

THE ACTIVIST



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TRANSDEV AUCKLAND CA UPDATE

After a long and difficult bargaining process that included a ballot for industrial action, an eleventh hour meeting with TDAK Australasia, and an intervention from the General Secretary, we have achieved a provisional settlement to take to ratification.

The bargaining team is recommending the settlement and there are a number of very good gains for our members. They include but is not limited to;

- 3 year deal with 3% for each year (or CPI whichever is the greater),
- a stand-by allowance for Locomotive Engineers from the start of the contact period,
- 10 days sick leave, improvements in parental leave,
- No Driver Operator Only for the term of the application of the agreement.
- Full backdating to expiry

The ratification process will begin on 20 March and there will be report back meetings held on the 20th, 21st and 22nd of March (in the Mercure Hotel) and there will be further opportunities as we send Paul Bryden around the depots until the 12th of April.

The count will take place on the 15th of April and, given the members ratifying the new deal, a new Collective Agreement will be in place. The threat of industrial action clearly focused the minds of those in charge of TDAK and Auckland Transport and

showed the importance of concerted collective action. Well done to all those members and a sincere thank you to the work of those rank and file members on the bargaining team.

MEMBER HURT IN SHUNTING INCIDENT AT PORT CHALMERS

One of our KiwiRail employed members was injured on Friday 8th March while shunting at Port Otago. Initial reports were of a severed toe, although the latest information is that the injury is less severe although doubtless extremely painful and requiring surgery.

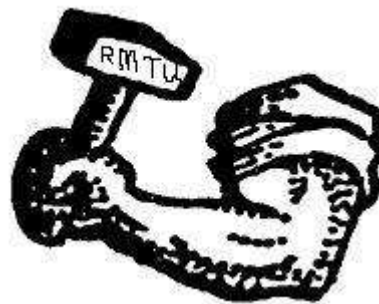
Incidents like this are a reminder why health and safety has to be our foremost priority as a union. The effect of such injuries on the individual and their family, not to mention workmates at the scene and at the depot are huge.

We wish our member all the very best for a speedy and full recovery. The RMTU Otago Rail Branch responded very quickly to provide support for all concerned so a big thank you to our delegates, Health and Safety Reps and officials. In the aftermath of an event like this all manner of

investigations have to be done and the Branch ensured that support and representation was available for members on the spot. NZTA are conducting enquiries and it is reassuring for members to know that the indemnity clause in the MECA provides for full legal representation if necessary.

LE PAY RATES – KIWIRAIL

A locomotive engineer based in the Waikato recently queried as to whether he was being paid at the correct pay level in the MECA. He



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

was certified in January 2003 and was being paid at special 4 (48525). KiwiRail stated that he was on the correct level and so he contacted the Union. By our calculation he qualified for special 5 (48535) in January 2018 as he had achieved 16 years' service at that time. The RMTU approached KiwiRail and a discussion ensued.

KiwiRail has agreed to undertake a review of all Locomotive Engineer pay rates to ensure they are paid at the correct level and shall be backpaying any arrears to 1 July 2018 (the commencement date of the current MECA). The settlement of this MECA had altered wording which provided validity to his claim.

One issue which came to light in the movement of LE members from KiwiRail to Transdev Wellington is that the certification dates in the KR date file which was provided to Transdev was not entirely accurate. We suggest that members scan or photograph their LE certificate upon certification and hand or send it to their manager to ensure the accuracy of the certification date on file.

KIWI RAIL - HOLIDAY ACT UPDATE

KiwiRail has been working with EY (peer reviewed by PWC) to identify if they have managed payments correctly and the review has shown that some staff past and present may not have received the correct entitlements. An early estimate of the total amount involved is between \$15 million and \$30 million, though that may change.

This was calculated by taking a small sample of people and is a very broad range. For some staff there may be nothing or only very small discrepancies or for others it may be larger and so every person will be different. KiwiRail are determined to do right by their staff.

As soon as KiwiRail knows how many people may be affected and to what extent, they will let us all know.

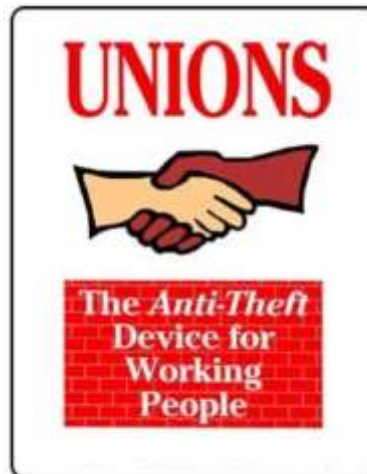
KiwiRail are committed to ensuring workers will receive what they are owed, and they hope to be able to let everyone know what they are due by June this year.

For more information for KiwiRail current employees using the KR intranet system, a Q&A document is available on iKon (click here).

<http://intranet/News%20Documents/Q%20and%20A.pdf>

Past KiwiRail staff members who were employed by KiwiRail between 1 April 2011 and NOW may also be affected. If you know any former employees (THIS INCLUDES METRO WELLINGTON), please ask them to contact KiwiRail to get an application form, so that they have all the information they need to check what, if anything, they owe them. Past staff can do this by:

- emailing KiwiRail at HolidaysAct@kiwirail.co.nz;
- phoning KiwiRail on 0800 724 501;
- or writing to
Holidays Act Remediation Project
KiwiRail Ltd
2 Bunny St
P O Box 593
Wellington 6140.



CAF BARGAINING

The RMTU are currently in bargaining for members at CAF (CAF - Construcciones y Auxiliar de Ferrocarriles) the company currently employed by Auckland Transport to provide the mechanical and electrical maintenance on the Auckland Metro rolling stock.

Like Transdev, CAF are a multinational labour hire company. One of the key differences is that CAF generally hire migrant workers because of shortages in skilled mechanical engineers, and pay them far less than their skills would be remunerated for on the open market. They bond the workers through the employer sponsored skilled migrant visa scheme where if they leave the employ of the sponsor employer they lose their visa right to be in NZ. This round of bargaining seeks to redress that wage

discrepancy and extend the coverage of the Collective Agreement to admin staff and shift managers.

Given the difficulty CAF have in retaining their staff it makes a compelling argument to pay their employees fairly. We have had a tremendous growth in RMTU membership at CAF with a tripling of the numbers since the last Collective Agreement was signed off. We have had one round of bargaining so far with more days slated for next week. We'll keep you posted on progress. We may need the united might of RMTU in this bargaining round!

WORKERS' MEMORIAL DAY 28 APRIL 2019

On Workers' Memorial Day, we "remember the dead: fight for the living". The RMTU commemorates the day by organising events to remember all those killed through work but at the same time pledge to continue the fight to ensure that such tragedies are not repeated. The international theme is "Dangerous substances, get them out of the workplace".

Worksafe NZ estimates that 30,000 people develop serious but non-fatal work-related ill-health each year.

Please show your solidarity and support for the workers and their families who've been cruelly affected by a workplace death, injury or ill-health.

Events will be occurring around the country on 28 April.

WORKERS MEMORIAL TO BE ESTABLISHED IN TIMARU

The RMTU Timaru Rail and Port Branches, with the support of Prime Port, Quality Marshalling and KiwiRail in conjunction with Timaru Council, have been working on the establishment of a Workers' Memorial near the port that will be focus for commemorations on International Workers'

Memorial Day, 28 April, this year and in the future.

The Council have provided a site and Prime Port has agreed to source a rock on which a plaque will be fixed. We are planning on inviting local dignitaries to the inaugural ceremony at which RMTU Branch officials will speak.

This is a very powerful way of reminding everyone- employers, workers and the general public - of the overwhelming need to strive for the best possible health and safety systems, supported by legislation, so that all working people enjoy protection and peace of mind while they do what is required to support themselves and their families.

The RMTU is proud to be behind this initiative and to be able to say that while we mourn the dead we are fighting for the living.

HEALTH AND SAFETY REP TRAINING-HOW TO REGISTER FOR A COURSE

Following the Union AGM's, new Health and Safety Reps who've recently been elected to Health and Safety Committees are required to register for H&S Rep training. H&S Reps attend 2-days paid training per year paid for by the employer.

To register on a course go to

www.worksafereps.co.nz

MEMBERSHIP DATABASE UPDATES

The RMTU membership database is an important tool in contacting Union Members or ensuring members are kept up to date with the latest information. We are concerned at the number of "unknown" or "return to sender" envelopes returned to National Office as part of this year's officer elections. We remind members that if you wish to exercise their rights and participate in the decision making aspects of the Union



they should ensure they inform National Office of any change of address or contact details as soon as possible. This includes any change of designation or employer.

Branch Secretaries hold "update of membership forms" that you can post or fax in or alternatively for immediate action members are reminded to utilise the update of membership details link on our website www.rmtunion.org.nz.

For example – All national Union elected positions are up for election this year and so there may be votes conducted by mail. If we have the incorrect address info you will not get a vote as you will never receive a voting paper. Update now!

HEALTH AND SAFETY REP ISSUES PROVISIONAL IMPROVEMENT NOTICE (PIN) AT KR MIDDLETON YARD

A lamentable lack of consultation and failure to involve the workers actually doing the job in a risk assessment has resulted in the issuing of a PIN under s69 of the Health and Safety at Work Act by a RMTU Health and Safety Representative.

The PIN was issued after KiwiRail published a bulletin that changed procedures for securing rolling stock in response to a runaway wagon incident at a North Island yard. The bulletin not only failed to recognise that Middleton had been implementing a local solution to the fact the yard is on a 1 in 200 gradient for years – which has worked very well through several major earthquakes and thousands of aftershocks – it created a situation where, if members followed it, there would be a fourfold increase in heavy manual handling thereby exponentially increasing the risk of serious harm.

KiwiRail's reaction has been disappointing to say the least. The RMTU members offered to withdraw the PIN if the bulletin

was suspended at Middleton but this has been refused point blank by management who are saying the bulletin has national application and therefore cannot be withdrawn. This attitude flies in the face of the plethora of local rules and instructions that are used in the industry daily. At the time of writing there is a stand-off and KiwiRail have until 15th March to comply or else the matter will be referred to WorkSafe NZ.



ANNUAL H&S SURVEY

Each year Safeguard run a "State of the Nation" survey to take the pulse of how things are going. They seek input from three groups: health & safety practitioners, health & safety representatives, and business owners/senior managers.

The Union requests all H&S reps and Union Delegates to complete the survey!!! The survey will be open until 20 March.

The survey takes less than two minutes to complete, and Safeguard is particularly looking for input from health & safety representatives.

You can do the survey [here](#). Be sure to have your say!

- If it doesn't feel right, step back.
- What is the hazard or risk?
- If you continue, could you or someone else, be seriously harmed?
- If the answer is YES, then STOP, inform your manager, H&S rep and/or your RMTU delegate.
- Or call the RMTU on 04-499-2066

LYTTELTON PORT BRANCH FULL MEMBERSHIP MEETING 27 MARCH

The branch intends to use its full allocation of membership meetings this year. This is something we haven't done for a few years but given the continued poor relationship with LPC management there is plenty the Executive need to update members on.

We will be inviting WorkSafe and Maritime NZ so we can introduce their people to the wider membership and receive an update on their joint audit of LPC as reported in the last issue of the Activist.



In addition we aim to hear from FIRST union delegates who work as ambulance crews and who are in a dispute to secure better wages and terms and conditions for these workers. The ambos have been employing some very creative tactics in their fight for a fair deal and we look forward to hearing first-hand about their struggle.

Finally, local body elections are coming very soon so there is an opportunity we hope to be able to hear from Deputy Mayor Andrew Turner and/or other candidates for People's Choice. One issue the Branch Executive has been mulling over is that of worker representation on the board of Christchurch City Holdings Ltd, the Council owned company that owns LPC amongst other enterprises. We believe there is a strong argument that Unions Canterbury should have a seat on the board as many council owned companies are highly unionised and workers should have a voice at the governance table of these council owned entities.

NZCTU/GOVERNMENT FORUM

On 27 February a delegation of RMTU members, Eric Hayward, Rowan Hodgson Shane McNae, Vaughan O'Shannessey, Debbie Brown and Phil Spanswick attended the CTU-Government Forum at the Claudelands Event Centre in Hamilton. We raised and discussed the following topics, ACC, Employment Relations Act change, the Hamilton to Auckland Passenger service, the interaction between Worksafe NZ and Maritime NZ in our Ports, the effect of contracting out and casualisation at the port of Tauranga and other issues of importance to our members in the Waikato and Bay of Plenty regions with the appropriate government ministers.

There was a healthy discussion on all of the topics and the Government is fully aware of our views, whether there will be any changes, well time will tell.

CONTRACTORS

Once again the use of contactors has resurfaced in the Waikato and Bay of Plenty. Specifically the Murupara heat run and the use of rail welders. With the heat run we believed we had an agreement in place that contractors could be used only in addition to our members but KiwiRail claim that they did not know about the deal.

With the welding we had agreed 4 years ago that welding contractors could be used as a stop gap whilst KiwiRail increased the number of welders that they employed. Of course the number of welders KiwiRail has not increased as quickly as we would like so hence "the need to use contractor's" KiwiRail have agreed to meet our delegates to resolve the two issues.



EF REFURBISHMENT PROJECT - UPDATE

Project Overview: The next two sessions for the EF refurbishment project team occurred on 25 February (in Wellington) and on 12 March (in Palmerston North). To recap late last year the Government announced that it will invest \$35 million so that KiwiRail can continue using the EF electric locomotives on the North Island Main Trunk line. This project has been set up to develop the detailed work scope to extend the life of the 15 EF locomotives by 10 years.

The project team is:

Roles	KiwiRail	RMTU
Co-Sponsors	Adam Williams	Wayne Butson
Co-Leads	Leon Bennett	Todd Valster
Team Members	Dean Leek Ross Grindrod Ian Coombes Tom Loades	Daniel Smith Vishwa Dewan John Millward
Support	Paul Ashton Chrissy Farago	



Issue Statement:

To recap the issue statement for this project is: "How do we plan to refurbish 15 EF Locomotives to achieve KiwiRail, RMTU and Government objectives"?

At the end of this project the team will have defined the scope of work and preliminary costings for the EF refurbishment plan. This is targeted for completion by the end of June this year.

Focus and Outcomes from these Meetings:

Control System - The project team have confirmed that the control system is the largest component with longest lead time to procure for this refurbishment project. The team have also agreed by consensus that a new control system is required to provide a good quality and sustainable solution for the refurbishment project. This will be one of the key items in the scope for the EF refurbishment.

Procurement - The project team have acknowledged that there is an obligation to satisfy the Government procurement requirements in progressing with a new control system before discussion with any potential supplier. The procurement process for this is currently being documented which then needs KiwiRail Governance Board approval. This has been included in our project timeline.

Work Activity - At our meeting on 26 February the team agreed to establish 4 subgroups to develop their specific work streams/requirements. Interim reports on the scope of work for these were tabled at the 12 March meeting with the following meeting (25 March) being the timeline for completion of this work within the project.

The workstreams are:

Workstream	Activity	Team
EF Locomotive refurbishment	Develop specification for refurbishment covering; Loco systems e.g. control system, brake system In cab systems e.g. emergency egress, Obtain input from Engineering, Depot team and Locomotive Engineers	Ian Coombes Ross Grindrod Daniel Smith John Millward

EF Depot refurbishment	Identify depot infrastructure and plant and equipment needs to maintain the EF locos Obtain input from Depot team	Daniel Smith Andrew Ford Ross Grindrod Alan Hill
Electric Traction System upgrade	Identify the electric traction system infrastructure components to be upgraded to support the future supply of refurbished EF locos	Lead by Tom Loades
Hutt requirements	Identify the Hutt infrastructure, plant and equipment and resources needed to deliver the EF refurbishment work	Lead by Vishwa Dewan

Examples of Workstream Requirements

Depot	In Cab Systems	Electric Traction System
Additional space/road with live wire for commissioning refurbished EF's Elevated to access loco roof Acoustic packing to reduce noise De-railer protection, isolating switch to control power and access controls	Emergency egress in tunnels Improve ergonomics including seating position Intermittent and variable speed window wipers One standard for electric jug, microwave, fridge, air-conditioning	Replace switch gear at sub stations Replace voltage transformers Replace protection relays

MARLBOROUGH FLYER STEAMING INTO SEDDON FOR ONE-OFF TRIP DOWN MEMORY LANE

The Marlborough Flyer steam train will take passengers on a one-off excursion between Picton and Seddon on April 14. The Marlborough Flyer heritage steam train has planned a one-off excursion to the renovated Seddon Railway Station on Sunday, April 14. Next month's one-off journey will celebrate the opening of the renovated Seddon Railway Station - an event which signals the local community had recovered following the 2016 earthquake. The extended excursion will take in breath-taking vistas through the



Dashwood Pass and the stunning Awatere Valley, before crossing the historic Awatere River Bridge into Seddon. Built in 1902, the historic station had recently received a new lease of life as a café and as a tasting room for Tupari Wines. Bookings are essential and can be made online at; www.marlboroughflyer.co.nz.

SPADS

Late last year we had a spate of SPADS (signals passed at danger) in the Bay of Plenty which we were able to resolve by using the Just and Fair Culture Policy. The policy is proving to be a very useful tool in resolving problems in the workplace. On that note there will be Just and Fair Culture training seminar in Tauranga on the 20th and 21st.

RMTU AND QUALITY MARSHALLING ENTER NATIONAL HEALTH AND SAFETY AWARDS

The Timaru Port Branch and Quality Marshalling have submitted a joint entry to Safeguard Magazine's annual health and safety awards. This is a very prestigious competition and QM and the RMTU have entered the 'Best Initiative to Address a Work Related Safety Risk' category with an account of our joint approach to managing fatigue. As readers will remember the RMTU and QM have adopted a risk-management approach that involves monitoring and actively managing fatigue, together with a non-punitive self-reporting mechanism. This is something of a first in the industry as it involves workers, their union, and management acting together to tackle what is now recognised as a major risk on the waterfront.

The awards will be announced mid-year and we look forward to seeing how our entry is received.

TOLL IN HAMILTON

After a legal battle Toll have agreed to attend mediation to try and resolve an issue for one of our members who was forced to resign from Toll. We asked for mediation and Toll refused to attend but with the help from Ben Thompson of Hazel Armstrong we are off to mediation. Hopefully this will force Toll to act in good faith in the future when dealing with employment relationship issues.

PORT OTAGO DRAGS THE CHAIN ON FATIGUE MANAGEMENT

Since our full membership meeting in mid-February we have been attempting to engage with Port Otago on the issue of fatigue. Readers will recall the Branch unanimously called upon Port Otago to engage with the RMTU on this matter before it becomes an claim in bargaining later this year with all the heightened tension that can bring. Unfortunately Port Otago management do not appear to understand their obligation to engage with workers regarding fatigue risk management and have told us that 'as for another layer of meetings or another formal engagement, we are too busy working on implementing our key projects to engage at this time'.

The Branch is currently reviewing its options including compiling a picture of the actual hours of work, shift type and number of consecutive days people are working. Our experience elsewhere has demonstrated this type of information is very useful especially if we end up talking to Worksafe and Maritime NZ. In the meantime the RMTU will continue to press for dialogue on what is being identified as a critical risk for our members.

TEAM LEADERS IN MISSION BUSH AND KINLEITH

The number of Team leaders in Mission Bush and Kinleith is causing problems. KiwiRail had agreed at the Waikato/ Bay of Plenty



Local Industrial Council to have Team Leaders in these locations on 24/7. KiwiRail have been very slow in ensuring that there is 24/7 Team Leader coverage especially in Mission Bush and Kinleith. We have had to escalate the issue to the KiwiRail Regional Manager to resolve, however we are still waiting for a reply to our request.

DUNEDIN RAILWAYS MEMBERS TO HOLD STOP-WORK MEETING 21 MARCH

RMTU members employed by Dunedin Railways will be holding a paid stop-work meeting to discuss rosters and this years forthcoming bargaining round at 0830 on Thursday 21 March at Dunedin's magnificent railway station. Members are strongly encouraged to attend and to participate in the planning for what promises to be a very interesting year.

OTAGO RAIL BRANCH MEETING 16TH MARCH

This meeting will be held at 0900 on Saturday 16th March at the Wharf St Depot to discuss LE issues and other general business. RMTU South Island Rail National Management Committee Representative Jed O'Donoghue will be in attendance. Once again members are strongly encouraged to attend and participate.

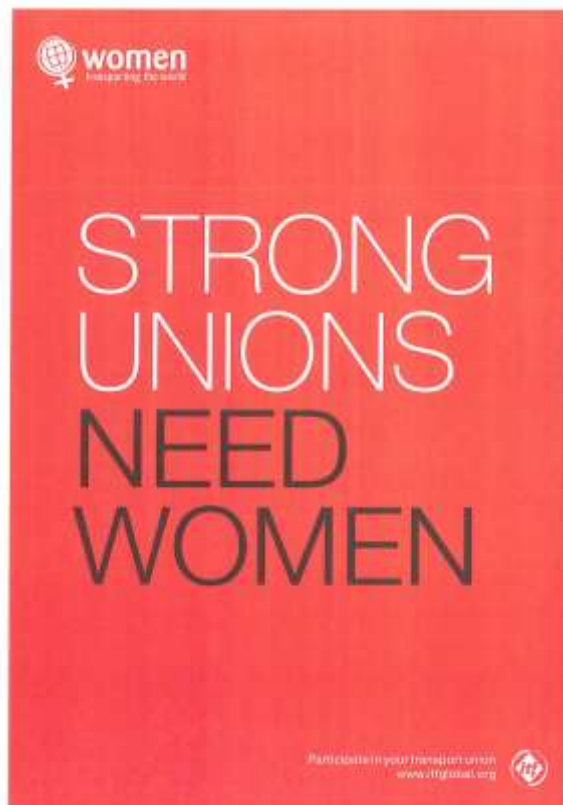
SUCCESSFUL CTU SKILLS OF ORGANISING COURSE IN CHRISTCHURCH

Four RMTU delegates and officials, Luke James, Brian Gilkison, Matt Dougherty, and Ron Nijssen all attended part one of this course at the beginning of March. Together with participants from FIRST union, UNITE, the Professional Firefighters' Union, the PSA and the nurses and teachers unions they worked for three days on all manner of exercises designed to foster an organising approach to their work as representatives. RMTU South Island Organiser taught the first day of the course and commented that 'once again our delegates demonstrated that the calibre of the RMTU's elected officials is second to none in the New Zealand union movement. The RMTU reps worked confidently alongside full time paid officials from both the private and public sector – it was a pleasure to be with them.'

HPHE PROJECTS IN MT MAUNGANUI

There is an HPHE Wagon Improvement Project being conducted at the Mount Maunganui Wagon Depot. The HPHE project is being run by Martin Milward from Orbiz. The project's vision statement is "how to improve the efficiency of wagon overhauls and reduce the lead time in turnaround through the development of modern management systems and processes creating an operating environment which will optimise operational effectiveness, improve the service level provided to its customers and become a "world class operation" thereby increasing the wagon availability"

The response from the members has been positive and hopefully the end result will be



a better workplace and improved management systems.

Another HPHE project that is being undertaken in the Bay of Plenty is the Mount Maunganui Yard Optimisation Project which is using elements from the Upper NI Train Optimisation and Safer Shunt projects which started late last year. It is hoped that the outcome will be more efficient rostering and operational efficiency coupled with safer staffing levels at the times of increased workload pressure through tonnage arrival times.



KR MECA COVERAGE CLAUSE

The RMTU is becoming very frustrated at the cavalier disregard that KiwiRail have for the coverage clause within the MECA. This clause is an important element of the collective bargaining within rail as it shows clearly who is in the MECA and who is out. Over the last year or so the RMTU has identified instances where existing members and new staff are being offered and given Individual Agreements when they are offered employment in positions which fall wholly within the MECA. This is unlawful and disadvantages workers in many instances. Either this is part of a wider anti-Union conspiracy or is just a cock up by the Managers or the HR advisors involved. The cock up theory is what KiwiRail would have

us believe however this misapplication is unwavering and being consistently applied. This coupled with the fact that despite assurances that "they" will fix it the poaching of MECA members onto IEA's continues.

This approach is clearly inconsistent with the HPHE prevailing doctrine of us having a partnership relationship but as we all know partnership can be undone by mistrust and a lack of fidelity.

We call upon all delegates to be vigilant in their workplaces and worksites to ensure that the coverage clause for the MECA is rigidly applied to all appointments and new starts. Executive support is not someone who may answer the phone or type a letter for the boss now and again nor is sales a customer logistics role. If you're not sure ask your organizer for advice.


WE HAVE TO STAMP THIS OUT!

**Remember -
Lets be Safe at
all times!**

RAIL - TAKING STRESS OFF NORTHLAND ROADS

It's time to reconnect Northland's extensive railway network enabling industry to use the safest way to move freight and increase high value rail tourism.

The Rail and Maritime Transport Union fully supports re-opening lines to Dargaville and Otiria, reconnecting rail to Kawakawa and Opua for rail tourism.



Rail is the Strategic missing link to Northport.

- Logs • Woodchips
- Dairy • Bulkloads • Tourism
- Large Consignment Freight

