

THE ACTIVIST



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CALL FOR NOMINATIONS KIWI RAIL NETWORKS (FORMERLY ONTRACK) INDUSTRIAL COUNCIL!

Following the extensive disputation between the Union and the company arising out of the "Building Our Futures" booklet debacle an agreement was signed between the parties which created a single joint entity made up of elected RMTU members and management reps to deal with workplace industrial and relationship issues. Formation of the group was delayed by the difficult wages negotiations and latterly by the work of the wagheround agreed Working Parties. A decision has now been made to now implement the new structures without further delay by the RMTU National Management Committee. There are 5 infrastructure positions and 3 Operations positions on the Council for RMTU reps. Union policy as determined by Annual Conference requires that any member of the Union's National Management Committee (NMC) who is eligible for nomination to a position on an Industrial council shall be deemed to have been elected to that position. As a result Albert Barr will fill the **Infrastructure Trackworker position** on the council and **no** nominations will be called for that position.

Accordingly we now call for nominations for the following positions from members who fall within the categories of representation;

Infrastructure – Ganger/Foreperson

- If you hold a position of ganger (foreperson) in any area of KiwiRail Networks operation then you are eligible for nomination for this position.

Infrastructure – Signals, Comms, Traction

- If you are employed within the Signals, Communications, Traction specialised areas of KiwiRail Networks then you are eligible for nomination to this position.

Infrastructure – Bridges and Structures

- If you are employed within the Bridge gangs or structures specialised area of KiwiRail Networks then you are eligible for nomination to this position.

Infrastructure – Mechanical Group

- If you are employed within the track machine groups and mobile mechanised gangs, plant fitter specialised area of KiwiRail Networks then you are eligible for nomination to this position.

Operations – Train Controller

- If you are employed within the Train Control specialised area of KiwiRail Networks then you are eligible for nomination to this position.

Operations – Signalpersons

- If you are employed as a Signalperson within KiwiRail Networks then you are eligible for nomination to this position.

Operations – Clerical Admin

- If you are employed within the clerical, administration, codes and standards and technical areas of KiwiRail Networks and paid under the clerical, administrative, team leaders, supervisory, professional and technical employee's pay scales then you are eligible for nomination to this position.

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

Nomination forms are available from the Union's National Office by calling 04 4992066, fax 04 4710896 or by email to jharrison@rmtunion.org.nz

Nominations must be moved and seconded by current financial Union members who are employed within the same area for which the nominee is being nominated for and an acceptance of nomination signed by the nominee.

Correctly completed Nominations must be received in the Unions National Office by 1700hrs 10 April 2009.

In the event that there is more than one nomination received by the closing date for any position then a postal ballot of current financial members employed within the area for which the nomination was received will be conducted. Nominees are warned that in the event of a ballot being held a photograph and short "why vote for me" story of 150 words is required from each candidate ASAP.

UGL TO KIWIRAIL MECHANICAL

The RMTU has been advised that the insourcing of the UGL business now has ministerial approval and is confirmed to occur on 23 March 2009 at 1000hrs.

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.

Members should remain calm. Your terms and conditions of employment are safe and secure. 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!

As always the remaining constant in this Industry is the RMTU we remain strong and united no matter who the employer is!

UNIONS TO PROTECT "90 DAY" WORKERS

Unions will offer assistance to workers unfairly sacked under the new 90 Day Fire at Will law which comes into effect on Sunday 1 March. The CTU today said that since the law won't protect new workers in small firms they will have to do it.

'Unions will not stand by and see workers treated unfairly by this unnecessary law,' said CTU President Helen Kelly. 'We will offer free advice and assistance to anyone affected by the 90 Day Fire at Will law, whether they are a union member or not.'

A weekend of action around the country will see union members distributing leaflets informing people of their rights and referring them to the free phone helpline 0800 1 UNION (0800 186 466) and the website www.fairness.org.nz.

Helen Kelly continued: 'It is ironic that this law should come into force on the very weekend of the Government's jobs summit when we are all trying to find ways of keeping New Zealanders in work. The 90 Day Fire at Will law doesn't make it any easier for small businesses to hire workers, it only makes it easier to fire them.'

'Although the law removes the right of workers to claim unfair dismissal once they have been sacked, there are still things workers can do to minimise their chances of becoming a victim of the new rules. The most important thing they can do is join a union, but if anyone is sacked or threatened with the sack under this legislation we will provide free advice and help, union member or not. Any small business that uses this law can expect to see the union and we will also publicly name and shame those that come to our attention.'

The CTU campaign against the 90 Day Fire at Will law will continue into next week and beyond with advertising on commercial and student radio and other activities to ensure that the public is reminded of this wholly unnecessary attack on employees' fundamental work rights.



FENTON INTRODUCES PATH TO \$15 MINIMUM WAGE

Labour MP Darien Fenton today released a Supplementary Order Paper seeking to amend her members' bill, the Minimum Wage and Remuneration Bill which will be considered by Parliament tomorrow.

The amendments include working towards a minimum hourly rate of \$15.00 by 1 July 2011, with an increase to \$13.00 an hour immediately, and subsequent increases to \$14.00 per hour by 1 July 2010 and \$15.00 per hour by 1 July 2011.

The SOP amendments would also ensure that increases to either the minimum wage or the minimum rate of remuneration for contract workers extends to the other.

Darien Fenton's bill provides minimum wage protection for vulnerable workers employed as contractors whose employment status does not fit within current minimum wage protections for employees. The Bill passed through first and second readings in the last Parliament and is due for committee stages tomorrow.

"Labour believes that low paid and at risk workers must come first in this recession and that's why these amendments are being introduced," says Ms Fenton.

"The notion of a fair day's pay for a fair day's work is important to Kiwis. National appears to be abandoning those who most need their support with laws like the 90 day Fire at Will Act now in effect and tax increases for low paid workers due on 1 April.

"My Bill and the amendments challenge the government to stand by workers who are currently denied the basic entitlement of a minimum wage and those who will be hardest hit by the recession," she said.

CTU CALLS FOR SUPPORT FOR SEALORD WORKERS

The Council of Trade Unions today echoed calls from the Service and Food Workers'

Union for greater support for Sealord workers in Nelson, 160 of whom are to lose their jobs through restructuring.

CTU Secretary Peter Conway said: "This is where the difference between good intentions to protect jobs and real action needs to become clear."

"The Jobs Summit on Friday had a range of proposals for active consideration on how to support firms and workers," he continued. "Now we need to see if some of those proposals can be applied. There were many people from business, iwi, banks, economic development agencies and regional government at the Summit. The whole point of the exercise was to work collectively to create and retain jobs as well as support workers laid off."

Peter Conway said the CTU understands that just because there has been a Jobs Summit it does not mean that all commercial considerations for firms are put on hold. But if the

Jobs Summit is to be relevant then it needs to make a difference to workers such as those at Sealord facing redundancy.

It is to be hoped, however, that the three week consultation period on the redundancies can be used to explore every possible option to preserve jobs.

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 employees. 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". **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 were paid levels 3 and 4 holding advanced trade certificate that have now advanced to level 5 following RMTU intervention because of their advanced 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.

PROPOSED LAND TRANSPORT RULE: DANGEROUS GOODS AMENDMENT [2009]

The yellow draft of Land Transport Rule: Dangerous Goods Amendment [2009] (Rule 45001/2) has been released for public comment. This proposed amendment Rule will amend Land Transport Rule: *Dangerous Goods 2005 (the Dangerous Goods Rule)*, which sets out requirements for the safe transport of dangerous goods on land in New Zealand. The Rule covers the packaging, identification and documentation of dangerous goods, the segregation of incompatible goods, transport procedures and the training and responsibilities of those involved in the transport of dangerous goods.

The purpose of this amendment to the Dangerous Goods Rule is;

- to take account of the inclusion, in the United Nations recommendations on the Transport of Dangerous Good – Model

Regulations (UNRTDG), of criteria for substances that are toxic to the aquatic environment, resulting from the United Nations decision to promote a sustainable environment;

- to ensure that the Rule is consistent with current UNRTDG requirements and Hazardous Substances and New Organisms legislative requirements that have a bearing on the transport of dangerous goods;
- to include provisions for dangerous goods in excepted quantities as introduced in the 15th revised edition of the UNRTDG;
- to clarify or modify existing provisions in the Rule to aid compliance with Rule requirements.

You are welcome to call the NZ Transport Agency Contact Centre on freephone 0800 699 000 to obtain a copy of the draft Rule. It will also be available, with supporting information, on the NZ Transport Agency website at www.nzta.govt.nz/consultation/dangerous-goods-amendment/ from midday 4 March 2009.



The NZTA look forward to receiving your comments and, to help you, details on making a submission are included in the overview to the draft Rule. It would be appreciated if you could send your submission by email or using the on-line submission form provided, but postal submissions are also acceptable. Your interest and involvement in the Rule-making process is appreciated. Note the closing date for submissions, which is 9 April 2009.

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.



KIWIRAIL TIMESHEETS IN GENERAL

ALL leave taken (as defined by the leave codes, both paid and unpaid on the right hand side of the timesheet) REQUIRES a book on/off time. This is so payroll can calculate relevant daily pay for leave types under the Holiday's Act. If you do not enter a book on/off time you risk either no payment or an incorrect payment!

This INCLUDES code SH (statutory holiday NOT worked) where your shift is cancelled due to the holiday – a book on/off time is required for payroll to calculate relevant daily pay. (RDP). In the remarks column write 'shift cancelled'

Your master roster (including temporary rosters for the Christmas/New year period) are required to show the book on/off time

for the cancelled shift so the employee can write this on the timesheet and payroll can therefore calculate RDP.

Leave codes:

These are listed on the right hand side of the timesheet, and are the only codes that now exist. Please ensure you enter the correct two-letter code in the leave code box on the timesheet. E.g. AL (for annual leave, NOT GANN), SL (for sick NOT GSIC) etc...

WORKING into, on or out of a statutory holiday:

There appears to be some confusion. If you work into, on or out of a statutory holiday, just a book on/off time is required. In the remarks column write 'worked statutory'

DO NOT enter code SH if you work into, on or out of the holiday - the system can identify the holiday and apply the correct penal condition and day in lieu.

Work types:

There are currently two work types – GEWP (extra work period) and GSBY (standby NOT called out). There is soon to be a third code called GRDO (rostered day off on public holiday) as part of the new collective when ratified.

GEWP – to be used to identify a rostered day off where you have been asked to work an additional shift on a day that you would normally be off duty (no pay).

This code is also used for 'tack-ons' as defined by Clause 15.10.4 of the Collective.

Tack-on's that qualify under this clause must be separated from the rostered time so it is possible to have two (or more) lines of data for one day. The GEWP should be entered against the tack-on line(s) only.

GSBY – to be used when an employee is required to be available for a work period (between certain defined hours on a roster) but does not receive a job. A book on/off time is required and code GSBY entered in the work type column. In the remarks write 'standby not called'

GRDO – this is the new code effective 14 December 2008 onwards, to be used when an employee is RDO (and remains RDO) on a public holiday falling Monday to Friday. The

code will generate no payment for the day however the employee will receive a day in lieu to their entitlement.

Please note this code does not apply to part time employees, loco running employees, or casuals who will receive nothing for an RDO on a public holiday (in effect their relevant daily pay).

To enter this code on the timesheet write the code GRDO in the WORK type column. A book on/off time is not required.

The Kiwirail timesheet (logo), and TOLL timesheet on the Intranet, have been updated including the new GRDO code.

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

BRITISH AMERICAN TOBACCO RECOGNISED AS NZ'S WORST CORPORATE CITIZEN

British American Tobacco (BAT) is the worst transnational company in New Zealand after receiving the annual 'Roger' Award at a ceremony in Auckland.

Action on Smoking and Health (ASH) says this confirms that New Zealand is waking up to the sustained public relations campaigns by the tobacco industry.

"New Zealanders are now starting to wonder why they tolerate a company that not only kills 4000 kiwis a year, but takes

money away from the country as well," said ASH director, Ben Youdan.

Organised by the Campaign Against Foreign Control of Aotearoa (CAFCA), the Roger award is presented to any corporation that is 25 per cent or more foreign controlled and is judged to have the most negative effect on economic matters, people and the environment.

"ASH made this nomination because half of BAT's best customers will die as a result of smoking their products, so we considered they need to be recognised for this contribution to our society," said Mr Youdan.

Mr Youdan says that the corporate social responsibility reports that the company produce are designed to convince people that the company is caring and responsible when the opposite is true.

"Cigarettes are the only legal product on the market today that when consumed exactly as this company intends will likely kill you, but they're unlikely to mention this death toll in their glossy reports" said Mr Youdan.

BAT is actively opposing measures that would see a ban on the display of tobacco in shops where children and former smokers can see them via the New Zealand Association of Convenience Stores (NZACS) of which BAT is a premier member.

STRONG UNIONIST SISTER DIES

It with much sadness that we advise of the death of SFWU Lawyer and Activist Luci Highfield. Luci died after a short but difficult illness. She was staunch to the end. Luci made an outstanding contribution to the union movement and will be missed far and wide. Luci worked for the SFWU for 14 years and was respected and loved by all. John Ryall, SFWU National Secretary said: "Luci has played a pivotal role in some of the gains that the union has won in the last ten years and will be a big loss to the union. She will be remembered fondly by the many members whose lives she touched. When you look at the protections for our members employed by contractors, the extension of employment rights to home support workers and the achievement of our public hospital national agreement you will find Luci's influence in each of them."



In the wider union movement Luci played a pivotal role. She was a key member of the CTU legal group and her astute understanding of employment law was invaluable. She represented the CTU on 2 Ministerial Committees. Her work on the Ministerial Advisory Committee that drew up the outline of legislation that became the current Part 6A of the Employment Relations Act – the Protection of Vulnerable Workers - was outstanding. She had an appreciation and understanding of the finer points of employment law and battled tenaciously for the rights of vulnerable workers. Her strength and commitment was based in an absolute belief and respect for all workers from her working experience and engagement with the members.

Luci had a huge amount of energy and worked tirelessly not only in her union but on other fronts of the union movement supporting structures for women's rights and human rights. She was one of the founders of the CTU Out at Work network and played an important role in establishing this network to support gay rights and celebrate diversity. She had a passionate commitment to women workers and advocated strongly for the rights of women workers. Luci was a Co- convenor of the CTU Women's Council and in this role made a very significant contribution to the CTU submissions on flexible working hours legislation and paid parental leave. Her vision, her articulateness, organisation skills, and her sense of fun made an important difference to many union and CTU meetings and committees.

Our thoughts are very much with the Service and Food Workers Union and the Nurses Organisation who supported Luci and her partner Rob Haultain (RMTU Legal Counsel whilst practicing law) during the course of her illness.

We send our sympathy and thoughts to Luci's partner Rob and their families.

CALLED FOR KIWIRAIL INDUSTRIAL COUNCIL (KIC)

Central Terminals Rep

Nominations are called for a Central Terminals representative for the KIC. Members eligible to be nominated are

Terminal RMTU members in the Central region which includes Taranaki, Hawkes Bay, Manawatu, Wellington and Marlborough.

NOTE:

All nominations must be moved and seconded by financial members of the Union and the nominee must also signify their acceptance of the nomination on the nomination form. The nominee must also work within the area of representation.

Nomination forms are available from the Union National Office by calling Julia on 04 4992066. All nominations must be sent and received in National Office as well as being correctly filled out, to be valid.

Nominations close 0900 Monday 6th may 2009. In the event of more than one nomination being received for this position then a secret postal ballot will be conducted within the representative area and occupational group.

ANONYMOUS GOVERNMENT MISINFORMATION DESTABILISING ACC

Anonymous government spokespeople are deliberately undermining ACC while it appears that the Board Chair has been stopped by the Minister from making any public comment, CTU Secretary Peter Conway said today.

"These anonymous untruths leaked to selected media are damaging to ACC staff and morale, and to the reputations of ACC Board members who have done a diligent job," said Conway.

"It is claimed that ACC has suffered major investment losses. In fact the ACC investment performance is better than any other fund manager, public or private."

"It is claimed that ACC Board members will be sacked for failing to force Labour Ministers Cullen and Street to disclose in the Pre-Election Fiscal Update the expected additional funds required for the ACC Non-Earners Account. In fact the Mills Inquiry only last week found Treasury at fault and the Labour Ministers and the ACC Board were exonerated."



"ACC has been hit by lower interest rates and reduced returns on investments but has performed very well as a fund despite this. However, other requirements such as the new International Financial Reporting requirements mean greater provision must be made for a future call on funds. ACC consulted on levies in October 2008 and all the pressures about which the Government is expressing surprise were made public at that time."

"It is true that medical costs have risen: pay rates for carers needed to rise, and there have been increased claims. But these issues cannot be blamed on how ACC has managed the scheme."

"The CTU supports extending the deadline for full funding of pre-1999 claims from 2014 to 2019 and this would relieve some pressure."

"It is vital that a worker/union perspective remains on the Board, and that Board members are able to publicly discuss the challenges facing ACC and provide the correct facts on why costs etc are increasing."

Peter Conway said, "We urge the Government to take extreme care in its deliberations on ACC. This scheme has been built up over decades and we do not want it destabilised. There is always room for improvement in any scheme and the Government should recognise the social contract basis of the scheme and work with social partners on issues."

STOP MEDDLING WITH ACC

The Green Party today called on the Government to immediately stop its political meddling with the Accident Compensation Corporation (ACC).

"ACC is there to protect workers and it is essential that workers' interests are represented on the ACC board," said Green Party Spokesperson Sue Bradford.

"If the Government sacks the current ACC board members with union backgrounds it needs to ensure that workers interests are represented on the new board."

"Both Ross Wilson and Wayne Butson are very competent ACC board members and the Government's move to sack them is based on pure ideology.

"I am increasingly concerned that the Government's move against the ACC board is part of an agenda to privatise ACC," said Ms Bradford.

The Green Party supports calls from the Council of Trade Unions and the Association of Salaried Medical Specialists that union expertise is needed on the ACC board.

The Green Party will work with ACC claimants, workers, community organisations and Unions to do everything we can to ensure that the progress made with the ACC scheme over the last nine years is not reversed, said Ms Bradford

"The improvements made in the coverage and quality of the no-fault ACC scheme need to be protected."

For example, ACC has made significant progress in injury prevention and helping people back to work with 93 percent of people suffering injuries being rehabilitated after a year. (www.acc.co.nz/about-acc/WIM2_059348?ssSourceNodeId=3860&ssSourceSiteId=1494).

"New Zealand needs a public no fault ACC system. We do not want to end up with a privatised insurance model like the United States where many people have no protection at all," said Ms Bradford.

ACC MOTOR VEHICLE LEVY TO INCREASE BY \$32

ACC Minister Nick Smith today announced a \$32 increase in the motor vehicle levy from 1 July 2009.

The motor vehicle license fee for a petrol car will increase from \$136.44 to \$168.46 and the ACC petrol levy will rise from 9.34 cents per litre to 9.90 cents per litre.

"This \$32 increase comes at a tough time for motor vehicle owners, families and businesses and is on top of a \$50 increase last year," Dr Smith says. "It is the bare minimum needed to fund the cost of motor vehicle accidents while maintaining an



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acceptable level of solvency in the account. An increase of

\$121 to \$376.48 is what officials had advised would be required to fully fund the Motor Vehicle Account based on the latest report liabilities, the existing law, and funding policy.

"The motor vehicle levy rate largely reflects an increase in the cost of treating and rehabilitating the seriously injured - especially home support.

"While the Government is committed to helping the injured, ongoing large increases in ACC are not affordable. That is why the Government is embarking on a programme of ACC reforms to contain costs, push out the full funding date, and achieve greater flexibility in funding mechanisms for the Motor Vehicle Account.

"I am confident with the changes the new Government is making in ACC that such large increases will not be repeated again next year."

MARITIME UNION SAYS PORTS OF AUCKLAND MUST REMAIN IN PUBLIC HANDS

The Maritime Union of New Zealand says that any proposal to privatize the Ports of Auckland would create a "perfect storm of opposition."

Maritime Union Local 13 President Denis Carlisle says those pushing the plan were people out of time.

"There is obviously a faction out there who want to bring back port privatization plans from the dead."

Mr Carlisle says that the privatization strategy with the Ports of Auckland failed in the 1990s due to mass public opposition and recent attempts to part-privatize the Ports of Lyttelton had also ended in failure.

"It seems bizarre at a time when the deregulation and privatization agenda has now been completely discredited globally, there are people who still want to continue on down the same old path."

He says that the port has recently seen major productivity gains and to complain about reduced profits when the global

economy was in crisis showed privatization proponents were out of touch with reality.

Mr Carlisle says it was obvious that there were problems with the port system in New Zealand.

These problems were due to lack of a national ports plan and regulation, leading to self-destructive competition and the casualization of the workforce, and privatization would only make matters worse.

"In the end analysis, the role of ports is to ensure the flow of goods to and from New Zealand, not as a cash cow for private investors looking for a quick buck."

He says it made no sense for a small, maritime trade dependant nation like New Zealand to pass over control of its transport infrastructure to private interests whose only motive is short term profit.

He says that if board members were not comfortable with the status of the Ports of Auckland they should clear out.

BITS & BOBS

- Prime Minister John Key says only union members are likely to get Government help under a proposed nine-day fortnight.

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

"WE'RE STRONGER TOGETHER"!

