Tracer will update by itself if you have automatic updates enabled.

You can also manually update the app through the App Store (for iPhones) or the Play Store (other phones). Instructions can be found on the Ministry's website.

Where can I find out more?

- NZ COVID Tracer [home page](#)
- [Questions and answers](#)
- Updated [Privacy and Security Statement](#)
- Updated [Privacy Impact Assessment](#)

If you experience any problems using the app, please contact the app support team at help@covidtracer.min.health.nz or on 0800 800 606.



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

BE RMTU!