

# THE ACTIVIST



**Published Regularly - ISSN 1178-7392 (Print & Online) 11 March 2011**

## **RMTU ALLOCATES FUNDS TO ASSIST CANTERBURY MEMBERS**

All of our thoughts and best wishes are with those members who have suffered as a result of the September 2010 and Feb 2011 and the ongoing earthquakes in Canterbury. It is gut wrenching each evening watching the media coverage of the suffering and yet humbling to watch the many thousands of "hero's" who have stepped up to the plate to assist others without any thought of reward or recognition. The Kiwi community spirit to the fore.

A special telephone conference hook up of the National Management Committee resolved that the RMTU would donate a total of \$15000.00 to be available for our members in Canterbury. The money will be disbursed equally between the KiwiRail Fund and the Lyttelton Port Branch account. Members should apply for grants from either to assist their circumstance.

Branches that are looking at solidarity donations are asked to consider both of these options.

## **NOMINATIONS CALLED**

In accordance with Rule 24 of the Rules & Standing Orders of the Rail & Maritime Transport Union nominations are hereby called for the full time position of General Secretary.

Nomination Forms are available from the RMTU National Office by contacting Julia on 04-499-2066, fax 04-471-0896 or [julia@rmtunion.org.nz](mailto:julia@rmtunion.org.nz).

Nominations shall be in writing and contain the signed consent of the candidate, and be proposed and

seconded by financial members (Rule 1) of the Union.

Nominations must be received by the National Returning Officer at the National Office of the Rail & Maritime Transport Union, PO Box 1103 Wellington 6140 no later than 0800 hrs. on Monday 4th April 2011.

The term of office is 4 years (Rule 24.1) and the duties are as contained in Rule 29 of the Union's Rules and Standing Orders.

For the information of members it is advised that the incumbent will be seeking re-election.

Howard Phillips

**National Returning Officer**

## **RMTU PORTS FORUM**

The 2011 RMTU Ports Forum will be held in Wellington on 17-18 May, the usual Venue - St John's Church Willis Street and accommodation at Central City Apartment Hotel Victoria Street.

The Union is keen to hear ideas from port branches on what topics, content or speakers they would like to hear from/do at the Forum.

The Forum will follow the usual format, with each branch reporting briefly on local issues and activities. In particular, a number of ports are involved in Collective Agreement negotiations, so the discussion will be interesting.

Port branches please advise National Office who your representatives will be as soon as possible so that bookings can be made. Registration forms will be circulated this week to Port Branch Secretaries.

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

## FOR THE RECORD – ASSET SALES

Our beloved Prime Minister has stated on more than one occasion that the justification for Selling Publically Owned Assets (SOE's which include Transpower, Meridian, Mighty River, Air NZ, KiwiBank, NZ Post etc) is because NZ's national debt level is too high – some 85% of gross domestic product. He also has said that the only other developed countries with a foreign debt level the size of ours are the likes of Portugal, Ireland, Greece and Spain. The facts don't support his statements and therefore they are wrong and a "spinning" of the facts.

Firstly the NZ COMBINED private and public debt adds up to around 85% of GDP. Our Govt (Public) debt is a fraction of this amount at around 18.8%. This country's public (Govt) debt level is nowhere near that of the PIGS. It is reported that the projected 2011 GOVT (Public) debt levels for Portugal = 88.8%, Ireland = 107%, Greece = 150.2% and Spain = 69.7 and additionally we have Britain at 83.5%, Italy 120.2% and Germany at 75.9%. Clearly on these numbers Key is gilding the lily. 18.8% is way below what any of the other countries have and even the cot cases aren't embarking on wholesale privatisations.

**STOP PRIVATISATION – IT DOESN'T WORK!**

## REDUCTION IN INTEREST RATE AND COORDINATION WITH GOVERNMENT WELCOME

The CTU welcomed the Reserve Bank's significant 0.5 percent reduction in the Official Cash Rate to 2.5 percent today. "This recognises not only the effects of the disastrous Christchurch earthquake but the fact that the economy is in – or is at least close to – recession again. It was the right action to take," said Bill Rosenberg, CTU Economist.

Alan Bollard noted that even before the earthquake, GDP growth was much weaker than the RBNZ had expected.

"We also welcome the action taken by the Reserve Bank to coordinate its decision with government actions. The Bank consulted with the Minister of Finance in order to coordinate monetary and fiscal policy. While the Bank justified this on the basis of the National Emergency, we believe that closer coordination of policies in general would add to their effectiveness."

The CTU hopes that the government will focus on the needs of Christchurch and the recessionary conditions in its direct response to the earthquake and in the May Budget. "There is continuing high unemployment which has not been addressed. Christchurch clearly has high needs for a generous response. The Reserve Bank has shown that it is ready to do its bit, although it could also consider provision of funding for the earthquake rebuilding and to assist investment in the wider economy", said Rosenberg.



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## LAW CHANGES KICK IN 1 APRIL 2011

DOL have released a new guide to the changes to the Employment Relations and Holidays Acts that are coming into effect from 1 April. This guide is now available on their website. It explains how the new changes work and how to apply them. More details are also available on the following topics:

- cashing up one week's annual leave,
- the extension of the 90 day employee trial period, and
- transferring public holidays.

**Anzac Day** - You may have noticed that this year Anzac Day (25 April) falls on Easter Monday. Anzac Day will be recognised on the Monday and will not be transferred to any other day. This also means all shops must close their doors until 1.00pm on 25 April, unless they meet

certain exemptions. For more information visit the DOL website.

**Minimum wage** - From 1 April 2011 the adult minimum wage will increase to \$13.00 an hour, and the new entrants' minimum wage and the training minimum wage will increase to \$10.40 an hour. More information on the minimum wage can be obtained our website.

Union access to worksites legislative provisions also change.

## RAIL LOBBY GROUP PLEA FOR HELP AND PARTICIPATION

"Kia ora to all members of the Rail and Maritime Transport Workers Union.

This is a call for you to join a broad network of people working to save those of our railways that are under threat of 'rationalisation', to offer your skills, knowledge or time, or just to be kept informed of what's happening, please send an e-mail to: [thewayforward2011@gmail.com](mailto:thewayforward2011@gmail.com) and to learn more, go to our web-site: <https://sites.google.com/site/thewayforward2011/>

Please forward this message on to others who may be concerned and if you know someone who may want to get involved but who doesn't use the internet, please give them our telephone number.

Our input into this will be crucial in deciding the best way forward for transport in New Zealand. Contact: Alan Preston (campaign co-ordinator) Mangawhai Village, Northland, New Zealand [tel:\(09\)4315389](tel:094315389) mob/txt: 02102377242 or [thewayforward2011@gmail.com](mailto:thewayforward2011@gmail.com) <https://sites.google.com/site/thewayforward2011/>

## NO TRACK WARRANTS BY CELLPHONE

All Locomotive Engineers and other rail service vehicle operators are reminded that Track Warrants must not be taken or issued by cellphone communication. The primary method of issue is the train radio network and so if communications are such

that the radio network is not fit for purpose then to ensure quick remediation of the radio network fault warrants must not be taken by cellphone. This is national Union policy as approved by Conference.

## Where The #\*@\$ Are These LE's Please!!!!!!!

The following ex members left the Loco Engineers Trust Fund and they are entitled to a refund of contributions. Anyone knowing the current contact details for any of the persons listed below please contact them and urge them to contact Julia @ RMTU National Office on 04 499 2066 or [julia@rmtunion.org.nz](mailto:julia@rmtunion.org.nz).

Francis Keith Amy – left 13/03/1982

Jack Barry Ellis – left 02/01/1982

Donald Stewart Fraser – left 27/03/82

Frederick B V Groves – left 05/07/85

Leslie Arthur Koschel – left 14/04/79

James Allister MacLean – left 06/04/84

Patrick John Page – left 03/03/87

Les John Rabone – left 16/12/84

Michael T M Ryan – left 15/06/85

Grant Gordon Wild – left 21/09/85

## FIRST ISSUE 2011 - TRANSPORT WORKER

This issue is currently at the printers and will be available to members soon.

## COURT OF APPEAL UPHOLDS UNION APPEAL ON STRIKE BREAKERS

The Court of Appeal has quashed the Employment Court decision which permitted the use of strike breakers during the 2009 dispute between the Dairy Workers Union and the Talley's company, Open Country Cheese.

The Court of Appeal clearly restated the right of workers to take strike action and was equally clear that s97 of the Employment Relations Act prohibited



employers from engaging strike breakers in an attempt to break the strike.

"Unfortunately, this decision has come more than a year too late to have any impact on the dispute", said Dairy Workers Union National Secretary James Ritchie.

"The Employment Court decision which erred in law enabled the company to run its operation with strike breakers and this mistake had a significant effect on the outcome of the dispute."

Despite a settlement being reached at the time, most union members never returned to their jobs and those that did were offered significant salary increases to leave the union.

The Court of Appeal has however issued an overdue decision upholding workers' rights and it is welcome, said James Ritchie.

## **ACC SUPPORT FOR TRAUMATISED EARTHQUAKE VICTIMS**

The ACC Futures Coalition, an organisation set up to oppose the privatisation of the ACC accounts and to maintain the standard of ACC services, has congratulated ACC for its response to the Christchurch earthquake and is drawing attention to a little known provision from the Accident Compensation Act that could help many of those who have been traumatised by the events there and are unable to return to work because of that mental trauma.

"We would like to commend ACC for their response to the earthquake," said Coalition spokesperson Hazel Armstrong. "The scheme is demonstrating that it is there for all of us in times of need. However, the full relevance of the Act may not be known by those most affected."

"In October 2008, the ACC law was changed to allow workers, who are traumatised at work because they directly experience an event – such as an earthquake or a robbery, to apply to ACC for compensation."

"The law change came about because the Government recognised that mental trauma can cause incapacity. Parliament

was convinced by the experience of a locomotive engineer who – on the Hutt line – had the misfortune to run over a person who was on the track. He was so traumatised he could not return to work."

"The Christchurch earthquake was seriously traumatic for many workers, said Ms. Armstrong. "It occurred during the working day and the sight, sound and experience of the earthquake would have led to trauma for many."

"The threshold is high. In order to obtain cover and entitlement, the person must suffer a clinically significant behavioural, cognitive or psychological dysfunction. In other words the person must suffer more than stress or worry, but the person does not also have to suffer a physical injury," said Ms. Armstrong.

"The claim must be supported by a reputable medical diagnosis (for example, post-traumatic stress disorder, anxiety and/or depression), and there must be clear evidence of the harm that resulted from the medical condition".

Entitlements to weekly compensation can be sought, as well as treatment such as counselling and/or medication. Once the condition has stabilised, lump sum compensation can be sought. The claim is lodged by a treatment provider with ACC.

Those seeking more information should contact ACC or their treatment provider, or failing that their union or other advocate.

## **CTU RUNANGA HUI**

The NZCTU Runanga Hui is being held 14-16 March 2011 at Papa O Te Aroha Marae in Tokoroa. The delegates elected at Conference will attend for RMTU. Any other member may attend if they wish at their own cost.

## **GWRC RAIL PACKAGE ANNOUNCEMENT**

The Government, Greater Wellington Regional Council (GWRC) and NZ Transport Agency have announced a package deal to continue improvements to the Wellington commuter rail services. The package

includes a Government commitment to fund an \$88 million renewal of the rest of the network's signalling and traction assets, and a further \$80 million to refurbish the 30 year old Ganz Mavag units. It also includes taking over ownership of the passenger rolling stock and stations.

KR's Jim Quinn stated that "This is good news for us. This announcement is about assets, not people. We are still responsible for the rail operation and, assuming we deliver to the expected standard, the contract will continue to 2016."

"The intent of the model is to ensure we continue to lift our performance level. Having further funding available for network and rolling stock upgrades will help, but we as a team need to keep improving. I know you all agree we are just as keen as the people of Wellington to provide the best rail passenger service we can."

The announcement also clarifies that funding will be available for the Ganz Mavag refurbishment project. So we will work closely with GWRC on the next steps for this. GS Wayne Butson stated "That this is great news for our members at Hutt Workshops as the work book was looking a bit thin and so their workload in the immediate future is assured".

The funding and ownership package information from GWRC includes:

- The Matangi and Ganz Mavag trains operating on the network will be held in a Rolling Stock Owning Company, majority owned by GWRC.
- GWRC to take over ownership and responsibility for stations (other than Wellington Station), car parks, train stabling and the electric train depot.
- The Crown (through KiwiRail) to retain ownership of the metro rail track network, the traction and signalling assets, and responsibility for ongoing

investment in the upgrade of these assets.

- GWRC to pay a track access charge to KiwiRail (with subsidy from the NZ Transport Agency) that reflects the fair cost of maintaining the tracks and other assets.
- GWRC and KiwiRail plan to sign new performance-based maintenance, operating and track access contracts this year.

GWRC will conduct now a consultation process with the residents of Wellington on their rates package.

## CHRISTCHURCH WEEKLY COMPENSATION CHANGES SHOW STRENGTHS OF ACC

The ACC Futures Coalition has welcomed the Government's decision to introduce the Accident Compensation Act 2001 Order 2011. This order allows ACC to pay the first week of weekly compensation to any eligible person injured in the 22 February earthquake, who will be on weekly compensation for more than a week, irrespective of whether they were at work when they were injured.

"The Government is to be commended for this move which means employers will not

have to make the first week's payment as they would under normal circumstances and employees, who would not normally receive compensation for the first week for a non-work accident, will receive income

compensation from 22 February", said Hazel Armstrong, Coalition spokesperson.

"This is an important initiative," said Ms. Armstrong," which will make life easier for those who were injured during the earthquake. However, it is important to point out that an intervention like this by Government to respond to an extraordinary situation would probably not be possible if the Government's plans for ACC are implemented."



"If the Government proceeds with its plans to privatise the work account it would be difficult for them to require private insurers to pay above the scheme entitlements in this way. It can only do it because, as the Government, it can carry the risks associated with the decision rather than imposing them retrospectively on a private company, said Ms. Armstrong.

"This is a classic example of one of the founding principles of the scheme being applied", said Ms. Armstrong. "Under the principle of community responsibility we all accept that the citizens of Christchurch need our help and support as a matter of national interest because their ability to contribute to the general welfare has been interrupted by their individual injury and loss. We don't want to lose that ability in the future."

## OUT @ WORK

The NZCTU Out @ Work Kamp is being held 16-17 March 2011 and coincides with the 2<sup>nd</sup> Asia Pacific Outgames Human Rights Conference which is being held 12-19 March 2011 at the Wellington Town Hall Wakefield Street Wellington.

RMTU will be represented by nominated delegates at this Biennial conference and international event. A report will be published in the Union Journal issue 2.

## MOVES TOWARDS SUPERMARKET-STYLE EARLY CHILDHOOD EDUCATION

Moves to allow dramatic increases in the size of early childhood services could lead to supermarket-style early childhood education, according to the education sector union, NZEI Te Riu Roa.

The government is dropping the requirement for early childhood centres with more than 50 children to have more than one license, which could push up the maximum centre size from 50 to 150 child places.

NZEI National Executive member Hayley Whitaker says that is an unmanageable

number which will compromise the quality of children's care and learning.

"All the evidence shows that small group size is critical to a child's sense of belonging. Quality early childhood takes place in a warm caring environment where teachers know children and their families well, not in large impersonal, institutions," she says.

"Fifty children is already a large number for a license and expanding that to 150 just doesn't make sense. Having services with large numbers of children goes against the basic principles of good quality early childhood education. Economies of scale and early childhood education are just not a good fit."

The move also comes on top of a long list of measures that the government has taken to erode good quality early childhood education.

"We've seen funding cut to more than 2,000 services, the target for having 100% qualified teachers has been abandoned, professional development for early childhood teachers has been cut and support for teachers in training and new graduates has been reduced," says Ms Whitaker.

"Children deserve the best start in life that they can get and it's a shame the government seems intent on chipping away at the value of that."

## SOUTH ISLAND ORGANISER

We have filled the vacancy created by the sudden death of Brian Cronin. John Kerr who was previously an organiser with the EPMU will commence employment with us on Monday 14 March 2011. I am sure you will join with me and welcome John to the RMTU. After a period of getting orientated and his feet under the table John will be introduced around the South Island by Wayne.

Once again a hearty thank you to our SI branch officers and delegates for shouldering the extra workload in the interim.

## CANADA WATERFRONT TALKS

ITF president and dockers' section chair Paddy Crumlin commented today on the lack of progress in contract talks between the British Columbia Maritime Employers' Association and the ITF-affiliated ILWU Canada.

Paddy Crumlin said: "We're concerned to hear from ILWU Canada that despite its best efforts there has been no progress in negotiations with the BCMEA on a new collective agreement for the region's ports."

"This matter has been open to negotiation since the expiry of the previous collective agreement on 31 March 2010. We strongly urge the employers to take to the negotiating table in a positive and constructive way and start engaging in a dialogue that can result in an agreement acceptable to both parties. Any delay will have negative repercussions for all parties concerned."

He concluded: "Our concern is shared by the ITF's docker unions, and we are all watching closely to see how our sister union is treated."

A letter from ILWU Canada president Tom Dusfrene to the BCMEA making clear the union's availability for negotiations can be seen at <http://ilwu.ca/Home.html>

## UNION PLEASED THAT WHITCOULLS WORKERS SPARED REDUNDANCIES

The National Distribution Union says that it is pleased that no New Zealand workers are included in the first 321 redundancies announced by the administrators of REDgroup Retail, the former owners of the Whitcoulls and Borders bookstores in NZ.

The NDU represents workers at Whitcoulls Distribution Centre and some of its bookstores.

The RED group announced a short time ago that it is closing 37 Angus and Robertson and 1 Borders bookstore in Australia with a loss of 321 jobs.

Robert Reid, General Secretary of the NDU and member of the Whitcoulls creditors' committee said:

"We feel for those Australian workers who have been made redundant. We are relieved however that the administrators have honoured their pledge to the staff, the union and its New Zealand creditors that it will endeavour to sell the Whitcoulls and Borders chains in New Zealand as a going concern."

"The announcement confirms the administrators' earlier statements that the New Zealand operation of REDgroup Retail is in better shape than the Australian operations."

"NZ workers will, however, remain worried until such a sale takes place and jobs are secured under a new owner," Robert Reid said.

## EMPLOYERS NEED TO HOLD OFF REDUNDANCY DECISIONS

Employers whose businesses have been affected by the Canterbury earthquakes should hold off making decisions about such things as closures and redundancies, according to the New Zealand Council of Trade Unions.

Already, a number of employers whose businesses premises have been destroyed or damaged by the earthquakes have told staff that they will close permanently, and have advised them that their jobs no longer exist.

According to the NZCTU, such decisions should be delayed until more is known. "The government's emergency wage subsidy payments and the support programme for employers will allow employers the time to assess their situations and make future plans on a fully informed basis," said Canterbury NZCTU spokesperson Marty Braithwaite.

In the next few days, Civil Defence will allow many business owners to get access to damaged premises to retrieve important equipment, such as computers and files, and in the next weeks more information will become available.

"We are already aware of employers who decided, in the wake of the earthquake, to abandon businesses, but have had time to reassess and have now determined that they will be able to continue to operate, albeit in a changed manner," Mr. Braithwaite continued. "While there will be a premium demand for premises, there are areas in the city which are operational and many businesses will continue to operate."

## PSA LAUNCHES AWARENESS CAMPAIGN TO WARN AGAINST PPP PITFALLS

The Public Service Association launched an awareness campaign today in national newspapers and electronic media to warn New Zealanders against the pitfalls of public-private partnerships (PPPs) as the government here prepares to unleash the failed PPP experiment on New Zealand.

"PPPs have often been expensive failures in the UK and other countries so it makes no sense to adopt them here," says PSA National Secretary Richard Wagstaff.

"We're concerned that tax payer dollars that could be used to provide better public services will instead be funneled into companies and provide fat dividends for largely overseas shareholders.

In Britain PPPs have resulted in taxpayers paying 229 billion pounds for facilities worth only 56 billion pounds. The British public has also paid for maintenance costs for schools and hospitals that have closed and footed the bill when the London Underground PPPs, worth 14 billion pounds, collapsed.

"It's inevitable that PPPs cost taxpayers more because the companies that win contracts have to borrow money at a higher interest rate than government," says Richard Wagstaff.

"That's not offset by more efficient operation because, despite popular belief, the evidence shows that the private sector is no more efficient than the public sector.

"There's also a risk that companies will go bust and the taxpayer will be left to pick up the pieces. There's been enough

financial collapses in the past two years to justify that fear."

Read the text of our flyer here. Hear what David Hall, an internationally recognised expert in public service investment, privatisation, asset sales and public private partnerships, has to say about PPPs.

Why PPPs provide poor value for the taxpayer

[http://www.youtube.com/watch?v=T6An73hg\\_E0&feature=player\\_profilepage](http://www.youtube.com/watch?v=T6An73hg_E0&feature=player_profilepage)

Why PPPs were introduced - so governments could be seen to be reducing government debt by passing off expenditure as private debt

<http://www.youtube.com/user/NZPSA?feature=mhum#p/u/1/V0kkHaFVRRM>

Is efficiency and innovation greater in the private sector than in the public sector? The evidence suggests otherwise.

[http://www.youtube.com/watch?v=2RjhXgD\\_ojEE](http://www.youtube.com/watch?v=2RjhXgD_ojEE)

## GROUNDHOG DAY FOR MAF AND FISHERIES

The Public Service Association (PSA) is skeptical of what savings and efficiency gains will come from a merger between the Ministry of Agriculture and Forestry (MAF) and the Ministry of Fisheries.

"We've been on this merry-go-round before when the Ministry of Agriculture and Fisheries was carved up in 1995. Dozens of workers lost their jobs and services were contracted out. That restructuring was meant to provide a more efficient service and save money. Now we are told the opposite is true," says PSA National Secretary Richard Wagstaff.

"No wonder members of the public are cynical. Our members are. Like them we question what savings were gained from the original split in 1995 and we are more doubtful of what savings will come from bringing the two agencies together again now.

"Restructuring isn't a cost-free exercise. The disruption to staff and operations will have a



significant negative impact that could outweigh the benefits.

"The gains from the 1995 restructuring were limited and this merger will be no different. It simply highlights that the government lacks real ideas on improving public services. Instead it is tinkering around the edges of agencies behind accusations of bloatedness and inefficiency which are smokescreens for its small government agenda," says Richard Wagstaff.

"State Services Minister Tony Ryall says the merger is expected to bring annual savings of at least \$10 million but that doesn't mean these will actually come about.

"Various cabinet papers quoting the Minister of Internal Affairs Nathan Guy say the merging of Archives and the National Library into Internal Affairs will bring savings of either half-a-million a year, \$6.5 million over three years, \$20 million over three years, \$25 million over four years, \$8 million a year or \$2 million a year. This shows it's just a guessing game.

"We are disappointed that the government chose to announce this merger at a time of national emergency when it won't actually happen until next year. Public servants across the country are working around the clock to support the recovery effort in Canterbury following last month's earthquake.

"News of mergers and restructures is the last distraction these workers need right now and the announcement shows a lack of appreciation for the present efforts of public servants that go far beyond the call of duty," says Richard Wagstaff.

### TAX ON REDUNDANCY

On 1 March 2011 the NZCTU wrote to the Minister of Revenue Peter Dunne and requested that the Government extend the Redundancy Tax Credit in the context of the Canterbury earthquake.

The Minister's office has advised that an announcement on the Government response is likely in the week commencing 28th March

Watch this space.

### BITS AND BOBS

- The NZCTU Runanga Hui is being held 14-16 March 2011 at Papa O Te Aroha Marae in Tokoroa. The delegates elected at Conference will attend for RMTU. Any other member may attend if they wish at their own cost.
- The NZCTU Out @ Work Kamp is being held 16-17 March 2011 and coincides with the 2<sup>nd</sup> Asia Pacific Outgames Human Rights Conference is being held 12-19 March 2011 at the Wellington Town Hall Wakefield Street Wellington. RMTU will be represented by delegates at this Biennial conference and international event.
- RMTU Ports Forum is being held 17-18 May 2011 at the St John's Church Conference Venue in Wellington. Ports Branch Secretaries are asked to finalise their representatives and return their registration forms to National Office as soon as possible.
- Other upcoming conference dates to be finalised: The NZCTU Women's Biennial Conference is now being held 20-21 May (not 17-18 June 2011) in Wellington, The NZCTU Komiti Pacifica Fono is being held 14-15 July 2011 in Auckland. The NZCTU Biennial Conference is being held 18-19 August 2011 in Wellington. RMTU will be represented by delegates at these Biennial conferences and events.

Let's Be Safe Out There & Remember.....

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

