

THE ACTIVIST



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URGENT - PORTS OF AUCKLAND DISPUTE

The RMTU has been advised by MUNZ that the outsourcing dispute in Auckland is escalating. We are advised that a call may be issued by Port Of Auckland to all other ports for labour to be supplied. MUNZ have requested that no RMTU member from any other port in NZ is to agree to work in Auckland. We have pledged solidarity with MUNZ nationally and so all RMTU Port Branch members are advised that they should decline work in Auckland until further notice.

United we stand – Divided we beg!



POT/ISL /C3/ RMTU DISPUTE - UPDATE.

Port of Tauranga (POT) has advised C3 they wish to preserve stevedoring labour “competition” at Sulphur Point. Additionally we believe that POT has a view that non core activities should be contracted out so as to enhance “competition”.

RMTU knows that competition provides a barrier to good wages and working conditions amongst unionised workers. Our experience is that as soon as we are successful in obtaining good wages and conditions, a lower cost operator comes in and under-bids with the use of non-unionised labour with low wages and poor [super flexible] conditions. This is the experience at most NZ ports and

foreshadows the increased use of non union labour on the NZ waterfront. ISO picking up the Zespri contract in Tauranga is an example of the low cost operator model at work.

To ensure competition at Sulphur Point, POT advised C3 that Independent Stevedores Limited (ISL) would pick up 6000 hrs of straddle work in the Sulphur Point terminal.

RMTU is concerned that the loss of work to ISL from C3 may mean job losses to our members during a time of record unemployment.

RMTU members have worked hard to make Sulphur Point the most productive Terminal in the Southern Hemisphere. It is a disgrace that we now face the potential of redundancies due to management adherence to a “competition” ideology rather than to a genuine economic reason.

The RMTU have met with C3 and POT to see if there is a way of reaching a negotiated win/win outcome to this dispute, without success to date.

We have received assurances of support from our comrade waterfront unions and from the International Transport Workers Federation. Preparations for a major dispute (domestic and international) continue reluctantly.

The RMTU will be looking for all members to get in behind the dispute and “matters” will escalate rapidly once hostilities commence.

BALLOTS – KIWIRAIL GROUP AND VEOLIA

If **YOU** are in favour of there being one Collective Employment Agreement covering

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

all rail workers in NZ then vote **YES** to the ballot question:

"Are you in favour of the RMTU bargaining for a single collective employment agreement with Kiwirail Mechanical Services Limited, Kiwirail Freight, Ontrack (NZRC), Ontrack Infrastructure Limited, and Veolia Transport?"

The RMTU recommends that you VOTE YES as soon as you receive your ballot then send it back immediately. Too few have returned!

Remember it is your choice how you vote!

THE BALLOT CLOSSES AT 0830HRS MONDAY 15 MARCH 2010. Counted Tuesday the 16th.

HOLIDAY ENTITLEMENTS FOR ANZAC DAY

This year Anzac day falls on Sunday 25 April. This means that those who normally work Sundays will receive a paid day off on Anzac day. Alternatively if you do work on Anzac day, you are entitled to time and a half for the hours you work and an alternative holiday (if Sunday would be otherwise a working day for you). Visit the DOL website, for more information on alternative holidays (days in lieu).

Please note that Anzac Day is also a restricted trading day. Most shops selling retail goods can not open until 1pm on this day. Certain shops may remain open. For more information view the DOL website information on Shop Opening Hours.

BUILD OUR TRAINS AT HOME, SAY RAIL WORKERS

The Rail and Maritime Transport Union (RMTU) used an open day at Hutt Rail workshops on Sunday to urge KiwiRail to back the New Zealand workforce and 'buy kiwi made' in its upcoming locomotive and wagon procurement.

"New Zealand workshops have the skills and the equipment needed to undertake a large number of railway and other heavy engineering jobs, and are being underutilised," Wayne Butson, RMTU General Secretary said.

"KiwiRail is in the market for new locomotives and wagons, and rail workers in New Zealand want the company to commit to building new locomotives and wagons here, rather than only upgrading older stock from overseas."

"The Open Day on Sunday is to highlight the work they currently do and what they are capable of doing. As well as rebuilding and repair work, New Zealand rail workshops have the skills and expertise to build locomotives from scratch."

"We want KiwiRail and the government to back Kiwi workers, and get our trains built at home," Wayne Butson said.

FORGET "PARTY CENTRAL", WHAT ABOUT "JOBS IN LOCAL RAIL ENGINEERING"

The Alliance Party is backing a campaign by rail workers to have KiwiRail's new locomotives and wagons built in New Zealand. The Rail and Maritime Transport Union (RMTU) is using an open day at Hutt Rail workshops on Sunday 28 February 2010, from 11am until 4pm, to urge KiwiRail to manufacture its new locomotives and wagons locally.

Alliance Party transport spokesperson Trevor Hanson says the Prime Minister John Key should forget about "party central" on the Auckland waterfront and pay some attention to New Zealand's ability to provide jobs and keep its industry.

He says there is concern that New Zealand's entrapment in free trade deals could threaten our ability to specify local production in cases like this.

Mr Hanson says New Zealand has the capability to build the heavy machinery and it was important that this capability be used.





"There are a number of benefits, including job creation at a time of high unemployment, putting money into the New Zealand economy, and promoting our engineering and manufacturing skill base."

Mr Hanson challenged KiwiRail management, the National Government and the Labour Party to commit to supporting New Zealand industry and New Zealand workers by supporting local manufacture of locomotives and wagons.

PERSONAL GRIEVANCES

The Government is reviewing personal grievance provisions. Submissions close in less than a month.

A copy of the Terms of Reference for the review and the discussion paper can be found on the Department of Labour's website at www.dol.govt.nz/consultation.

Submissions close on 31 March. They should be e-mailed to ERconsultation@dol.govt.nz or posted to Review of Personal Grievances, Workplace Policy Group, Department of Labour, PO Box 3705, Wellington.

The CTU and RMTU will be doing a submission.

SHAME LIST OF CHILD LABOUR

New U.S. government report identified Bangladesh, India, Myanmar, Brazil, China and the Philippines as the "top six countries" linked to products that use child or forced labour. U.S. Department of Labour for the first time as a result of legislation passed by the U.S. Congress released a report listing goods produced by child or forced labour in foreign countries. Department looked at 122 products in 58 countries and found children and forced labourers are mining gold, sewing clothing and harvesting cocoa around the world. India is the source for the biggest number

of products made by these workers, reported the Reuters news service. International Labour Organisation (ILO) has found that 69 per cent of child labour worldwide is in agriculture.

HISTORIC MUA AGREEMENT

The Maritime Union of Australia reached an "historic" agreement with Total Marine Services which averted industrial action.

New certified Agreements will operate until July 31, 2013. Total Marine Services is the largest provider of crews, rigs and other services for the off-shore oil and gas industries throughout the Australasia and Pacific regions. MUA national secretary Paddy Crumlin said the new agreement "gives workers security and the company stability through to July 2013 as they take on major offshore oil and gas projects". He called the TMS agreement "crucial" because the union is still bargaining with Farstad and Go Offshore. He expressed the hope "that this agreement with TMS will assist in bringing those talks to a conclusion as well."

Many New Zealand MUNZ and Guild members work in the Australian off-shore oil and gas industries.

RAIL INDUSTRY GOLF TOURNAMENT

This year's tournament is being held on 15 and 16 March 2010 at the Wainuiomata Golf Club. Entries closed on 26 February 2010 but supporters and spectators (hecklers) are always welcome.

THURSDAY MARCH 11– THE ROGER AWARD CEREMONY

Drinking Liberally presents the annual CAFCA/Gatt Watchdog Roger Award ceremony. The Roger Award is presented each year to the worst transnational

corporation operating in New Zealand, and the winner of the 2009 Roger Award will be announced at a ceremony in Wellington on Thursday March 11 2010, at the Southern Cross Bar, 39 Abel Smith Street.

Speakers include Dr Christine Dann (for the judges) and Murray Horton (CAFCA). Doors open 5.30pm, with some food provided, and presentations will get underway from 6pm. The 2009 Roger Award finalists are: ANZ, BNZ, Infratil, Newmont, Rio Tinto Aluminium NZ, Rymans, Telecom, Transpacific and Westpac.

For more information on the Roger Award itself: www.cafca.org.nz & follow the Roger Award links from the Home page.

For more information about the event, contact Kane O'Connell at kane.oconnell@gmail.com

DOES THE MINISTER OF JUSTICE NOT UNDERSTAND HUMAN RIGHTS? – OUT@WORK

The appointment of Brian Neeson to the Human Rights Review Tribunal is inconsistent with human rights expectations and understanding in this country, said Karena Brown, spokesperson on gay rights issues for the Council of Trade Unions Out@Work network.

"On two counts Brian Neeson's appointment to the tribunal is an appalling decision," said Brown. "Firstly, he does not believe in a very large section of the community having the same rights as others and secondly, he was appointed to the tribunal without an interview."

Mr Neeson is on record as having voted to exclude sexual orientation from the 1993 Human Rights Bill when he was an MP, and he also voted against provisions in the Human Rights legislation providing protection for homosexuals and Aids sufferers.

"New Zealand has a very proud history of human rights and our institutions and

practises work to ensure that everyone has equal opportunity, respect and dignity regardless of their race, gender or sexual orientation. The Human Rights Commission serves to protect us all. We see this appointment as undermining one of the most important institutions in our country. There is neither justice nor respect for a modern human rights approach in this appointment. It's an incredibly backward step."

"We believe that three other persons were also appointed onto the Human Rights Review Tribunal without proper interview. At its most basic level this process is completely flawed. People should not be appointed to a position such as this without an interview. Also they should not be appointed if their track record and their actions don't match up with the basic philosophy of human rights."

"Protecting and ensuring equal rights for gay people is at the core of human rights. Someone with the kind of voting record that Brian Neeson has displayed should not be appointed to a body dedicated to ensuring justice and dignity for all people."

NEW TITLE FOR ACC ACT MORE HONEST



The CTU expressed support for the Government's move today to change the title of the Injury Prevention, Rehabilitation and Compensation Act to the Accident Compensation Act.

"The change of name for the Act is a more honest reflection of what will be left of the ACC scheme once the Government is finished with it," CTU President Helen Kelly said today.

"While a rose would smell as sweet with any other name, the cuts already made to the scheme by the Government along with the proposed changes in the Bill reduce services and shift costs to those that are injured and remove many of the provisions designed to support injury prevention and rehabilitation. The change to the name is the first time the Government has been prepared to

acknowledge this and we welcome more transparency in this area."

"Once this Bill is passed, and experience ratings and privatisation hit the scheme, employers will have many incentives to hide accidents and shift responsibility to the non work account. This will significantly reduce the injury prevention goals of the scheme. Once this Bill is passed rehabilitation services will also be dramatically reduced with people being forced off the scheme before they are fully rehabilitated and before they are fit enough to be able to return to a job at a similar level as the one in which they were before the injury."

"We would like to propose an even more honest title and suggest that the word Compensation could also be removed from the title. The Bill significantly reduces earnings related compensation for, amongst others, seasonal workers and young people who are on the cusp of working but get injured before they start. It also excludes hearing loss injuries below 6 percent altogether."

CTU URGES GOVERNMENT TO SHUN YOUTH RATES BILL

The Government should not support Roger Douglas's youth minimum wage rates Bill because it is discriminatory and will do nothing to ease unemployment, said CTU President Helen Kelly after the Minimum Wage (Mitigation of Youth Unemployment) Amendment Bill was drawn from the Members' bills ballot yesterday.

"The minimum wage in this country is already low and expecting any group to work for less than \$12.75 per hour is grossly unfair," said Kelly. "There is also no reason why two people doing the same job should be paid different rates simply because of an age difference. The removal of youth rates in 2008 was a major step forward in improving human rights for this age group and in improving their standard of living. Returning to a youth rate will drive young workers into poverty and will have serious implications on the health and wellbeing of our working youth."

"Unions campaigned in 2007 to have youth rates abolished and we will fight any

attempt to reinstate them. The evidence has been there for years that lower youth rates have no net effect on the creation of job opportunities. The existence of a youth rate will mean that employers will displace older workers when a minimum waged position is available. Many employers that employ large numbers of young people have adapted well to the new law and in fact many have even removed the training rate from their employment agreements. Employers have moved on, Roger Douglas should as well."

"We want the Government to reject this unfair Bill and instead implement policies that stimulate the economy including job creation measures that help young people get into work."

NEW ACC LAW PASSED LAST NIGHT HARSH AND UNFAIR

"The new ACC law will make it harder for injured workers to get the help they need to recover from work place accidents," says Hazel Armstrong spokesperson for the ACC Futures Coalition.

"New Zealand workers are now worse off than their Australian counterparts if they suffer hearing loss."

"While it is important for Government to contain costs, our accident compensation scheme is substantially more efficient and our levies are lower than Australian schemes run across their country."*

"The NZ scheme is not in crisis, and the changes enacted are too harsh."

"Government members of the select committee that reviewed the legislation acknowledge that the changes to the Act have not been supported by the majority of submitters, but they have pressed on regardless."

"They have embedded changes to the law that will make it easier for the ACC scheme administrators to push people out of the scheme without regard to their previous earnings and whether or not they can return to full time work."

"These changes will make the scheme more attractive to the Australian insurance companies who want to profit from managing our accident scheme."

"The Government has decided to change the name of the legislation, taking out the words 'injury prevention and rehabilitation'."

"The name change may be a technicality but it signals the government's intention to place less emphasis on injury prevention and rehabilitation," says Hazel Armstrong.

*See page 9 of the Commentary of the Select Committee report to Parliament.

LOCOMOTIVE ENGINEER SHORTAGES CAN ONLY BE FIXED WITH TRAINING

A dedicated commitment to training up the New Zealand rail engineering workforce is the only realistic way of combating the lure of higher wages in Australia that is threatening the industry, the Rail and Maritime Transport Union (RMTU) said today.

"Australian wages for locomotive engineers are almost double and a recent recruitment drive is now beginning to hit the industry hard here in New Zealand," RMTU General Secretary Wayne Butson said.

"KiwiRail is experiencing locomotive engineer shortages, and the best long-term fix to this is a dedicated training programme to up-skill New Zealand rail workers in related trades, many of whom would welcome the chance to train as a locomotive engineer."

"High unemployment in New Zealand also means that a crown entity like KiwiRail should be looking at home for solutions to job shortages, rather than recruiting locomotive engineers from overseas."

"Overseas recruitment remains a band aid solution, and we will continue to advocate for an ongoing training programme in New Zealand for locomotive engineers," Wayne Butson said.

Hands off our dial



The campaign to save Radio New Zealand

E-PETITION TO THE MINISTER OF BROADCASTING

Join up to this E-Petition and register your opposition to cuts to Radio NZ services.

<http://www.issues.co.nz/handsoff/Home>

Your signature is an important signal. While an E-Petition cannot be tabled in Parliament, the numbers who sign are a useful way to help us show the Government that there is strong public support for keeping Radio New Zealand intact.

Radio New Zealand provides our most comprehensive independent news service. It checks our national daily pulse via Morning Report and Checkpoint. As our only remaining public service broadcaster it stretches our minds, tickles our ears with lush orchestras and hammers them with new Kiwi bands. It is a national taonga.

We say we want this treasure preserved and protected, not frozen and cut. **Take your hands off our dial.**

If we are not successful in heading this off at the pass, we may come back to you to sign a Parliamentary petition.

And by signing and providing your email address, you will be alerted to:

- Events to support Radio NZ – e.g. protests, select committee hearings
- Media releases
- Parliamentary questions and debates on Radio NZ

ENDING THE ADDICTION TO METHYL BROMIDE

New Zealand must end its addiction to the highly toxic ozone destroying gas methyl bromide, the Green Party said today.

"We need to stop using this dangerous product and exposing our people, and the planet, to this toxic gas," said Green Party Health Spokesperson Sue Kedgley.

Methyl Bromide is currently used to treat imported food and wood products as well as cars and timber that are being exported.

Ms Kedgley has lodged a submission on Environmental Risk Management Authority's (ERMA) reassessment of Methyl Bromide today. Submissions close today, Friday 26 February.

Ms Kedgley's submission urges a phase out of methyl bromide over the next five years and the use of alternatives such as recapture technology and heat treatment instead.

"Everyday, by using it, we are destroying the ozone layer.

"Furthermore, hundreds of workers are being exposed to this highly toxic gas – it is completely irresponsible."

Ms Kedgley expressed concern that New Zealand wasn't living up to its international obligations under the Montréal Protocol.

"New Zealand is now using more Methyl Bromide than ever.

"We need to stop the weasely excuses now," said Ms Kedgley.

"ERMA should support a complete phase out of the gas, and not merely tinker with some minor controls.

"Timber is treated in a primitive way, under tarpaulins, and then the gas is released directly into the atmosphere where it will inevitably destroy ozone. Usually logs are fumigated in such a way that puts members of the public at risk of inhalation."

"There are many safer alternatives, such as recapture technology and heat treating, which should be being used instead," said Ms Kedgley.

UNIONS DISCUSS STRIKE BALLOT BILL

The Council of Trade Unions has signalled support in principle for Tau Henare's private member's bill, the Employment Relations (Workers' Secret Ballot for Strikes) Amendment Bill, on secret ballots by workers prior to strike action.

Peter Conway, CTU Secretary, said that at a national union meeting yesterday, there

was a brief discussion on secret ballots for strikes. Unions decided to support the Bill as it largely reflects current practice.

"However", said Conway, "unions are critical of the lack of balance in the bill and believe it must be changed to also require employers to follow democratic procedures including a secret ballot of shareholders prior to a lockout".

Peter Conway said that with 276,000 people jobless and 115,000 people seeking additional hours of work (Statistics NZ), there are more important priorities for Parliament than a debate on this Bill. However the CTU would appear at the Select Committee in due course.



UGANDAN ANTI- HOMOSEXUALITY BILL

The National Affiliates Council of the CTU passed a resolution moved by the *Out at Work* Council to support the international campaign condemning the Ugandan Anti-Homosexuality Bill and to sign the petition against Uganda's proposed law to sentence gay people to death and jail their friends. Some information and links about this terrible law is below:

The Bill - This bill targets lesbian, gay, bisexual, and transgender (LGBT) Ugandans, their advocates, and those that know someone LGBT. It would reaffirm existing penalties for homosexuality and introduce sweeping new criminal provisions. Some of these troubling provisions include: imprisonment for life for anyone convicted of the "offence of homosexuality;" punishment for the "promotion of homosexuality" with prison terms; imprisonment for up to three years for anyone who fails to report to the authorities LGBT people or LGBT human rights defenders they know; and most egregiously, the application of the death penalty to anyone in Uganda who has consensual same-sex relations repeatedly or who has consensual same-sex relations and is HIV positive. If this bill were to pass, it would be a devastating blow to the human rights of all Ugandans and would significantly impede effective HIV prevention and care

What you can do?

You can read more about the proposed law here: http://www.avaaz.org/uganda_article

This is a terrible law and is a major international human rights issue. You can join the petition against the law at this link: http://www.avaaz.org/en/uganda_rights/?fr

There is also a call for donation to help launch radio spots, newspaper ads, and billboard campaigns. If you want to donate to the defence of Ugandan human rights here is the link:

https://secure.avaaz.org/en/ugandan_voice_s_1/?v1

WILL GOVERNMENT FURTHER REDUCE DISMISSAL APPEAL RIGHTS? – CTU

Workers must make sure the Government hears their views on unfair dismissal procedures to protect their fundamental rights to a fair hearing and security of employment, said CTU President Helen Kelly today in response to announcement of consultation on part 9 of the Employment Relations Act 2000.

"We are concerned that the Government plans to further reduce an employee's right to appeal against unfair dismissal, coming on top of the wholly unfair and unnecessary 90-day fire at will law," said Kelly. "Allowing less than one month for submissions suggest that the Government has already made up its mind about what it wishes to do. It is important that unions and workers make sure their voice is heard to counter claims that employers are disadvantaged by the system."

"The system does not have major problems. The Government's own discussion document acknowledges that only 2 percent of respondents to a Department of Labour survey felt bias needed to be removed from the end-to-end process of the Employment Relations Authority. Far from indicating a problem, the fact that many disputes are settled

outside of the courts shows that the provisions are working pragmatically."

"Unions do not have a problem with suggestions that 'no win no fee' advocates could be regulated. What we do have a problem with are suggestions such as restricting who can take a case for unfair dismissal, what remedies would be available, exceptions for small and medium enterprises, extending the 90 day period when workers in smaller workplaces have no right to appeal against unfair dismissal and diluting the procedural requirements in a dismissal."

MORE DRIVING PRACTICE POSITIVE BUT AGE DECISION FUDGED – YOUTH UNION MOVEMENT

The Government has shown sense in strengthening supervised driving time and education for young drivers, says the CTU's youth union movement in response to today's 'Safer Journeys' strategy. It is disappointing however that in raising the restricted licence age to 16 they have not retained the option of exempting 15 year olds when driving to work, education, sport or community activities.

"Better training for young drivers needed to be the priority for the Government," said Stand Up convener James Sleep. "The proposal of more hours of supervised driving is positive, and we look forward to hearing more detail about better and more accessible education, especially with regard to its affordability. Together with Federated Farmers and the Automobile Association we lobbied for an emphasis on young drivers' skills and it seems that the Government has not been entirely deaf to our arguments."

"Setting the new driving age at 16 seems like a fudge however. This compromise will hurt fewer people, but it will still disadvantage thousands of 15 year olds seeking to access jobs, education and training, or to take part in sport and



community activities. It will still have a negative impact on rural communities throughout the country and in itself will do little to reduce the accident toll of young drivers."

ACC NEEDS TO "DO THE RIGHT THING"

In June 2009 ACC announced that 170 ACC Clients were to lose compensation based on a 2006 District Court decision (Giltrap v ACC 141/2006) due to the fact that the people were not earners at the time of their injury. "Acclaim Otago is very pleased to see that Judge Beattie in his recent decision (Vandy v ACC 23/2010) has made the situation very clear for those people who were non earners at the time of injury but who were subsequently incapacitated by that injury at a later date when they were earners and their entitlement to weekly compensation" says Denise Powell, spokesperson for Acclaim Otago.

"ACC made it very clear that the decision to disentitle people from weekly compensation based on their earner status at the time of injury after the Giltrap decision was because ACC was bound by legislation and that ACC had to abide by that legislation once it had been clarified by the courts. The district court has once again clarified the situation regarding people's entitlement to earnings related compensation if they were an earner at the time of incapacity and therefore ACC, by their own admission, is bound to act on that."

"We expect ACC to follow the same process as previously and conduct a thorough investigation of their files to identify those people who were disentitled as a result of the Giltrap decision and reinstate and back pay them. Likewise, we expect ACC to identify those people who have applied for weekly compensation since March 2009 and were declined because they were not earners at the time of the injury but actually were earners at the time of incapacity."

"Judge Beattie has made it very clear that if people are earners at the time of incapacity which is caused by a previous injury then they are entitled to weekly compensation. It does not matter at all what their earning

status was at the time of the injury. ACC now needs to show the New Zealand public that their previous removal of this entitlement was not simply a cost saving measure as was suggested at the time and be seen to 'do the right thing' for injured New Zealanders" Powell concludes.

BITS AND BOBS

- The RMTU strongly supported the NZCTU Submission on the use of methyl bromide. MUNZ and the EPMU did likewise. We await developments.
- Hutt Shops open day went very well with thousand's going through the workshops. The Dc cab rides, Crane loco lifting were the standout things to do for most. Many people were overheard saying how impressed they were with the work they saw but how unimpressed they were with the condition of the buildings. Rail received much needed improved coverage in local newspapers.

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

"WE'RE STRONGER TOGETHER"!

