

# THE ACTIVIST



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## **MERRY CHRISTMAS AND A HAPPY, JOYOUS AND SAFE 2010!**

It has been a busy year. For all that are having a break over the Christmas and New Year, we hope you have a restful period off, for those that still have to work – take care, be safe.

Merry Christmas  
and Happy New  
Year 2010.

### **RMTU CHRISTMAS CLOSEDOWN**

The Union's National, Bay of Plenty and Lyttelton Offices will be closed from 24 December 2009 to 18 January 2010. No staff will be on call or available on the Stat Days except in dire emergency. Scott Wilson in our Auckland Office is "on deck" during the Christmas/New Year period. He is contactable on 0272464961 or 09 2705115 or rail ext 98115.

### **KIWI RAIL GROUP MEETINGS – PROPOSED MECA**

As you all know we have been participating in Joint KiwiRail Group-RMTU Multi

Employer Collective Agreement report back meetings all week. The meetings have been held in all reasonable sized locations from one end of NZ to the other. It is pleasing to report that the jointly developed RMTU-KiwiRail wageround framework has been resoundingly endorsed by members attending those meetings with the vast majority of votes being unanimous. Equally encouraging is that members have resoundingly endorsed the "no claims" approach to this year's negotiations so as to allow negotiators to focus on aligning conditions into the single collective agreement.

The Steering committee (9 RMTU and 9 KiwiRail) will meet in Wellington on Tuesday 22 December to debrief from the roadshow tour and to plan our meetings for 2010.

Thank you to all members who made the effort to attend meetings and gave your support to the plan.

Please ensure that all of you vote in the MECA ballots in February 2010.

*On behalf of the Union's President, National Management Committee and Staff we wish all members and their families a happy and joyous Christmas. We also wish you a healthy, safe and prosperous (the only way with collective bargaining)*

### **GOVERNMENT ACTION NEEDED TO AVOID JOBLESS GROWTH**

Though the Minister of Finance says we have "been through the worst", the Government's Half Year Economic and Fiscal Update forecasts unemployment rising to 7 percent in the next 3 months, falling only marginally (to 6.9 percent) in 2011 and still at 6.0 percent in 2012, said CTU Economist and Policy Director Bill Rosenberg. NZIER's just-

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

released consensus forecasts are more pessimistic, forecasting unemployment sticking at 7.0 percent in 2011 and 6.3 percent in 2012.

The Update shows improving outlook for both growth in the economy and government finances, though still with some risks.

"The forecast is therefore for "jobless growth": not enough jobs being created for people entering the labour force such as from education, and to get unemployed people back into work," said Rosenberg.

"The Government should be using its greater room for movement to put more money into creating jobs and actively helping those who become unemployed.

"It is not good enough for Mr English to say that only the private sector can create jobs. We hope they do, but there are enough risks on the horizon, especially for exporters, that it cannot be counted on.

"Spending on infrastructure, new housing and green development are some ways it could help. It should also be putting more resources into active help for people out of work to help them get new skills if they need them, and to search for work.

"Investment in skills development and encouraging more people into education are obvious areas for greater government priority.

"Mr English made it clear that there is not a real threat from the Credit Rating Agencies such as Fitch and Standard and Poor's. He confessed that they will focus on countries 'which really have a problem' rather than New Zealand.

"New Zealand's net debt is now forecast to peak at just above 30 percent in 2016. Debt in the U.K. is already at 59 percent this year, and forecasts for many countries in the OECD are for levels well over 100 percent of GDP.

"Government debt is not the problem. Private debt still is, with current account deficits forecast to rise to over 7 percent in 2013 and 2014.

"The Government appears to be using the Credit Rating Agencies as a cover for its wish to significantly cut government spending as a proportion of GDP."

## RAIL DRUG & ALCOHOL POLICY INTERPRETATIONS

The foundations of the D&A policies we have today in Rail were initially discussed and agreed in 2003. The outsourcing occurred within the Rail industry and the D&A policy then became employer specific policies. Like the Collective Agreements there have been some movement in wording over time but the union believes the application, intent and application of the 2003 rail Industry D&A policy has been unchanged. The changes have essentially been of a technical nature as testing methods have changed etc.

KR Networks (formerly ONTRACK Infrastructure) believes otherwise and is stating that a positive (or non negative) result will result in immediate summary dismissal unless an employee has already "put their hand up" for rehabilitation.

The extensive discussion, agreement and application of the rail industry policy has always included a strong emphasis on rehabilitation with aligned fair treatment and graduated warnings that c/would eventually lead to dismissal if rehabilitation was not achieved.

This change in approach by KRN (ONTRACK) is of concern and may be leading to disparate outcomes within the Rail Industry.

While the union is currently investigating these matters, we need to continue to reiterate the same strong message - Drugs and Alcohol - NOT AT WORK MATE!

We strongly urge/advise any members that have alcohol and/or drug dependency/use issues to seek immediate rehabilitation assistance by putting up their hand.

## SAVE OUR SOL

Was on everyone's lips last week when Organiser Todd Valster was up the Taranaki last week. The Union was gauging support from members for a Union campaign to save the Stratford Okahukura (SOL) line from mothballing and suspected closure. The first train ran over the SOL on 13 December 1932. The line was closed to passenger trains in January 2007 which was seen by the local communities at the time as a "kick in the guts".

Let's all join together to "save Our SOL" as a rail corridor to ensure ongoing development and timely linkage with NZ's most populace areas rather than a cycleway. We are assured there is no government interference in the decision to mothball (and possible close) despite the Prime Ministers stated love for cycleways – yeah right!

Material is being developed for the campaign.

### **PROPOSAL TO CHANGE DEFINITION OF SERIOUS HARM**

Minister of Labour Kate Wilkinson has announced a proposal to change the definition of 'serious harm' under the Health and Safety in Employment Act 1992.

Serious harm is a pivotal definition in workplace health and safety legislation. If serious harm occurs, employers or those in control of a workplace are required to immediately notify the Department of Labour, the Civil Aviation Authority or Maritime New Zealand.

Ms Wilkinson says it is important to set the threshold for serious harm at an appropriate level.

The proposed definition will include physical injuries leading to an employee being unable to perform their normal duties for 10 or more calendar days. It will also include any permanent injuries, specified events such as electrocution or loss of consciousness, and diagnosed occupational illnesses.

"This definition provides more certainty and will ensure that employers are not required to spend an inordinate amount of time dealing with what can be minor matters.

"It will also assist the Department of Labour and other enforcement agencies to focus on

investigating and preventing the most serious workplace accidents."

Ms Wilkinson says she will introduce legislation to Parliament in the New Year to amend the Health and Safety in Employment Act.

The change will be combined with several other proposed changes to the Act. These include:

- Providing a levy mechanism to enable the Department of Labour to recover the costs of enforcing the Hazardous Substances and New Organisms Act 1996 in workplaces;
- Requiring businesses to collaborate to meet their duties under the Health and Safety in Employment Act where they share a workplace; and

Aligning the rules of self incrimination in the Health and Safety in Employment Act with those in the Evidence Act 2006.

### **QUEENSLAND RAIL SALE HITS THE UNION HURDLE**

Workers at QR have walked off the job in protest over the proposed sharemarket float of the company's freight businesses, and over the lack of consultation by the government. QR is to be split into two entities, with the coal and freight business and its above-rail infrastructure floated under the name QR National. Passenger rail services would remain part of the government owned corporation called QR, and a 99-year lease over the coal rail network would be included in QR National. The Queensland Labour Government first mooted the sale in its June Budget. It has been condemned by the public and the affected unions.

The Rail Tram and Bus Union (RTBU) says its members were not consulted on QR's latest move, and are angered that workshops such as those at Redbank, Rockhampton and Townsville are now part of the sale. About



300 workers at Redbank and 150 workers at Rockhampton held stop work meetings and walked off the job. RTBU Queensland State Secretary Owen Doogan said workers organised the rallies themselves in frustration at the latest news. "We have an arrogant government that already had 85 to 90 per cent of the people saying we don't want you to privatise the parts (of QR) you are going to privatise," Doogan told reporters. "Now we find out they are so arrogant, they are going to extend the privatisation to all parts of QR. "It's a joke."

## **PARIHAKA INTERNATIONAL PEACE FESTIVAL WELCOMES TIKI TAANE**

Taranaki's iconic Parihaka International Peace Festival welcomes award-winning performer Tiki Taane, and a full 40-piece troupe to the 2010 Festival. Tiki's set will feature his band, the Dub Soldiers, and Te Pou o Mangataawhiri, the kapa haka group formed in 1921 by Te Puea Herangi.

"Parihaka is the one festival I've been wanting to play for years," says Taane. "To perform and be a part of something that has so much depth and history is a huge inspiration and honour. To be joined onstage with the powerful Te Pou o Mangataawhiri, this will make it an unforgettable experience that can't be topped."

"The Parihaka Festival has wanted to include Tiki Taane since it began in 2006 and 2010 is the first year it has been possible. We are delighted to be able to present this big show at Parihaka," says Festival Director Te Miringa Hohaia.

Also joining the growing lineup at the 5th Parihaka Festival is Billy TK and Powerhouse, who are reuniting for their first performance in over 30 years.

Billy Te Kahika, regarded as one of New Zealand's greatest guitarists, has played at every Parihaka International Peace Festival. In 2010 he will be joined by musicians he last played with in the 1970s, including vocalists Mahia Blackmore and Arnold Tihama. Other acts announced yesterday were the Benka Borodovsky Bordello Band,

Big Belly Woman, Julian Temple Band, Native Sons and Roy G and the BIVinators.

The festival at Parihaka Paa runs 7-11 January 2010, with Tiki Taane and the Dub Soldiers to perform on Saturday night. Early Bird Tickets are still available for \$175 until 7 November, exclusively from <http://www.parihaka.com>

- Gates open at 5pm, Thursday 7 January 2010
- The Visionaries Stage will showcase Taranaki bands from 6.30pm
- The powhiri (opening ceremony) will be at 12pm Friday
- The poroporoaki will be at 12pm Monday

Parihaka Paa is situated on Mid Parihaka Road, between Pungarehu and Rahotuu on SH45 (the Surf Highway) in South Taranaki.

## **LEVIES COULD AND SHOULD INCREASE BY LESS**

The increases in ACC levies announced by ACC Minister Nick Smith could be even smaller if the Government funded ACC on the same pay-as-you-go basis as health and education, and put a great deal more focus on accident prevention, said CTU Economist and Policy Director Bill Rosenberg today. It could also afford to do this without the significant cuts to entitlements it is planning, he said.

"The smaller than threatened increase in levies was predictable given that ACC's original proposals did not take account of the extension of the date for full funding to 2019 (from 2014)," said Rosenberg. "It is the Government's cuts to entitlements and the returns from ACC's investment fund which are also enabling them to reduce the levy increases. The investment fund has done better than expected, to the tune of \$739 million between June and October. In fact this further exposes the misrepresentation of the health of ACC's finances."

"The requirement for reserves to fund all current and future costs of current claims is responsible for most of the present increase in levies, even with the reduced increases announced today. The proportion of the increase due to greater costs is in fact relatively small. The increase in the Earner's

levy (funding non-work accidents) needed to fund the cost of claims is 4.7 percent. But instead the Government has increased this by 17.6 percent. For the employer-funded Work account (for work accidents), the increase needed to fund cost of claims is 3.6 percent. Instead these are increasing by 12.2 percent."

"A pay-as-you-go funding system – the same as is used for health, education and National Superannuation – would significantly reduce increases in levies. It would simply need to be backed by a reserve to prevent sudden jumps in levies and to provide for natural disasters and other unusual events."

"We also have one of the worst rates of workplace fatalities in the world – about seven times that of the U.K. for example. In 2003, New Zealand was 23rd in a ranking of fatal accident rates in developed countries. Reducing accident rates would reduce levies significantly in the long run and make better workplaces."

### **CONCERN THAT MONETARY POLICY AND GOVERNMENT SPENDING WILL TIGHTEN TOO QUICKLY**

The CTU is concerned at the signals from the Reserve Bank towards an earlier rise in the Official Cash Rate (OCR) and its call for tighter government spending. "While forecasts for unemployment are easing (the Reserve Bank now forecasts a peak of 6.7 percent in June and Treasury below 7 percent) there is still a long period where unemployment is forecast to be high. The Reserve Bank is forecasting it to remain above 6 percent until March 2011," said CTU Economist and Policy Director Bill Rosenberg.

"This is not a time for cuts in government spending, nor major tax cuts, nor for tightening monetary policy. The Reserve Bank is now hinting that the OCR is likely to be increased in mid 2010 rather than later in 2010 as it was signaling in previous

statements. It notes that a rise will act more quickly on the economy than usual because more borrowers are using short term, lower interest rate loans."

"There are other ways to head off the worrying signs of another housing price bubble, such as encouraging the supply of new housing, rather than increasing interest rates. Increasing interest rates will encourage a further rise in the exchange rate which is hurting manufacturing exporters, and may discourage the resumption of investment in the economy."

### **GOVERNMENT SHOULD DELIVER FOUR WEEKS' LEAVE FOR FATHERS - KOMITI PASEFIKA**

The Council of Trade Unions Komiti Pasefika is calling on the Government to implement the recommendations from the Families Commission to provide four weeks' paid parental leave (PPL) for new fathers.

Komiti Pasefika convenor Jerome Mika says the National Party should act on its previously expressed concerns about child neglect and the appalling rates of child abuse

by promoting fatherhood and strengthening families.

"National said a lot about the need to strengthen families and deal with child neglect while it was in opposition. Now they're in government it's time to stop paying lip service and start doing something."

"Paid parental leave has been shown to be affordable and to have genuine benefits for parents who would otherwise struggle to afford time with their new babies, and as the Families Commission report points out this is the most important time for bonding."

Komiti Pasefika supports the Families Commission recommendation in addition to the other changes that the CTU have called for: access for seasonal and casual workers to the PPL scheme, increasing the duration of PPL for the primary care giver, and increasing the payment levels.





"If we want to build strong families and improve the chances of our young people then it's time to bring in four weeks' leave for new dads," continued Jerome Mika.

"Pacific Island communities have a growing young population and place huge importance on our families. For the minister to simply brush it aside is not acceptable to us and we're calling on her to give the issue the proper attention it deserves."

The Komiti Pasefika is a constitutionally recognised body under the umbrella of the New Zealand Council of Trades Unions with members from the Tongan, Cook Island, Niuean, Samoan, Tuvaluan, Tokelauan and Fijian communities.

## **RAIL CHRISTMAS ROSTERING ARRANGEMENTS**

To assist in preventing a repeat of previous year's unlawful rostering and "screwing of the scrum" treatment of the Stat Days the Union has been assisting KiwiRail with the development of agreed rostering guidelines for the Christmas New year period. It is hoped that in this way we will head off a repeat of the disputation that followed 2008/09 Stat day rostering fiasco.

## **2009 ROGER AWARD FINALISTS NAMED**

The nine finalists for the 2009 Roger Award for the Worst Transnational Corporation Operating in Aotearoa/New Zealand are (in alphabetical order): ANZ, BNZ, Infratil, Newmont, Rio Tinto Aluminium NZ, Rymans, Telecom, Transpacific and Westpac. There are two finalists for the Accomplice Award – the Business Round Table, and the Auckland City Council and its officials (as part of the nomination of Transpacific Industries).

Telecom, the winner of the 2007 Roger Award, is the only transnational corporation (TNC) to have been a finalist every year since the Roger Award started a dozen years ago (although it has only actually won it twice). Transpacific is the only one not to have featured before, at least not under that name. In recent years it bought out Waste Management which, under its previous owners, was a finalist one year. All

the rest have previously been finalists (and BNZ and Westpac were joint winners in 2005).

This tells you something about these corporate recidivists. In fact this is such a strong field that the defending champion, BAT (British American Tobacco NZ), which won the 2008 Roger, couldn't even make the finalists.

ANZ was nominated very specifically for its role in the ING frozen funds scandal, which is a continuation from 2008, when it was also a finalist for the same reason. BNZ and Westpac are there for a variety of sins but first and foremost because they have been found guilty of massive tax avoidance in a case that Inland Revenue has brought against all four Australian-owned banks (ANZ and ASB are yet to have their day in court). The total amount of tax avoided is more than \$2 billion.

Infratil is there again, as it was in 2008, because of union bashing (specifically for locking out Auckland bus drivers by its NZ Bus subsidiary. Last year it was for NZ Bus locking out its Wellington workers. Do you detect a pattern emerging here?).

Newmont Mining, which was last a finalist in 2003, is there for the same reason – the appalling impact of its gold mine which has left Waihi with a huge hole in the middle of town.

Rio Tinto Aluminium (which is still better known by its former name, Comalco), the 2008 runner up, was nominated for a range of reasons, but primarily for being the biggest corporate bludger in NZ vis a vis its power price; and for the huge amount that the public will have to pay for every job at the Tiwai Point smelter because the Government is making taxpayers carry the burden of NZ's carbon emissions, and pay for the biggest carbon emitter in the country.

Rymans, which people mistakenly think of as being New Zealand-owned (the same mistake is made about Infratil), has been a finalist once before and for the same reason – it is a prime example of the not for profit retirement home industry and it treats both workers and residents poorly.

Transpacific was nominated for its takeover, aided and abetted by the Auckland City Council and its officials, of the excellent

locally owned and run rubbish and recycling operation on Waiheke Island.

The criteria for judging are by assessing the transnational (a corporation which is 25% or more foreign-owned) that has the most negative impact in each or all of the following categories:

Economic Dominance - Monopoly, profiteering, tax dodging, cultural imperialism

People - Unemployment, impact on tangata whenua, impact on women, impact on children, abuse of workers/conditions, health and safety of workers and the public

Environment - Environmental damage, abuse of animals

Political interference - Interference in democratic processes, running an ideological crusade

The point needs to be made that the likes of Fonterra are not eligible for nomination (we always receive nominations for it and this year got more than usual). **We have no doubt that there is a place for an award for the worst New Zealand owned transnational (of which Fonterra is the prime example) and even for the worst company in NZ (Fonterra would probably be a prime contender for that too).** But the Roger Award is not the place for either of those. Nor is it the place to judge the worst transnational corporation in the world, although some nominators would have it so. It is for judging the worst TNC operating in NZ (and NZ alone) in the year in question. Some might criticise that as a narrow focus but it is a formula that has worked extremely well for the now very well established and credible Roger Award.



The judges are: Paul Corliss, from Christchurch, a life member of the Rail and Maritime Transport Union; Christine Dann, from Banks Peninsula, a writer and researcher; Bryan Gould, from Bay of Plenty, a former Waikato University Vice-Chancellor;

Joce Jesson, a Senior Lecturer in Critical Studies in Education, University of Auckland and an activist in various community organisations; and Wayne Hope, Associate Professor, Communications Studies, Auckland University of Technology.

The winner(s) will be announced at a Wellington event in March. The Roger Award is organised by the Christchurch-based groups, Campaign Against Foreign Control of Aotearoa (CAFCA) and GATT Watchdog.

**Bad luck to all the finalists and may the**

**worst man win!**

**“LOOKING FORWARD TO BEING STRONGER TOGETHER IN 2010”!**

**Enjoy the break, enjoy the festivities, enjoy some liquid pleasure BUT above all else make sure you you don't bring any of it to work. BE SAFE IF AT WORK!**