

# THE ACTIVIST



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## **RAIL AND MARITIME WORKERS MOURN LOST MINERS**

Rail and maritime workers have added their condolences to the families and colleagues of the 29 miners and contractors killed at Pike River.

Rail and Maritime Transport Union (RMTU) General Secretary Wayne Butson said that RMTU members on the West Coast were shaken with Wednesday's news.

"Our 80 members on the Coast were devastated. We work closely with the miners at the coal load sites," Wayne Butson said.

"We express our sympathy and solidarity with the families of the miners who died, and other miners who are now grieving for their lost workmates."

"Like many of the industries in which our members work, mining is a dangerous occupation. But all workers should be able to go to work each day, and return home safe and well."

Wayne Butson said that Workers Memorial Day commemorations next April would be particularly moving.

He said that the RMTU would make sure all of its members had the opportunity to contribute to the EPMU fund for family members.

## **MEMORIAL SERVICE**

The West Coast is holding a memorial service for the miners lost in the Pike River Mine disaster on 2 December at the Omoto racecourse. The service will be conducted by the combined Churches of the area.

A request has been made to KiwiRail to suspend services on the coast to enable KR

members to attend the service. In addition we don't think it is appropriate for trains to be running past the racecourse during the service as this would be disrespectful to the deceased miners and their families.

## **OBITUARY – CRAIG FINAU**

The Union is mourning the loss of Kawerau based RMTU delegate Craig Finau who was employed by KiwiRail as a Yard Team Leader. Craig was killed in a tragic motorcycle accident on Wednesday 24 November. Craig was a staunch Union delegate and a strong and passionate H&S champion. Craig will be a loss to us all. Craig is survived by his wife Rosie and 4 children. Flowers and messages can be sent to 16 McKenzie Street Kawerau.

The funeral service will be held at the Kawerau Town Hall on Saturday 27 November commencing at 1530hrs.

## **NEWS FROM UNION PLUS**

Telstra Clear has announced an exciting new membership benefit for Union members.

The highlights:

- 2 months free
- Free wireless modem
- Free standard broadband connection
- Chance to win an iPad for Xmas!

Telstra Clear are also donating (per customer) to our Union Plus member welfare fund.

Of all the Telcos UnionPlus contacted by Union Plus, they are the most enthusiastic (by far) to support the growth of Unions both now and in the future. Please support them.

The offer is contained in following link for members and delegates.

Members must ask for the Union Plus offer.

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

Go to -

<http://www.unionplus.co.nz/phone-and-internet.html>

## HEARING AID DECISION SHOWS THE GOVERNMENT'S NOT LISTENING

The Government's announcement today that sharing costs between ACC and workers is somehow fairer is just spin, says Labour's Disability spokesperson Lynne Pillay.

"If a person has worked in an environment which has caused hearing loss – and would not otherwise have needed a hearing aid – then they should be covered by the ACC scheme. There is already an assumed hearing loss scale due to age built into the scheme.

"It is not fair that a person who would not need a hearing aid but for their work noise-induced deafness now has to pay for it, despite they and their employer paying levies to cover these risks for years.

"By splitting the cost between ACC and Ministry of Health the government admits the costs will be higher for hearing impaired workers. This is another case of the government shifting the goal posts, for access to funding and denying hearing impaired people the support they need and deserve" said Lynne Pillay

"The changes announced by ACC Minister Nick Smith will cause significant concern for people affected by hearing loss.

"The Minister needs to stop passing the buck in his portfolio.

"Already we have seen the health sector have to pick up an estimated \$10 million in elective surgery costs per year from ACC dumping patients from its books onto DHBs; we have had the Minister introduce a scheme that denied victims of sexual abuse help, only to do an embarrassing u-turn several months later; and now they

are passing ACC hearing aid cases on to the health sector.

"This is more bureaucracy, more time wasting, more passing the buck and less service for the people who really need it," Lynne Pillay said.

## KIWI RAIL PAYROLL CHANGES FOR KRN MEMBERS

As you are aware in June we migrated some of KiwiRail Network staff from Payglobal to the JADE payroll system. We are now about to migrate the remainder of KiwiRail Network staff, essentially OIL staff on the Collective Agreement, to JADE on 2 December 2010.

We do not expect any fundamental problems as a result of the migration because all conditions remain the same for this group of employees. However, as we all know, there is always a possibility of some technical, unforeseen problem occurring.

We will communicate with staff to let them know about the change and to explain the new payslip format. Should any member contact you with a problem or concern, please refer them to Raewyn Hills-Davey or Cheryl Hasse in the first instance.

## CAFÉ CHEF'S 90 DAY SACKING 'FOR USING TOO MUCH SAUCE'

A breakfast chef in a Timaru café was sacked under the 90 day law and the only reason his employer could give was that he was 'using too much sauce and aioli'. The story is the latest 90 day unfair dismissal case released on video by the CTU today.

Aaron Greave began working at the MJC Café and Wine Bar in Timaru in July. He was not given a written employment agreement and there was no mention of a 90 day clause until he was sacked. There had been no indication that his performance was anything other than satisfactory.

You can see Aaron tell his own story at [www.youtube.com/NZCTU](http://www.youtube.com/NZCTU)



CTU Secretary Peter Conway said: "This is yet another case of an employer using the 90 day law as a convenient way of getting rid of an employee for any reason, and not because they have given them a chance and found them incompetent."

As in other cases brought to our attention, the CTU has arranged legal advice for Aaron to pursue remedies with the employer. Peter Conway said that Aaron does not want anyone to cease going to the café and neither he nor the CTU want any commercial impact on the business as a result of Aaron speaking out on his rights at work. What Aaron wants in addition to a remedy in his case is for the employment practices to improve at the café and for the 90 day law to be dropped.

"If this law is extended to every workplace in New Zealand we will see many more skilled workers sacked on a whim by some employers and the job security of every worker who changes jobs will be all but swept away. As with the case of the dairy herd manager whose case we highlighted on Monday, Aaron Greave's sacking shows that the 90 day law is not improving New Zealand's productivity; it is actually undermining it by putting experienced employees out of work and even driving them out of the country."



### TURNAROUND PLAN – KR – BREACH OF GOOD FAITH

As we stated last issue there are no more committed people in terms of the Rail industry in this country, than the RMTU and you, our members. We have been a critical part of this industry from its inception, and will be going forward. This applies equally to any Turnaround plan and whether it is to be successful or not.

An injunction application has been filed with the Employment Relations Authority and the parties agreed to attend mediation on Tuesday 23 November but this was

cancelled at the request of KiwiRail. A further mediation date has been agreed for 30 November in Wellington.

### FIGHT AGAINST UNFAIR EMPLOYMENT LAWS DOES NOT STOP HERE

Unions will not let up in their campaign against National's unfair and regressive employment laws, said the CTU, despite the passing of the Employment Relations Act and Holidays Act Amendment Bills in Parliament.

CTU President Helen Kelly said: "Unions are not sitting back in defeat at this moment. We will continue to campaign against this government's attack on work rights and its continuing failure to take adequate action against unemployment."

"When 80 percent of New Zealanders agree that everyone should have the right to appeal against unfair dismissal, even within their first 90 days, you do not simply give up when

the Government chooses to ignore them. The Government has chosen to ignore all the best advice on both the ERA and Holidays Acts and has listened only to business lobbies."

There are 150,000 New Zealanders officially unemployed, yet the Government's response is

to weaken everyone else's job security as though that was the root of the country's economic problems. It seeks to weaken wage bargaining when our wages are falling further and further behind Australia's."

"Tax cuts and the GST rise have simply handed more wealth to those who have most already and heaped a greater burden on those who have least. Ninety percent of people now realise they are either no better or worse off after the tax cuts."

"Workers covered by union-negotiated collective agreements are still receiving wage increases and unions will continue to fight for better wages, fair work rights and action on unemployment."

## D&A BOOKLET – KIWI RAIL

Booklets have been distributed around KiwiRail land by management. The booklets are inaccurate and contain so called facts which are disputed by the RMTU. This booklet was never shown to or disclosed to the RMTU. We reject it totally.

The GS has written to Kiwirail as follows;

*A member came into the office this am bringing with him a D&A booklet which has just been released by KR.*

*I have not seen this booklet before and was not aware it was to be issued to members.*

*Given D&A is a high profile issue between us, and we have a joint working party meeting this Friday, I am very surprised to find that the RMTU was not consulted about the booklet. The booklet contains subject matter which I also find of concern and in particular the fact that the right to representation is left to the last sentence of the booklet on the penultimate last page.*

*Taken as an isolated issue the failure to consult on such an important subject matter would be a concern but when taken in conjunction with all of the other consultation breaches currently occurring it is clear that a pattern is emerging. We now have contractual consultation breaches on 6 corporate policies, KR Freight Business plan, contracting out and 300 wagons.*

*Where does this place the relationship charter and its espoused principles?*

*Can you please explain to me why the RMTU was not consulted in the formulation of and about the distribution of the NZDDA booklet?*

We have received a verbal response from KiwiRail to the effect that the booklet will be withdrawn but we await the formal advice in writing. Members should bin the booklet in our view.

## 300 NEW RAIL WAGONS MUST BE BUILT AT HOME

Rail workers want to make sure that the economic and employment benefits of the construction job for 300 new rail wagons stays in New Zealand, and is not lost overseas, their union said today.

## MORE COST-CUTTING TO EARLY CHILDHOOD EDUCATION

Early childhood education continues to be the target of government cost-cutting with cuts to support grants for beginning teachers.

The Ministry of Education is withdrawing the Provisionally Registered Teacher Grants from July next year to any new teacher going into an early childhood centre which has more than 80% qualified staff. The grants, worth \$4000 a year, have been available to all newly qualified early childhood teachers and help fund professional advice and guidance during their first two years on the job.

The education sector union NZEI Te Riu Roa says it's another blow for those services already reeling from big government funding cuts.

"Again the government is targeting those services which are providing quality early childhood education. For many it will represent another funding cut because they will want to provide that additional professional advice and support to their beginning teachers but will have to fund it themselves out of reduced budgets," says NZEI Vice President Judith Nowotarski.

The grants are also important in building and retaining a strong teacher workforce.

Judith Nowotarski says "research in New Zealand and overseas shows that when teachers are well supported professionally in their first years of teaching, their teaching practice is stronger and they are more likely to stay in the job."

"It is disheartening to see the government continuing to treat childhood education as a cost rather than an investment and show that



it places no value on qualified teachers or quality education for our youngest children.”

### **BITS AND BOBS**

- In Port Chalmers the company has determined to not replace an administration staff member and lump the work onto the other members in the area. Their already heavy workload has as a result become unbearable and unsafe. Things will develop in this space.
- The KiwiRail Drug and Alcohol “joint” working party will meet in Christchurch on 1 December. The meeting will be with officials from Solid Energy and also delegates from the EPMU miners division. The issue is Solid Energies demands that KR staff be subjected to random testing to conform with Solid Energy’s D&A policy. We argue that our policy in rail meets or exceeds the Solid standard.
- The Matangi trains in Wellington have high levels of build issues and so we have heard that Rotem have been advised to ensure that all units must be to standard before being shipped to NZ. The commencement of wider training of Metro Staff has been deferred owing to “issues” with the training train.
- Rank and file feedback on the newly landed Chinese DL locomotives are that there are significant forward vision issues for the locomotive engineer and the build quality is poor. The commencement date for training has been put back as has the site visit of the RMTU Cab Committee team which was scheduled for next week.
- An initiation of bargaining has been given to Port Timaru for the renewal of the Collective Agreement. The troops are considering their claims for the wageround.
- A number of port companies are currently revising their Drug and Alcohol policies.
- The RMTU – MUNZ Alliance Charter steering committee meets in

Wellington on Monday 29 November. The growth of “yellow” unions on the NZ waterfront and D&A policies are key agenda items.

- The Veolia MECA ratification ballot is running with papers arriving in members letterboxes from Monday of this week.

**“WE’RE  
STRONGER  
TOGETHER”!**

