

# THE ACTIVIST



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## UGL INSOURCING

The RMTU has been advised that subject to the expected ministerial approval, KiwiRail will be purchasing the shares of UGL NZ Rail Ltd and this will see all our UGL members moving to be employee's of KiwiRail Group on 23 March 2009. The Union is hopeful that a joint notice (KiwiRail, UGL and RMTU) will be issued soon which will detail the process a bit clearer for members and KiwiRail advise that a series of meetings will be held at major UGL worksites.

Members should remain calm. Your terms and conditions of employment are safe. Your years of service with the employer will remain unbroken and so your service related benefits are unchanged.

We have seen this many times before and so in most cases the only visible change will be the name on your overalls or if you're lucky you will get a new pair of overalls!

## ANTI RAIL SPEAKS

The Victoria University of Wellington Institute for the Study of Competition and Regulation is a centre for the preservation of new right economic theory. The Theory was fashionable in the 1980s and early 90s but has taken a major beating in recent years and especially now as the worldwide financial recession hits home. Clearly the true believers are not easily convinced that the theory is wrong. One such true believer gave a presentation in Wellington on 19 February 2009. The General Secretary Wayne Butson, Acting CEO of KiwiRail Group William Peet, Dr Murray King, Seamus O'Sullivan (TIL), Ross

Hayward (Pass) and a whole lot of RMTU delegates and other rail supporters attended together with at least one Road Transport forum rep who spoke in support of David Heatley's presentation. The slides can be seen on <http://www.iscr.org.nz/n492.html>

Mr Heatley called for the immediate destruction of the NZ rail network. Rail he believes is more valuable broken up and the land sold off, than retained as a national network. The basis for this is that a different economic rationale be applied to Rail than what is applied to road. We suggest that you read the presentation that is on the website as he does not deviate from the script so there is no disadvantage by not being there.

## TOUGH TIMES – TOUGH OUTCOMES

Whenever the economy gets tough it is workers who bear the brunt. We see employers being reluctant to pay out cash (pay redundancy) and at the same time keen to reduce the headcount of employee's. If they can downsize without costs they will.

Unsurprisingly the union has noticed an increase in dismissals affecting members of late. **A word to the wise, "don't make it easy for them and don't give them good reason".**

## ATTENTION UGL MEMBERS IF YOU HOLD ADVANCED TRADE CERTIFICATE

RMTU have been advised from United Group Rail (UGL) that all those holding advanced trade certificate **SHOULD** be on Mechanical Engineer level 5 of the Collective Agreement. National Office is aware of two members who



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

were paid levels 3 and 4 holding advanced trade certificate that have now advanced to level 5 following RMTU intervention because of their advance trade certification. They have been back paid from the time UGL took over the Alstom contract.

Needless to say a healthy sum of back pay was awarded to these members. If you hold advanced trade certificate and can provide evidence of your qualification and are NOT being paid level 5 currently you should contact your local Organiser or National Office immediately to get your level 5 pay rate and back pay.

### **FILL IN THAT ACCIDENT FORM!!!!!!**

If you injure yourself at work, no matter how minor the injury may seem it is extremely important you fill in your companies accident / injury form. This is important as

- Your company has formal notification you injured yourself at work.
- it means your company can then look at whether work practises need altering and whether hazards in your work area are under acceptable control

The RMTU is currently dealing with several cases where members didn't fill in injury forms at work. They meant to, but didn't! Subsequently their injuries got worse. Their employers refused to later accept they were work injuries as no injury forms were filled in.

If YOU get injured at work FILL IN AN INJURY FORM. Make sure you keep any paper work from ACC or your doctor or your employer. If your employer refuses to accept your injury, as a work injury, please notify an RMTU official as we can challenge this.

### **LABOUR PARTY AUCKLAND-NORTHLAND REGIONAL CONFERENCE 2009**

The conference is being held on Friday 15th May – Saturday 16th May in the McGhie Theatre – Auckland College of Education 74 Epsom Ave, Epsom. The RMTU is affiliated

to the party and is entitled to have representation at the conference. If you wish to attend contact our Auckland Organiser Scott Wilson who is co-ordinating attendance.

### **KIWI RAIL VEOLIA MECA – TIMESHEET BOOKING FOR RDO ON A PUBLIC HOLIDAY**

The union office has been contacted by members over their payments and alt days for when they are on a rostered day off on a public holiday. This new provision (with exclusions) was restored as an outcome of the last wage round. We contacted KiwiRail and their head of HR, Nicola Brown responded – "...I have looked into the payment system for the GRDO.

*JADE Star payroll system has not been setup to automate adhoc allowances. The system has been set up to apply rules once the timesheet has been entered.*

*The "GRDO", as you know, is a new addition to our collective agreement and has only been applied since the 14th December 2008. Payroll sent an email out to "all LAN users" explaining the rules on how to claim this on the timesheet which is no different from other allowances, Extra Work Periods, Standby, leave etc. They also changed the timesheet to include the new code and rules. This is also on the intranet..."*

Instructions from Payroll (2 page doc) explain what needs to be booked on timesheets so that the payroll system does what it should. Your manager can access this doc.

### **JOB DESTRUCTION AT MSD ONE WEEK BEFORE SUMMIT A SHOCKER: GREENS**

Confirmation today that the Government plans to cut at least 500 jobs from the Ministry of Social Development (MSD) is a shocker.

"It is incomprehensible that at a time of rapidly rising unemployment the Government is slashing jobs at MSD as one



of its first actions," Green Party Social Development Spokesperson Sue Bradford said today.

"Work and Income is going to need more experienced case managers, not fewer, and the social policy infrastructure behind income support and Child Youth Family is going to be needed more than ever at a time of increasing deprivation.

"It makes no sense to make MSD a target for job cuts of between 5 and 10 percent. Unemployment is now at 105,000 according to the latest Household Labour Force Survey and all predictions are that it will keep rising rapidly."

"It is even more ironic that Minister Paula Bennett is confirming plans to reduce staff the week before John Key's Employment Summit on 27 February.

In announcing the Summit last month, Mr Key said: "My Government is determined to show decisive leadership to protect New Zealanders' jobs as we head into tougher economic times," said Mrs Bradford.

'Yeah right' Mr Key. Wholesale redundancies of up to 1000 jobs at MSD are not job protection - they are job destruction.

"The Green Party calls on the Government to urgently reconsider this first portent of the kind of slash and burn approach to the public service which had such calamitous results in the 1980s state sector reforms.

"News of the potential loss of over 30 jobs from the National Library last week and 500 or more from MSD this week undermines any sense of a Government keen to mount a constructive response to the challenges of recession.

"National is, instead, sending a chilling message to all Kiwi workers.

"MSD should be expanding and improving its services to unemployed and redundant workers at this time, not placing hundreds of its own staff on the scrapheap," said Mrs Bradford.

## **RAILWAY WORKER COMMEMORATION - SUTTON RESERVE - LYTTTELTON**

Members and ex members are cordially invited to attend the unveiling of the Commemorative Railway Seat Celebrating a century and a half of railway workers' contribution to the port of Lyttelton

Date: Sunday 8th March 2009

Venue: Sutton Reserve, Lyttelton

Time: 2pm - 3pm

Then please join us afterwards at the Top Club, refreshments supplied

RSVP to Paul Corliss: Paul.Corliss@teu.ac.nz  
cell 021 859 129 Or: Libi Carr:  
rmtul@xtra.co.nz cell 027 446 8779

## **WORKING WOMEN DESERVE BETTER FROM GOVERNMENT**

CTU President Helen Kelly today criticised State Services Minister Tony Ryall for ending two government investigations into pay and employment equity for women.

Enquiries into why female social workers at Child, Youth and Family are paid 9.5% less than their male counterparts, and inequities in female school support workers' wages have been scrapped because they would cost too much. The investigations were part of the Government's pay and employment equity plan of action.

Helen Kelly said: 'It is one thing to urge pay restraint in the public sector but quite another to endorse the unfair underpayment of these workers. The Government is effectively telling its own female employees that it doesn't care if it is discriminating against them.

'Women deserve better treatment than this. The Government's actions send out an unacceptable message to other employers in New Zealand. We say that the economic situation cannot be used to justify discriminatory pay and conditions.

'New Zealand has been a leader and has shown great innovation in its approach to pay and employment equity. Good progress



is starting to be made. It is important that this continues.'

## RMT ACTIVIST WINS HUGE VICTORY IN BATTLE AGAINST SACKING

RMT TRAIN driver and leading union activist Derrick Marr has won a resounding victory in the crucial first round of his battle to reverse his sacking by train-operating company National Express East Anglia. An employment tribunal in east London yesterday awarded Derrick (Del Boy) Marr 'interim relief', under which the company is obliged to continue his contract pending the outcome of a full tribunal hearing.

Interim relief is awarded only when the tribunal believes the claimant has a

very strong case for unfair dismissal for trade-union activities, and the union called on the company to "do the decent thing", and re-instate him unconditionally.

Derrick was dismissed by National Express East Anglia three weeks after returning to work following his second three-year stint on RMT's governing council of executives.

The company claimed he had effectively resigned in 2005 after failing a medical upon his return, but John Hendy QC, representing Derrick, argued that he was in employment in 2009. The tribunal said the company had adopted a "brutal approach" with the dismissal, and had displayed no sympathy towards Derrick Marr's medical conditions, which include diabetes and high blood pressure. The union argued that Derrick had in fact been dismissed for his high-profile union activities, and the judgement means that there is a reasonable expectation that Derrick would win his case at a full hearing.

"This ruling effectively pulls apart the pretexts that National Express put forward for sacking Del," RMT general secretary Bob Crow said. "We believe it is quite clear that Del Marr was dismissed because he has

been an effective trade union rep for many years, and the company should now do the decent thing and re-instate him unconditionally," Bob Crow said.

**NOTE:** RMT Nat Secretary Bob Crow will be a guest at this year's RMTU Annual Delegate Conference.

## F & P — BAILOUT DUBIOUS, CRITERIA MUST COME FIRST

It is critical that Government set clear criteria before moving to rescue Fisher & Paykel or any other company in trouble.

"Government has a definite role in assisting companies in specific circumstances, but this does not include relaxing foreign investment rules," said Green Party Employment spokesperson Sue Bradford.

"The Greens see a good case for Government involvement in circumstances where local communities are threatened by economic and social devastation with the collapse of a significant industry, for example, the local sawmill at Putaruru."

"Bending current foreign investment rules, however is not the path this Government should be taking to support New Zealand industry," said Ms Bradford. "This will only reduce our ability to keep New Zealanders working."

The Greens consider the following bail-out criteria essential before the Government makes any moves to use tax-payer money to support business in a time of recession:

1. Assistance should only be considered when the loss of a company will have a significant impact in terms of numbers of jobs lost, either locally or nationally.
2. Government financial assistance should be in the form of an equity stake in a company, not a soft loan. Government must have the power to take part in governance decisions that affect its investment.
3. Any shareholding should be conditional on:





- Caps being set on CEO and directors' fees;
- Jobs being kept in New Zealand, not taken offshore;
- Minimum protections being put in place for all staff, including minimum redundancy agreements and ongoing investment in training or retraining.

"Without such stringent conditions, we risk repeating the mistakes of the first round of US bail-outs which ended up cutting the losses of financiers on Wall Street rather than keeping workers in vital jobs."

### COMRADE PASSES AWAY

Some members may have known ex EPMU staffer Steve Milne. Steve has tragically passed away following a short battle with a major illness. Steve has been living in Australia of late. Two memorial services are planned. The first is in New Plymouth on Saturday 7 March 2009 at 1100hrs at St Mary's. The second is being held at the EPMU offices in Rongotai at 1345hrs on Monday 9 March 2009.

Our thoughts, sympathy and aroha are with the family and friends of Steve Milne in this sad time.

### RAIL INVESTMENT PART OF OBAMA'S RECOVERY PLAN

(Statement of U.S. transportation secretary Ray LaHood on President Obama's signing of the American Recovery And Reinvestment Act)

"Today President Obama kept faith with the American people. Less than one month after taking the oath of office, he signed the landmark American Recovery and Reinvestment Act. "This is the day America starts back. Resources to help America are now available. At the Department of Transportation we will make sure the transportation money in this law gets Americans to work quickly. "Transportation is a great enabler of economic growth, the lifeblood of commerce. It moves people to jobs and goods to the marketplace. Without strong transportation arteries, economies stagnate. "We will use the transportation

funding in the Act to deliver jobs and restore our nation's economy. We will emphasize sustainable investment and focus our policies on the people, businesses and communities who use the transportation systems. And, we will focus on the quality of our environment. We will build and restore our transportation foundations until the American dream is returned. "We will invest in jobs to expand transit capacity and modernise transit systems. Transit is a centerpiece of my focus on livable communities and our Department will work closely with Vice President Biden's "Middle-class Taskforce" on transit initiatives. "We will invest in jobs to allow Amtrak to add and modernize cars and locomotives and upgrade its tracks. "We will invest in jobs to expand airport capacity and make safety improvements. "We will invest in jobs to build and rehabilitate and make safer roads, highways, bridges and ports. "We will invest in jobs to launch high-speed rail in America. This will transform intercity transportation in America, reduce our carbon footprint, relieve congestion on the roads and in the skies, and take advantage of a mode of transportation that has already benefited Europe and Japan for many years. "There are those who argue that we need to waive environmental regulations to put people to work more quickly, but that is simply not the case. We have a backlog of worthwhile transportation projects waiting for funding that have already met those standards. We are ready to build a new transportation infrastructure and we will work to keep it green. "I look forward to hearing the sounds of shovels and hammers and bulldozers and, in some cases, of moving that first shovelful of dirt myself."

**We, the RMTU, look forward to hearing our Government show its support for the rejuvenation of rail in NZ. The rest of the world is showing the way.**

### STRONG INTEREST IN AUCKLAND

"International rail rolling stock manufacturers and suppliers from across the world have responded strongly to a call for Expressions of Interest in response to the release of the Auckland Regional Transport Authority's Electric Multiple Unit (EMU) Expression of Interest (EOI) document which was

advertised on 23 December 2008 and closed on 12 February 2009. The EOI responses are currently being shortlisted before the final formal tender document, RFP (request for proposal), is released to up to four short-listed tenderers in May 2009."

[source: UITP (AUSTRALIA/NEW ZEALAND) Daily News, 23/02/09]

## AMALGAMATION TALKS

The Board of the PSA and the SFWU National Executive have agreed to enter into a process to explore the potential benefits of a merger and the possible formation of a new single union.

The first joint task will be to prepare a plan of work that will be reported back to the governance bodies of each union.

In entering this process both unions understand that there are no preconceived outcomes and the discussions will be without prejudice.

Clearly however the PSA and S&FWU leadership are very positive about this opportunity and believe there may be much that can be gained through the formation of a bigger, stronger and more effective union organisation for the benefit of all members.

A small team comprised of representatives from both unions will be meeting over the coming weeks to progress these discussions. There will be regular report backs to the full elected national leadership of both unions. Progress on discussions will also be notified to members and staff on an agreed basis between the unions.

Any final decision on amalgamation will be made in accordance with the respective rules of each union.

## BITS & BOBS

- A working party has been set up to address issues with the interpretation and application of Rule 905, Compulsory Stop Protection for Track Workers. The working party is made up of KiwiRail and Ontrack Rule Makers, Management, Train Control, LE's, Track Workers and the union offices. The working party met in Auckland

19 February and all that attended would agree it was a constructive meeting where the issues are clear and a range of possible improvements need further investigation. The next meeting is set for 13 March in Wellington, Veolia management and LE reps will be invited to participate.

- The Tranz Scenic progression working party met in Wellington this week and pending a write up of the final draft, the working party is ready to present to all Tranz Scenic members.

**LET'S BE SAFE OUT THERE & REMEMBER.....**

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

