

# THE ACTIVIST



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## **CONFERENCE 2011**

Our Annual Delegates Conference was very successful. A full report will be published in the December issue of your magazine and so we won't do it here and steal the Transport Workers thunder.

Those of you who watch the network news would have seen the coverage of Phil Goff's speech to open the Conference. A farewell dinner was held on the second evening to recognise the contribution to the RMTU of Jim Kelly during his 21 years of leadership and this was very successful.

The Conference sets a very good basis for the Union's work over the coming 12 month period until Conference 2012.

## **CONFERENCE MINUTES**

The minutes from the conference and the presentations from guests are now available for download from the Union website; [http://www.rmtunion.org.nz/publications/publications\\_national\\_conference.php](http://www.rmtunion.org.nz/publications/publications_national_conference.php) and copies have been posted to Conference Delegates/observers and to branches.

## **D&A TESTING WAS DISCUSSED AS WELL**

During the RMTU National Conference, held over 8-10th November, the issue of the Union policy position towards random drug and alcohol testing was debated. Previously the policy was to oppose this type of testing.

Members will be aware that for some years the rail industry (and most of the ports) have had drug and alcohol testing, usually based on the principles of pre-employment, post incident, reasonable cause, and transfer into safety critical roles. The Union had held random testing at arm's length on the basis of concerns over privacy and a genuine belief that through encouraging members to seek help if they had drug and alcohol problems, the problem could be eliminated from the industry through education.

KiwiRail has pursued random testing for their own reasons, chiefly to satisfy their customers who have been insisting that KiwiRail employees comply with the

customer's drug and alcohol policies, usually including random testing, and through concerns that the problem was not getting significantly better.

Unfortunately in this case they have been right.

The RMTU agreed to enter into discussions with

KiwiRail on the possibility of moving to a random testing regime, and after lengthy discussions agreed in principle to the concept, subject to certain criteria. One of these was that the National conference would have to endorse the concept. This was discussed at the conference, and after a significant debate, the proposal to withdraw the current policy was agreed. There was also a presentation and debate over the type of testing, urine vs. oral fluid. From the material presented, urine testing appears to



provide the best and safest option currently available.

Further discussion with KiwiRail will now proceed. Any draft agreement will need to be implemented by variation to the CA (70% acceptance) and after a comprehensive education program followed by an amnesty, where members who wish to enter the rehabilitation program voluntarily, can do so without penalty.

## UNION FEE 2011-2012

Annual Conference approved a budget which will see the Union Fee stay at its current level for all members. General Secretary Wayne Butson said that being able to constrain Union expenditure and grow income at this time demonstrated to members that the Union was well governed and sound financial management was in force.

## TRANSPORT POLICY DIFFERENCES

Steven Joyce has promised to put National's foot to the pedal in evaluating four more projects as possible Roads of National Significance whilst Labour was promoting itself as a public transport party, vowing to pull the tarmac rug from under "unnecessary" highway projects which it says would lock New Zealand into a high-carbon future.

Labour has taken a big swing at the Government's flagship roading programme, vowing to ditch the so-called "holiday highway" between Puhoi and Wellsford and to use \$1.2 billion of the \$1.7 billion price tag to pay a half-share of an inner-Auckland rail tunnel.

Labour and the Greens have borrowed policy from a Campaign for Better Transport proposal for the highway to be abandoned in favour of allocating \$320 million for a

Warkworth bypass and safety improvements to the existing State Highway 1 heading north.

Although Labour also wants trains and coastal shipping to carry far more freight, it promises to keep investing in "vital" roading such as an east-west heavy traffic corridor from East Tamaki to Onehunga, a priority of Auckland business leaders.

The Greens want a moratorium on big new urban highways, and for the money to go on "more sustainable" projects such as regional transport centres and walking and cycling infrastructure to be fully paid for by the Government.



National is accusing Labour of planning to abandon projects promising economic growth and of reversing its own initiative before the 2008 election in dedicating all fuel taxes to the national land transport fund.

**It says Labour would also sabotage KiwiRail's \$4.6**

**billion "turnaround" plan, to which the Government is contributing \$750 million, by requiring rolling stock to be bought at a premium to support local jobs. (RMTU emphasis)**

But Labour, which bought KiwiRail back from private ownership before losing office, says National is squandering an opportunity for rail to play a bigger role in building a more sustainable New Zealand.

## HILLSIDE VISIT

Prime Minister John Key visited Dunedin yesterday and didn't go anywhere near Hillside. We wonder why?

On Thursday Phil Goff and KR CEO Jim Quinn are visiting the workshop. What does

that tell you about who cares about rail workers?

## TPPA FRAMEWORK SHOWS LEADERS ONLY LISTENING TO BUSINESS

The leaders' "framework" of where they consider the Transpacific Partnership Agreement (TPPA) should head unfortunately shows they have been listening only to the concerns of business, and shown little concern to the voices of unions and other organisations says CTU Economist Bill Rosenberg.

"Their statements show no sign they have recognised the dangers in further opening up the finance industry. There is no recognition of concerns in New Zealand, and internationally, about the effect of the TPPA on medicine prices, tobacco control and other health-related issues. They have confirmed they will give multinational corporations the right to sue governments, as tobacco giant Philip Morris is doing to the Australian government. Government procurement is going to be opened to competition from all TPPA countries and will be even harder to use to help local New Zealand firms. And foreign corporations will be given increased opportunities to influence government laws and regulations at the same time as ordinary New Zealanders are not even allowed to see the draft text of the agreement."

"Of particular concern for working people is the indication that the labour provisions will be weak and unenforceable. This will allow corporations to continue to use threats to bargain down working conditions, as Warner Brothers did. The contrast is stark. Corporations will be able to sue governments if their profits are threatened by government action in the country's interests. Working people will have no right to take enforceable action against

companies giving themselves a trade advantage by abusing their employees' work rights."

In addition, the US wants to hamstring State-Owned Enterprises so that they cannot be used to help develop new export industries as Labour and the Greens are proposing.

The CTU will oppose this agreement unless it can be shown to be in New Zealand's best interests. It is currently going in entirely the wrong direction.

KiwiRail Network GPS Rollout

## EXODUS TO AUSTRALIA WORSENS

Statistics New Zealand has reported today that "New Zealand's net loss of migrants in the October 2011 year was due to a net loss of 35,000 people to Australia. This is only just below the highest recorded net loss to Australia (35,400 people in the December 2008 year). The October 2011 year figure resulted from 49,500 departures to Australia, offset by 14,500 arrivals from Australia. In both directions, most migrants were New Zealand citizens."



Peter Conway, CTU Secretary says "the loss of people to Australia continues to be a huge concern. While the Canterbury earthquakes have understandably increased emigration – the number of departures from Christchurch since the

22 February earthquake increased by 2,300 compared to the same period last year – that is only a small part of the increase of 14,500 departures to Australia from New Zealand nationally, compared to the year to October 2010."

"The media statement from Statistics NZ focused on the good news of visitors for the Rugby World Cup. But that good result is



overwhelmed by the bad news that the exodus to Australia has worsened."

"We need major policy changes to build more hope for Kiwis that they have a promising future in our country – rather than overseas."

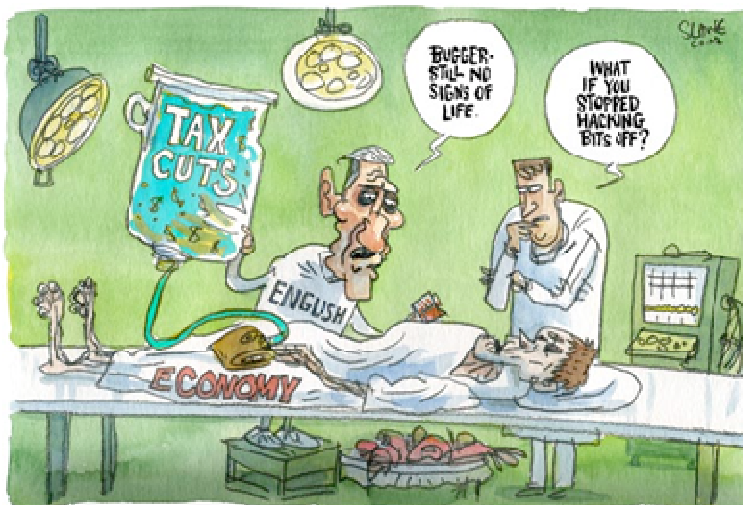
"That means we need to lift the minimum wage, improve our wage bargaining system, share the benefits of improved productivity, provide more skills training, and reduce inequality."

"It is misleading for John Key to say that after tax wages have grown faster in New Zealand in the last 3 years. Of

course after-tax wages change if you give big tax cuts but we know that the tax cuts favoured those on above average earnings whereas two-thirds of workers earn less than the average wage."

Peter Conway said "in New Zealand, the average ordinary time hourly wage has risen 7.5 percent between December 2008 – the closest date to when his government took office – and September 2011. After CPI inflation it fell 0.8 percent. After tax and inflation it rose 3.2 percent.

In Australia, the average ordinary time hourly wage has risen 14.4 percent in the same period, and 5.9 percent after inflation – 6.7 percent faster than in New Zealand. It rose 5.0 percent after tax and inflation – 1.8 percent more than in New Zealand. This is for full time adult employees, but could be expected to rise at a similar rate to the overall average."



## WILKINSON'S CLAIMS ON PAY EQUITY INVESTIGATIONS PROVEN FARCICAL

After receiving advice from the department of Labour, CTU President Helen Kelly today said that the Minister of Labour is wrong about pay equity investigations and that there is a need for a law change to allow workers to find out pay information.

"We launched a joint petition with the Green Party in August this year following statements from the Minister of Labour that Labour Inspectors have the power to investigate issues of equal pay in the workplace. 261 workers from 18 workplaces from

around the country have written to the Labour Inspectors, as suggested by Ms Wilkinson, seeking an investigation into their pay, only to be told that they need evidence that a pay gap exists before the Inspectors can investigate."

"This leaves women in a Catch 22 situation where they need to prove there is a gap before the Inspectors can investigate the gap. The process the Minister suggested is a farce."

"Kate Wilkinson refused to support Catherine Delahunty's pay equity information law on the basis that women could use the Inspectorate to investigate claims of pay inequity. However, the process outlined by the Inspectors is simply unrealistic for any woman worker to reasonably be expected to go through. They first have to go to their boss, seek pay information about their colleagues, which their boss doesn't have to give them (and possibly can't under current law), then prove that there is a complaint to be made."

"Catherine Delahunty has drawn up legislation that would enable workers to have access to these records for the purpose

of investigating equal pay issues but the National Party refused to support it. We believe that a law change to allow workers to have the pay information first will mean that complaints to the inspectors will be based on knowledge of pay inequality rather than relying on the inspectors in the first instance to inspect all workplaces."

"We have tested the Minister's assertion that under the current system it is possible for workers to get information about pay rates. She should have done this as well – and she would have found out – it doesn't work!."

## KEY'S ACCESS LAW LOCKS OUT UNION

Helen Kelly, CTU President said today that union officials are being denied access to the workers in the CMP Rangitiki plant which shows that John Key's union access law is unreasonable and puts us at risk of being in breach of international conventions.

Helen Kelly said "CMP Rangitiki has used Key's new law to deny the union access to workers who are being used to work through the lockout. Stopping this union official from entering a plant during what is turning into an increasingly bitter dispute unfairly tips the balance of power towards the employer in this case. The union sent a request to the employer Friday. The Employer is required to make a decision within a day but has instead written back asking for more information. This is the very type of technique Key said would not be used when we challenged him on the law. The law is clear on the reasons unions can access workplaces and these are not required in an application. The fact the employer is even required to give

permission is now being used to deny access."

"The law withholding unions access to workplaces unless the employer agrees is a deliberate attempt to undermine the union in the workplace and in this dispute. The union wants to go to the plant to provide information on the union to those continuing to work. It believes the employer has mislead these workers and is denying access to ensure they are not able to access union membership information. Using this law to deny the union access to workers continuing to work through the lockout obstructs their democratic right to bargain collectively and get union advice and support."

"There is growing international attention to this lockout - denying access to a union official is a breach of international law, anti democratic and will damage ANZCO/CMPs international image as a place where consumers want to buy their meat from."

### **Additional info:**

Japanese unions have expressed concern that the companies they work for may be involved in the attempt by ANZCO to reduce workers wages at CMP Rangitikei by 20% and that workers at the

plant have been locked out. They have raised the matter with their employers and seeking an

explanation of whether or not the companies support the moves by ANZCO. Additionally, the International Union of Food, Agricultural, Hotel, Restaurant, Catering, Tobacco and Allied Workers' Associations (IUF), has launched a solidarity campaign in support of meat workers who have been locked out by lamb processor, CMP, a subsidiary of ANZCO Foods. Further information can be found here <http://union.org.nz/ANZCOlockout>



Unite, the largest trade union in the UK and Ireland, has also written to Waitrose about one of their suppliers, ANZCO/CMP breaking core ILO principles reminding them of their commitment to corporate social responsibility. the letter can be found here

<http://union.org.nz/sites/union.org.nz/files/c%20mayfield%20161111.pdf>

## KEY SAYS GOVERNMENT HAS DONE WHAT IT CAN FOR HILLSIDE WORKSHOP

National Party leader John Key says the Government has done all it can to support KiwiRail and its Hillside

Workshop in Dunedin. In August this year, the company announced 44 redundancies at the engineering workshop and last week workers passed a motion of no-confidence in their managers. Mr Key

campaigned in Dunedin on Tuesday but did not visit the workshop in South Dunedin which employs about 130 people.

He says the National-led Government has supported Kiwi Rail, but the company must get on and run its own operation. Asked if workers at Hillside might have wanted to have him to visit on Tuesday, Mr Key said it was not possible to stop off at every organisation during the day trip, which included a public walkthrough at Meridian Mall in the central city. "In the end, like all workers in the country, they'll reflect on what National's done and they'll have their own take on whether they think it's been good enough." Labour Party leader Phil Goff is scheduled to visit Hillside on Thursday.

**Yeah Right!**

## THE ISSUE OF NATIONAL SIGNIFICANCE

The money NZ spends on importing oil has risen 22% this year to over \$21 million per day, \$7.7billion for the 2010 year, and while the International Energy Agency is warning us to reduce our vulnerability to what are going to become increasingly expensive post 2006 peak oil prices, the National Government is diverting funding from social, health, education and welfare programs to benefit their benefactors in the Auto-Petro lobby by committing more than \$11 billion on Roads of 'National' Significance' and threatening to close another 5 of our regional railway lines.

Activists involved in promoting sustainable energy, sustainable transport and those active in various environmental issues, environmental health and Climate Change have a huge body of evidence that would support a complete review of National's approach

to the provision of Transport Infrastructure .We also have evidence that they are systematically covering up advice and covering up research that isn't consistent with their desired outcomes.

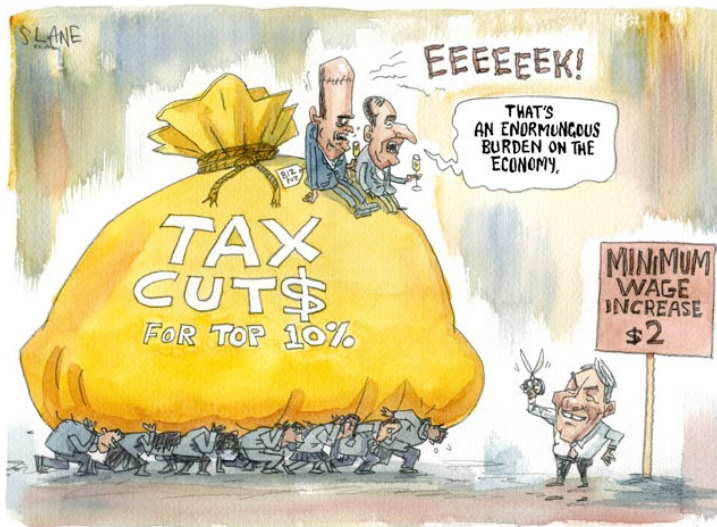
Is this the way forward for NZ?

**Alan Preston**

[www.thewayforward2011.org.nz](http://www.thewayforward2011.org.nz)  
[saveourrailnorthland.org.nz](http://saveourrailnorthland.org.nz)

## SMART TRANSPORT NETWORK PROMOTES SMART MOVES - NEW SMART TRANSPORT NETWORK LAUNCH

A new body - the Smart Transport Network goes public today, to better inform New Zealanders on transport issues with the big picture in mind.





Coordinator Silvia Zuur says: "Transport dominates every aspect of our lives, our health, the form of our communities, our environment, economy and our personal financial well-being."

"Smart Transport means providing a full spectrum of appropriate, sustainable and integrated transport choices," says Zuur.

The Network has kicked off by launching smarttransport.co.nz to give voters a chance to compare parties' election policies on transport. The Network is already backed by: 350 Aotearoa, the Cycling Advocates Network, Greenpeace, Public Transport Voice, **Rail and Maritime Transport Union**, WWF-New Zealand, and Brake, along with many local issue groups such as Save Kapiti, Cycling Auckland, and Save Our Rail, Northland.

The Smart Transport Network represents a new collective national voice on transport solutions – just as new research by Colmar Brunton shows seven out of ten New Zealanders are dissatisfied with the government's low commitment to spending on public transport infrastructure in major urban centres (1).

Only 1% of New Zealand land transport spending is for new or improved public transport, compared to 59% on new or improved roading (2). "The Government's status quo approach to transport planning and funding is causing New Zealand to fall far behind other developed nations," Says Zuur. "Our clogged and mono-modal cities are heavily car and oil dependent to the detriment of our economy, safety and our quality of life within those cities."

The Smart Transport Network will advocate for smart modern transport solutions and development that make more efficient use of transport spending and encourage infrastructural priorities that will serve the community now and into the future.

New Zealand has the third highest car ownership in the world (the USA is tenth) (3); but the Colmar Brunton research, along with the increasing popularity for public transport, cycling, and walking, backs up the view that Kiwis aren't as wedded to their cars as they seemed.

"Kiwis are wising up to the fact that the healthiest, happiest, and most prosperous societies tend to have the smartest transport networks.

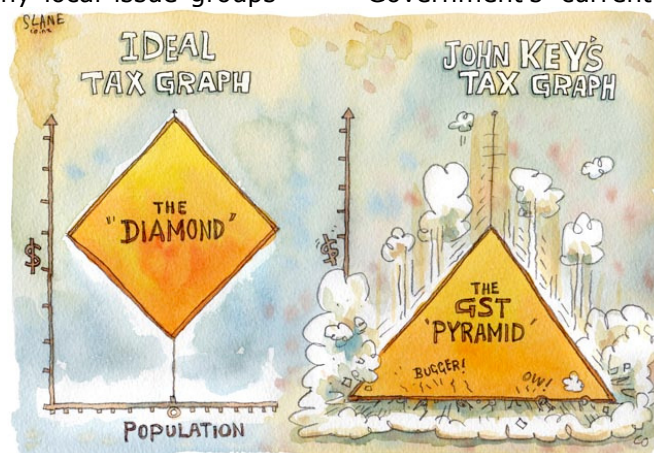
"The prevailing trend internationally – not just in Europe – is towards developing a balanced mix of transport options. Even Los Angeles, has recently committed to 1680 miles of new cycleways." (4) The Government's current policy reiterates the

1950's myths that limitless sprawl and more roads will ease congestion, satisfy our needs, and be affordable. This couldn't be further from the truth," Says Zuur.

The Smart Transport Network says smart transport choices

- are integrated, universally accessible, and not private car dependent,
- will be viable now and in the future, and less dependent on overseas resources,
- are affordable for governments and individuals,
- enable resilient communities and individual independence,
- support good public health, particularly in terms of obesity and air pollution,
- are environmentally sustainable, reducing our carbon footprint,
- include institutional goals for mode shift, with achievable medium term benefits.

While there are many groups promoting smart transport choices, and drawing



attention to local issues, the Smart Transport Network has been formed following the Smart Transport Conference, held in Parliament Buildings in August 2010.

<http://smarttransport.co.nz>

## **QANTAS FAILS TO AGREE WITH THREE UNIONS**

Qantas and the representatives of three of the four unions representing its workers (Transport Workers Union, Australian Licenced Aircraft Engineers Association (ALAEA), and the Australian and International Pilots Association (AIPA)) have failed to reach a new deal on pay and conditions. Qantas has reached an agreement earlier with the Flight Attendants Association of Australia (FAAA), representing its short-haul cabin crew.

### **TWU**

Qantas and the Transport Workers Union have failed to reach a new deal on pay and conditions for 3,800 employees, so there will now be binding arbitration by Fair Work Australia.

Fair Work Australia ordered the Transport Workers Union to stop all industrial action, which means it cannot take any action during the arbitration period or for the term of the determination by the commission, which can be up to four years.

### **Engineers**

Qantas has been unable to reach a new agreement with the Australian Licenced Aircraft Engineers Association (ALAEA) and both parties have concluded that Fair Work Australia will need to resolve the dispute.

### **Pilots**

Qantas has also been unable to reach a new agreement with the Australian and

International Pilots Association (AIPA) and both parties concluded that Fair Work Australia will need to resolve the dispute.

## **TWU VIEW**

Tony Sheldon, national secretary of the Transport Workers Union, said Qantas has refused point-blank to extend conciliation by a further 21 days.

"This strategy undermines the false platitudes that Qantas executives have planted in the media indecent days about their 'confidence' in reaching agreement.

"If you looked at the Qantas playbook, you would find an unshakeable sequence of events: 1. Lock in pay rise at AGM; 2. shut down the airline and cause vast economic damage; and 3. never negotiate when you can drag your employees through the courts.

"The TWU will now reluctantly prepare for compulsory arbitration at a date to be determined by Fair Work Australia.

"The union's national committee of management will meet this Thursday, November 24 to finalise the question of whether to appeal the 31 October Fair Work Australia decision. The TWU will consult with members and delegates in the interim," Mr Sheldon said.

"Qantas has not displayed good faith in these negotiations. The TWU wanted a sprint to the finish, but Qantas just hopped on the treadmill. It looked like they were moving, but they weren't going anywhere.

"The real losers are Australian Qantas employees, of whom none have any future job certainty and remain stuck with a work choices agreement," he said.





## \$15.8M SITTING UNSPENT WHILE HEALTH AND SAFETY SUFFERS

Despite severe staff shortages among health and safety inspectors, including those uncovered in the Pike River inquiry, the government failed to spend \$15.8 million collected in levies for health and safety in the workplace, says CTU President Helen Kelly.

The government is now planning to spend \$1.5 million annually on its new High Hazards Unit using some of these unspent funds.

"While we welcome additional focus on workplace Health and Safety in highly hazardous industries, the money was available to do this and more, from the day this government took office."

"This is disgraceful and irresponsible and shows the low priority the government has given to workplace Health and Safety until the Pike River tragedy forced it to take some action," says Kelly.

"This money, collected for the purpose of improving workplace Health and Safety, simply went into general government spending while disastrously inadequate health and safety enforcement continued. The Pike River inquiry has brought this situation to public attention, but it is affecting many workplaces where workers endangered by unsafe and unhealthy workplaces find it impossible to get the law enforced," said Helen Kelly.

"Employers should also be upset that this levy was not spent on the purpose it was collected for."

"The Minister of Labour, Kate Wilkinson, cannot say she was not aware of the situation. In the paper to Cabinet proposing

the establishment of the new unit, she says 'I review the levy rate annually'. To do this responsibly she must surely look at how it has been spent in the past and how adequate it has been."

"In the same paper she acknowledges that funding had been inadequate to attract and retain the calibre of staff required. At the time the paper was presented, July or August this year, there was one vacancy among the two mines inspectors, and both Senior Advisors on High Hazards in the Petroleum and Geothermal sector were leaving. 'The Department's effectiveness and credibility as a regulator in these high hazard areas is limited and because of this

carries a regulatory risk', she wrote."

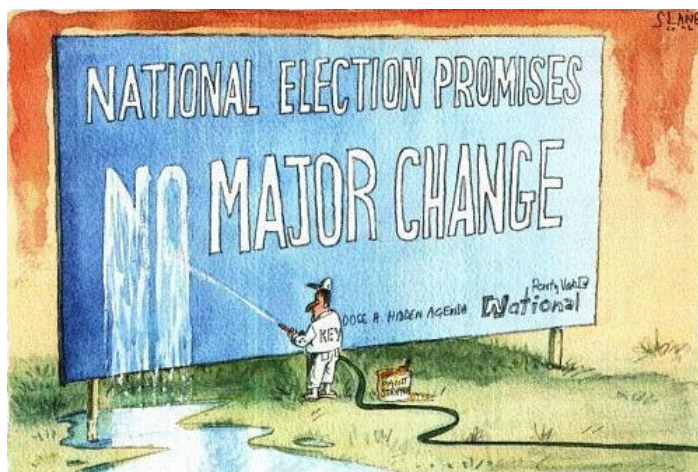
### Further information:

The Health and Safety in Employment Levy (sometimes called the "OSH Levy") is collected from employers every year to fund Health and Safety in the workplace.

The money is collected by ACC, paid by them to the Department of Labour, who then pay it into the Consolidated Fund.

The workplace Health and Safety activities of the Department of Labour (and smaller sums to the Civil Aviation Authority and Maritime New Zealand) are then funded by an appropriation from government like any other central government activity. That means it is subject to cut backs like all other government activity. Budget estimates show that the Department of Labour currently partly funds it by cuts in other parts of its services.

As a result of a 2007 Cabinet decision, since 2007/08 the Department of Labour has been recording how much was collected and how much was spent each year. The underspends, which have been about \$1-2 million a year, ballooned in 2009/2010 due to the addition of several million dollars,



apparently added to recognise underspends in years prior to 2007/08.

By the end of June 2011, the underspend had built up to \$15,774,000 according to Department of Labour Annual Reports and the Cabinet paper.

The HSE Levy is collected by ACC along with its other Work Account levies, on contract to the Department of Labour. ACC has no role in deciding how the money is spent.

## **MMP REFERENDUM NOW A TWO HORSE RACE**

The voting systems referendum is now a two horse race between MMP and First Past the Post, a new analysis of opinion surveys show, and people should vote to keep MMP unless they want to return to FPP, Keep MMP campaigners say.

Keep MMP has analysed all published opinion polls in 2011 that asked voters' preference of the alternatives to MMP on Saturday's ballot paper.

For voters who expressed a preference First Past the Post is the clear leader, meaning if New Zealanders trigger a second referendum in 2014 by voting for change, it will be between MMP and FPP.

Keep MMP spokesperson Sandra Grey said New Zealanders needed to have both eyes open when casting their referendum vote.

"We face the real risk of a slim majority voting for change, thinking that is either how they improve MMP or get to discuss alternatives like STV or SM. This is not the case."

"Make no mistake, if there is a vote for change on Saturday, all we will be doing is asking ourselves in three years time whether or not we want to go backwards to First Past the Post."

"Let's not waste time and money on another referendum in 3 years time between MMP and an unfair system we've already rejected."

"Let's keep MMP, review it and make it even better." Sandra Grey slammed the advertising campaign by the anti MMP lobby, saying their advocacy of the SM system was a deliberate attempt to confuse voters.

"As John Armstrong noted yesterday, SM now appears doomed. The public are not behind the system and it will not win the second question at Saturday's referendum. It has come last in every single opinion poll this year, just like it came last in the 1992 referendum."

Sandra Grey advises those who like STV, PV or SM to vote to keep MMP in the first referendum question, then tick their favoured alternative in the second question.

"Then you can send a signal that you like one of those alternatives. But don't expect those options to beat FPP."

"There are two horses that might win this race, and three also rans," said Sandra Grey. "Put your money on the right horse - MMP."

## **BITS AND BOBS**



Mainfreight announced a record first half financial performance. CEO Braid said "that our new Wellington facility commenced operations in late September and with the assistance of KiwiRail we have begun rail services to and from Wellington".

**PLEASE TAKE CARE OF EACH OTHER AND ABOVE ALL ELSE - LET'S BE SAFE OUT THERE!**