

# THE ACTIVIST



**Published Regularly - ISSN 1178-7392 (Print & Online) 22 March 2013**

## **CAN YOU HELP?**

We urgently need to contact Donna Neha, the partner of Wellington shunter (redeployed out of loco running) Jack Neha who was killed in a shunting accident at Gracefield rail yard in May 1995. If you know of Donna's whereabouts then please advise us of the means of contacting her or ask her to call Wayne Butson 04 4736693 or 0274962461 or email [wbutson@rmtunion.org.nz](mailto:wbutson@rmtunion.org.nz) as soon as possible.

## **NATIONAL PRESIDENT NOMINATIONS CALLED**

In accordance with Rule 24 of the Rules & Standing Orders of the Rail & Maritime Transport Union nominations are hereby called for the position of National President.

Nomination Forms are available from the RMTU National Office by contacting Julia on 04-499-2066, fax 04-471-0896 or [julia@rmtunion.org.nz](mailto:julia@rmtunion.org.nz).

Nominations shall be in writing and contain the signed consent of the candidate, and be proposed and seconded by financial members (Rule 1) of the Union. Correctly completed nominations must be received by the National Returning Officer at the National Office of the Rail & Maritime Transport Union, PO Box 1103 Wellington 6140 no later than 0800 hrs. on Friday 29 March 2013.

The term of office is 2 years (Rule 24.2) and the duties are as contained in Rule 27 of the Union's Rules and Standing Orders. For the information of members it is advised that the incumbent will be seeking re-election.

Howard Phillips  
**National Returning Officer**

## **TOLL CARRIERS STILL BEHAVING BADLY**

Toll Networks have failed to honour their obligations to continue bargaining with us for the former Northern Southland employees who were taken over by Toll Carriers Ltd, thereby avoiding falling under coverage of our collective agreement with Toll Networks.

Both Canterbury Rail and Lyttelton port Branches have passed resolutions of support for our members in Toll Carriers Ltd and given the failure of the Company to talk to us it looks like the time for some action is looming.

The first step will be to organise stop work meetings across Canterbury Rail and Lyttelton Port Branches with the objective of drawing public attention to the employer's behaviour. If you are a member of either branch keep an eye out for notices – National Office will be working with your Branch Executives on this so expect some to see something soon!

## **CHANGING OF THE GUARD**

The last two weeks have been an interesting time up north. It has signalled the last weeks Scott Wilson was on the job and taking the opportunity to show incoming Organiser Stuart Johnstone the lay of the land. It was a busy time visiting members from Whangarei Port and Rail and through all the Auckland sites. We also had a Rail Branch farewell/meeting thrown in for good measure. Stuart reports how he appreciated the time spent with Scott meeting the membership including some familiar faces along with many new ones, with special mention to the members in Parnell. They are a really keen group of members who are doing wonderful recruiting and growing the Union in the Heartland of KiwiRail.

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

Stuart also reports that he took his first ride on the Auckland rail network during this time, where he met a number of Veolia members, this was a thoroughly enjoyable experience and a really valuable learning exercise.

The Auckland Office is undergoing a spruce up and Stuart looks forward to meeting as many of you as he can as he visits your area. Stuart does extend a big thank you to Scott, Bernie and all the membership for the very warm welcome he has received.

## TELECOM TO SHED UP TO 1500 JOBS

Telecom is set to announce the loss of up to 1500 jobs, a move that will send an economic shock through the country, and the Minister responsible for jobs is sitting on his hands, says Labour's Communications and IT spokesperson Clare Curran.

"The ICT sector is strategically important to our economy and is essential to a high-growth, high-wage nation. I have been informed that instead of growth, what we will see is an economic shock with hundreds, perhaps up to 1500, highly skilled workers being put out of a job.

"Losing this number of jobs from a single employer is the biggest job loss ever in New Zealand from a single company. It's unprecedented.

"This is a loss of skills and knowledge that will bite for years to come. These are not low wage, low skill jobs. These are the sort of jobs that we want more of. These people are likely to have partners with highly skilled jobs. Their children are our future talent pool.

"Many of these highly skilled individuals will flee to Australia. These jobs are going because there is no economic plan. Steven Joyce even admitted today that economic plans don't create jobs, we know for a fact his half-baked Business Growth Agenda doesn't.

"Steven Joyce oversaw the separation of Telecom two years ago to allow the contract for his ultrafast broadband scheme to be given to Chorus. The fact that

Telecom was over staffed and unable to properly compete in the market was well signalled.

"Instead of developing a plan to build jobs in this important sector, his Ministry is offering to support Telecom sacked workers by connecting them to recruitment companies!

"National is taking a hands off approach to the single biggest job loss our country has ever seen, all because Steven Joyce says it's got nothing to do with him."

## KR MECHANICAL RESTRUCTURING AGAIN...

KiwiRail have released a Consultation document this week which is proposing to bring Hutt Workshops and other Engineering functions back into the Freight business group. This proposal effectively takes the Engineering (E) out of the Infrastructure and Engineering (I&E) Business group which is pretty much how it was before the last restructure to bring

Mechanical into I&E. One noticeable difference from when the Professional Services Group existed in the past (pre I&E), there are much less professional Engineers in the organisation. Does this restore I&E to Ontrack?

## ECONOMIC GROWTH NOT PRODUCING JOBS

"While it is good to see there was growth in the economy in the last three months of 2012, we have to ask: where are the jobs?" says Bill Rosenberg, CTU Economist.

"Growth is still patchy, and one quarter of strong 1.5 percent growth does not make a booming economy, but at the same time we have 6.9 percent unemployment, 163,000 people unemployed and 284,000 jobless with many people discouraged from finding work and 111,000 wanting more work."

"The growth in the economy also implies increasing labour productivity, which should lead to higher wages if wage bargaining was working properly, but we are seeing very low wage growth", Rosenberg added. "Many working people are not seeing the growth in GDP flowing through into their pockets in jobs or incomes."



"Worries about manufacturing will continue after these results. While most of the economy showed growth in the three months to December, manufacturing was the exception with a fall of 0.5 percent in the quarter, though it rose 1.3 percent for the year. However this was dependent on the continuing rise in food, beverage and tobacco manufacturing. Other manufacturing fell approximately 1.4 percent in the quarter and also fell over the whole year. The economy is becoming more dependent on agriculture rather than diversifying."

"This reinforces the need for the need for more active government involvement to ensure good jobs are created. It is not just happening by itself, and the government needs to do more," said Rosenberg.

### **CENTREPORT BARGAINING BEGINS**

Negotiations have begun for the renewal of the Centreport/RMTU/MUNZ/EPMU Collective Agreement which expired early this month. The combined unions met with management over two days this week with three days set over the next month to progress talks.

### **DIESEL FUMES ARE AMONGST THE BIGGEST CANCER RISK**

The exhaust from diesel has been added to the World Health Organisation's list of most carcinogenic substances. It ranks alongside, arsenic, asbestos and formaldehyde as a major health hazard. Diesel engine exhaust causes lung cancer in humans, there is also an association between diesel exhaust and bladder cancer.

Rail workers at the Palmerston North servicing depot have been experiencing headaches and itchy eyes from exposure to diesel including carbon monoxide. The recent environmental monitoring report found that workers were exposed to above the workplace exposure standard (for 8

hours) of 25 parts per million(ppm). The first symptoms of carbon monoxide are head-aches and dizziness. If exposure continues a person can be seriously ill or die within a short space of time. Carbon monoxide has no smell, no taste, and is impossible to detect without the use of monitoring equipment.

At the Palmerston North servicing depot workers are now being issued with carbon monoxide personal monitors and are required to leave the shed if the monitors detect carbon monoxide over 25ppm (the 8 hour maximum exposure limit).

The RMTU strongly urges KiwiRail to address the inadequate ventilation system and work with the union on managing the hazard.

The Union has also requested the risk assessment documentation of the construction of the Palmerston North servicing shed to check the ventilation system was considered during the pre-build risk assessment process.

### **NEW DELEGATES**

Recently in Auckland there has been several people step up to the role of delegate. This can at times be a thankless role but also a very rewarding one. It is very positive to have these brothers and sisters prepared to give their time to continuing the work of the union. An important point though is that the branch officials and the delegates are not "the union". We all are, so please welcome and support these new delegates as Unity is Strength!



### **GOVERNMENT GIVES UP ON OPPOSING BILL BUT STILL VOTES AGAINST**

The Waitangi and Anzac Day Mondayisation bill passed its second reading this week with 61 votes to 60. Despite John Key saying that the government accepts it would be

passed, the National Party and Act continued to vote against it.

## KIWISAVER

As of 1 April 2013, the minimum contribution for employers and employees rises from 2% to 3%. While largely an arithmetic exercise where KiwiSaver employer contributions are paid "on top" of wages or salary, this may present difficulty where an already negotiated employment agreement relies on the concept of "total remuneration" already inclusive of the old 2% rate.

## FORESTRY SAFETY

CTU has launched a YouTube clip and campaign aimed at trying to get the Government to agree to an inquiry into the forestry industry, and to implementing health and safety and employment standards that stop the deaths and injuries of forestry workers. Helen Kelly said "forestry is the most dangerous industry in New Zealand. In 2013 there have already been two deaths - since 2008, 23 workers have died and almost 900 have been seriously injured. Each death is a family, community, workplace losing someone who was loved. Each injury is someone's life being changed forever by something that happened at work."

For more information, see

[www.whatkilledkencallow.org.nz](http://www.whatkilledkencallow.org.nz)

The latest action in this campaign - an email petition to Minister of Labour and the Forestry Owners Association asking them to launch an inquiry - please sign the petition, and promote through your networks

<http://www.onebigvoice.com/petition/stopthekillinforestry>

And - take a look at this piece from the Waikato Times, good to see this issue getting some in depth coverage - <http://www.stuff.co.nz/waikato-times/8400575/The-bush-war>

## WEST COAST VISITS

RMTU General Secretary Wayne Butson and South Island Organiser John Kerr took the opportunity to visit our West Coast Branches in Westport and Greymouth during the block of line this week.

It was great to get together with members and have a good chat about issues arising out of the wage round last year and also to hear about the challenges that the Coast has faced with the storms in January and is facing with the dramas at Solid Energy.

Of course our networks members were hard at it doing essential maintenance on the line but John Kerr was lucky enough to catch up with a good number at Arthur's Pass, where he also had a good feed, courtesy of Geoff Young and the lads.

It's really only by getting round and seeing members that your paid officials can keep in touch with what's happening on the ground. John Kerr aims to get over to the Coast every six weeks or so and usually sees delegates and as many members as possible. These visits are a routine part of organising, having a cuppa, making sure you are getting the Transport Worker and Activist and getting your perspective on the job.

Remember, you shouldn't only see your paid official when there is a problem or someone's in trouble. Regular visits help prevent problems.

## HOUSING MARKET

According to the Real Estate Institute of New Zealand, last month was the most active February for the past six years. During the month 6,032 dwellings were sold with a New Zealand wide median price of \$382,000. This is close to the all time high of \$389,000 reached in December of last year. What is interesting is the trend. The Auckland and Christchurch markets are the most active, with houses selling, on average, in 33 days. The momentum for the demand for property is spreading. For example, agents in Northland have commented that their enquires have increased. This is expected to continue for the rest of 2013.





## HEADS UP – PORTS FORUM

The RMTU Ports Forum is being held in Wellington mid-year. Port Branch Secretaries are asked to formalise their representation and to advise numbers of attendees to National Office as soon as possible.

**Suggestions for agenda items are encouraged from branches.**

## YOUTH WAGES SET TO BECOME LAW BY 1 MAY

The Employment Relations (Starting Out Wage) Amendment Bill will be passed into law in the next week so it can become law from 1 May. This is despite 522 submissions opposed and only nine in favour. The change will reintroduce youth rates for 16 and 17 year olds, and for 18 and 19 year olds who have been on a benefit.

## WORKERS MEMORIAL DAY – 28 APRIL

International Workers Memorial Day is 28 April 2013. The day is about remembering those workers, especially RMTU members, who have been killed whilst at work.

All Branches are asked to commence formal arrangements for services at memorial sites.

All members are requested to attend a memorial service organised near them.

**As usual we ask all members to stop what they are doing at midday to "Mourn the dead – Fight for the living" and to think about how important personal safety is to us all going home safe at the end of our days' work.**

**As usual we will be requesting KiwiRail to approve all trains stopping at midday on the 28<sup>th</sup> for 1 minute.**

The services (that we have been informed of to date) will be held at;

**Dunedin** – the memorial garden 1150hrs

**Hutt Shops** – 1150hrs at the workshop memorial garden.

**Please advise us of all services to be held on the day?**

## HEADS MUST ROLL OVER KAIMAI TUNNEL GAS INCIDENT

Revelations that ten rail contract workers could have died through exposure to gas in the Kaimai Tunnel shows gross negligence on the part of those responsible, says Darien Fenton, Labour's Health and Safety spokesperson.

"KiwiRail says it has learned from the incident, but it is unclear whether anyone has been held to account.

"Sending workers into the tunnel with insufficient gas protection equipment, inadequate training and without supervision was negligent in the extreme. Failing to comply with health and safety instructions for working in tunnels and gas safety is not good enough in an industry known to be dangerous and complex.

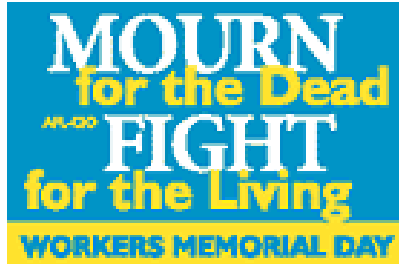
"The KiwiRail manager took over an hour to get to the tunnel after the incident was reported and failed to take the men for a medical check-up. This is a basic requirement that should not have been overlooked after such significant exposure.

"At the heart of this incident is the fact that work in the Kaimai Tunnel was contracted out. It is obvious that KiwiRail didn't take the adequate precautions in working with contractors less experienced than its own staff.

"Frankly these workers health and safety was overlooked. It was only through good luck that this incident wasn't a whole lot worse and workers didn't die," Darien Fenton said.

## UKK WAGONS

The UKK wagons are UK wagons with the new alliance transition heads which have been getting changed over during the last few weeks.



Members working with these wagons in Dunedin have noticed trouble with catching on to them.

One night last week one of the shunting gangs on the late shift was pulling a rake with an UKK on the engine and it broke away and hit into the loco, resulting to a slight inquiry to the Rail Operator, who was hit by the hand grab into his groin. Ouch!

KiwiRail have withdrawn this wagon while they investigate what went wrong. In the meantime, if you're having problems please report them. Remember, if it's not reported it never happened!

## **MEALBREAKS LEGISLATION DISCHARGED, BUT IT WILL BE BACK**

The government has discharged the Rest Breaks and Meal Breaks Amendment Bill, which means it is no longer on the order paper for second reading. This was introduced in 2009 when John Key claimed the existing legislation meant that airports would have to shut down with air traffic controllers taking their breaks. Stupid stuff, the government's intention is to incorporate it with other employer law changes, which will be revealed (we think) in April.

## **SOUTHDOWN ASBESTOS UPDATE**

The remedial work to contain asbestos found around the Southdown CT site is continuing, the affected area is being covered and damped down. This area will need ongoing testing and vigilant monitoring to ensure the safety of all who visit this site. There are some areas that the best course of action is still undecided. Good improvements have been made and KiwiRail is committed to completing this in a timely manner. This is a timely warning for us to be aware of the environments we work in and around, the asbestos has been there for some time but

as with many hazards that cannot be eliminated, we all need to control and minimise the dangers we face each day. Let's continue to protect each other.

## **BIGGEST COFFEE BREAK**

Oxfam's biggest coffee break is an annual fundraiser. It is staged in the fortnight 4 to 19 May 2013. Last year more than 300 workplaces took part. It is a fun and sociable way to raise money to help some of the poorest people in the world. Sign up to host a coffee break at work and Oxfam will send you a free pack with fairtrade coffee and chocolate. Then all you need do is get your workmates to come to coffee in return for a gold coin donation.

[www.Oxfamcoffeebreak.org.nz](http://www.Oxfamcoffeebreak.org.nz)

## **KIWI RAIL ANNUAL LEAVE DISPUTE**

The Union, on behalf of members, will be filing today in the Wellington Employment Authority a Statement of Problem which claims that KiwiRail is in breach of the MECA and Statute in unilaterally initiating the leave accrual balances onto pay dockets in November 2012.

## **PARLIAMENTARY INQUIRY INTO THE CRISIS IN MANUFACTURING**

Hearings were held in Dunedin on 11 March. Former Hillside Branch Secretary Les Ingram made a submission on behalf of the Hillside Branch and South Island Organiser John Kerr spoke for the wider union.

Present were Labour MPs David Parker, Clare Curran and Megan Woods, Green co-leaders Russell Norman and Metiria Turei and MP Julie Genter. NZ First was also represented by Winston Peters.

We received a sympathetic hearing as we canvassed the issues ranging from the loss of highly skilled workers to Australia, the failure of this National led

government to back manufacturing, the lack of a government procurement policy that forces us to compete with cheap labour and



low health and safety standards in overseas plants and the social impact of unemployment.

David Parker commented how Hillside had become representative of the wider crisis in manufacturing, a fact we put down to the strong advocacy of the RMTU in keeping Hillside in the public eye.

All of this is cold comfort to the men and women who lost their jobs. They don't need sympathy, they need a government that backs workers and backs New Zealand manufacturing, not the current regime that seems focused on lining the pockets of their rich mates.

### OFFICIAL CASH RATE

As expected, the Governor of the Reserve Bank left the official cash rate unchanged at 2.5%. What are more interesting, are the comments he made with his statement. Firstly he said that rates are likely to remain unchanged for the rest of the year. This makes sense as unemployment is showing no signs of easing, and we have drought conditions in many parts of the country which will negatively affect farm incomes. Overall economic growth will remain subdued. This is certainly not the time to be raising interest rates. The immediate result in the financial markets was a slight easing of long term interest rates and the exchange rate. Those with mortgages will feel relieved, as these current low rates should remain in place for the rest of the year.

### MARK SCOTSON 50 YEARS ANNIVERSARY

Christchurch based LE Mark Scotson achieved his 50th anniversary of working in rail a few weeks ago. Mark joined rail as a 19 year old lad in 1963 and is one of the few steam qualified LEs on the South Island.

He was active in the various railway unions over the years, holding office at Branch level. Mark is a fund of great stories and those of us who have nothing like the length of service he has would do well to remember that many of the terms and conditions that we all too

often take for granted were hard fought for by union members like Mark in the past.

### HOBBIT GOING'S ON EXPOSED

New e-mails released under the Official Information revealed Sir Peter Jackson and Warners Brothers pressured the government to change the nation's labour laws for the filming of The Hobbit trilogy.

Jackson and Warners expressed concern to the government about "grey areas" in New Zealand's employment laws. The government later changed the law to specify that actors were contractors and not employees. According to the news media, the documents, which contain high emotion from Sir Peter and Warner Bros executives, reveal the pressure the Government came under to change employment laws. Crown Law, however, had advised the government not to change the laws.

New Zealand's Trade Union Council also accused the government of misleading the public about a dispute between actors and producers on the set of The Hobbit. The documents showed the Government was aware that a union-imposed boycott on Sir Peter Jackson's film The Hobbit had been lifted, but continued to insist that it was in place, official documents showed.

### MIDLAND LINE SAFETY MEETING

The imminent retirement of Barry Drummond from his role based at Cass resulted in this meeting between RMTU officials and KiwiRail management to review the safety plans for the Midland Line.

The RMTU was represented by Canterbury Rail Branch Secretary Ian Walker, a Communications Technician, SE Island LE KIC Rep Mike Williams and Otira LE Mike Morgan, together with Greymouth LE and H & S Rep Fred Miles. Sadly, Greymouth Branch Secretary and Track Inspector John Bannerman was unavailable (although he was enjoying some richly deserved leave fishing at Lake Sumner). South Island Organiser was also present.



KiwiRail were represented by Murray Young, Jed O'Donoghue, Chris Stoop and Liam Fay.

Much of the discussion revolved around the issue of maintaining first response cover on the stretch from Otira to Springfield. There are still some matters to be worked through but we're optimistic that we can resolve these satisfactorily. Watch this space.

## AUSTRALIANS SUPPORT MANUFACTURING

The Australian Council of Trade Unions (ACTU) said February 17 that the Gillard Government's \$1 billion plan to support Australian manufacturing will keep jobs in Australia and create new opportunities for Australian manufacturers. ACTU secretary Dave Oliver said new laws requiring developers of projects valued at over \$500 million to allow Australian firms to bid for contracts were a welcome step towards creating a level playing field for Australian businesses and workers. "We need to make sure that the benefits of major projects being built in Australia flow through to Australian manufacturers and businesses," Oliver said. The Government also plans to establish 10 innovation precincts around Australia by 2014, starting with a manufacturing precinct based in southeast Melbourne and Adelaide.

## CTU JOINS ACTION GROUP AGAINST CARPARK TAX

The NZCTU has joined the FBT Action Group in the fight against Peter Dunne's proposed 50% carpark tax. CTU Economist Bill Rosenberg says "this tax will hurt workers throughout the country. We are happy to join the public campaign against these changes along with Unite, employers, landlords and advertising executives."

"We are concerned at the effect taxing employee car parks may have on worker safety for shift workers if implemented. Many workers are working hours when public transport is infrequent or unavailable, and it may also increase distances workers have to walk to and from their workplaces which could lead to

increased risk of violent or sexual assault on these workers."

"We are concerned that this proposal may lead to the costs being passed on to low-paid workers such as cleaners and hotel workers who can ill afford a drop in remuneration. It will also affect other staff in central city schools, tertiary education, hospitals, central and local government and businesses."

"We also note that the proposed 'window' for night shift workers, from 10 pm – 6 am, will not capture many common shift patterns. For example, all Auckland City Hospital nurses' night shifts will be caught by the FBT because they begin or finish outside this period. Some longer shifts go from 7.30pm to 7am. Most shifts are longer than 8 hours due to a meal break in the middle."

Bill Rosenberg says "if the aim of the government is to gather more revenue and make the tax system fairer, there are simpler and more effective options which we can suggest."

"We're joining calls for the government to pull this tax," he said.

EMA Chief Executive Kim Campbell, Property Council Chief Executive Connal Townshend, Tournament Managing Director James Brown and CAANZ Chief Executive Paul Head said they were thrilled to have the CTU's support. "When a government department and minister propose something this stupid, unusual coalitions come together to oppose it, and this is one such example," Mr Campbell said.

## DELEGATE TRAINING IN WELLINGTON

Sixteen delegates from the Wellington region attended a day's delegate training last week. Representatives from NZ Bus and KiwiRail Freight, Networks, Tranz Metro and Hutt Workshops all gathered at Woburn Training Centre to do a revised stage 1 training course.

We focused on the role of the delegate and organising to win. There were sessions on health and safety and dealing with disciplinaries and disputes. All in all a full day that stretched our delegates but during which it was gratifying to see how motivated



and passionate they were about building organisation on and off the job.

It was great to be able to draw on the experience and enthusiasm of such a diverse group, from those who had been delegates for years to one who was just starting out on day one!

Central Regional Organiser Todd Valster and Health and Safety Organiser Karen Fletcher, assisted by South Island Organiser John Kerr, together with General Secretary Wayne Butson and National Vice President Howard were all involved in presenting the training on the day. The real work was done by the members though.

Our thanks to the delegates for their hard work and input and also to Julia Harrison at National Office for making things run so smoothly.

## REPORT SHOWS NEED FOR METHYL BROMIDE RECAPTURE

The Customs Service needs to urgently act to ensure ports have the ability to recapture methyl bromide in shipping containers in light of a damning report, Green Party biosecurity and customs spokesperson Steffan Browning said today.

A 2012 Customs Service report, which the Customs Service had failed to release to the public until forced to by an Official Information Act request, shows that 90% of shipping containers sampled had dangerous chemicals including methyl bromide in the air, with 18% above safe levels. Less than 1% of containers displayed correct fumigant signage.

"This report reveals a shocking level of dangerous chemicals are present in our shipping containers, endangering port workers and nearby communities," said Mr Browning.

"The dangerous levels of methyl bromide identified at ports in containers and from log fumigations, is a particular concern. A neurotoxin, methyl bromide gas, has been linked with motor neurone disease and cancers, and is colourless, tasteless, and odourless, making it impossible for people to know if they are in contact with it. It also depletes the ozone layer.

"Port workers and nearby communities do not deserve exposure to toxic fumigant gases. We need to urgently put in place procedures to recapture methyl bromide from shipping containers and log fumigations, rather than just releasing it into the air we breathe.

"Recapture of methyl bromide fumigant is used at Port Nelson, following an Environment Court air quality case following the deaths of several port workers there from motor neurone disease.

"It is difficult to accept the Customs Service's claim that they have fixed this issue, given that they kept this damning report from the public. I call on the Customs Service to release all data on the levels of toxic fumigants in shipping containers and to ensure that methyl bromide recapture is available at our ports," said Mr Browning.

## NZ HARBOURS SUPER PLAN UPDATE

The Plan continues to achieve good returns when compared with its peer measurement group. The return for the quarter was ranked 4 out of 15 similar funds in its peer group, the return for one year was ranked 3 out of 15 in the peer group and the return for three and five years was ranked first in the peer group.

The allocated return for the quarter to 31 December 2012 was positive 3.4% for members subject to a 10.5% tax rate, positive 3.3% for members subject to a 17.5% tax rate and positive 3.1% for members subject to a 28% tax rate. Those allocated returns are after deduction of investment fees and tax. With tax being payable when interest is allocated, all the benefits provided from the Plan are tax free.

## GIBO'S FISHING TOURNAMENT

This Fishing Competition is hosted by Port of Tauranga and the naming is in tribute to our deceased long standing Port Branch President John Gibson. The date is set for this year and is 20 April. Tight lines and screaming reels to all who participate.

## COAL ALLOWANCE

In the bargaining round for the renewal of the KiwiRail MECA it was agreed that the coal handling allowance would now be paid at all locations where the loading and unloading of coal wagons occurs and backdated to 1 July 2012. This meant that our members on the South Island's west coast now fall within the allowance coverage. Finally this week they received payment of the backdating calculation (which they did themselves to help out KiwiRail).

## UNION'S WIN LANDMARK CASE

The PSA and SFWU have won a landmark case against an employer for giving non-members a better deal. Pact Group, a Charitable Trust that supports people with mental health problems, agreed on a 2% pay increase for Union members, saying this was all it could afford. Soon after the negotiations, the employer gave all employees who were not members of any Union the same increase, plus extra money for backdating which wasn't available to Union members. This was in spite of an agreement it would not automatically pass on the increase to employees not in a Union. The ER Authority found Pact's actions to be unlawful, in breach of the CA, and that Pact had indirectly misled the Unions during the negotiations. Pact was ordered to pay \$10,000.00 in penalties.

## KR SICK LEAVE

In the wageround it was agreed between the parties that deduction of sick leave when members take sick leave would be in accordance with the MECA. That is to say "if you take 1 day off sick then 1 day sick leave will be deducted". In the past if you took a 10.5hr shift off you had 1.5 days leave deducted. This was ridiculous and not in accord with the MECA. We are keen to hear that KiwiRail are in fact only deducting 1 day's sick leave for each day (shift) of absence. Contact the National Office if you

believe that you are having more than 1 day leave deducted for a single shift (day) absence.

## BITS AND BOBS

- IRD has proposed that personal use of work cellphones and laptops be subjected to taxation. This on top of the proposal to tax car parks.
- KiwiRail is reviewing rule 73 whistle signals. The plan is for a lot less tooting to be going on in the future.
- ASR is the acronym for Automatic Signalling Rules. A trial of new ASR has been running as a pilot on lines north and east of Hamilton for 2 years. The new ASR replaces CTC and DLAS Rules and can replace SLAS on the Midland Line. The trigger for this trial was the new Auckland signalling system which provides for bi-directional running. KiwiRail is now considering extending it to the whole network. KiwiRail believes that this will make things simpler.
- KR Freight and The RMTU are finalising the Terms of reference for the CT Site Market Study as agreed to in the wageround.
- A yard operating member was injured this week in Dunedin when a UKK broke away from a shunt loco and the loco then collided with the wagon. The members in Dunedin report that they have been experiencing difficulty in catching onto and coupling with the UKK wagons. The UKK wagons are flat tops which have been retrofitted with alliance couplers cast and machined at hillside and fitted in the wagon depots. KiwiRail and the RMTU are investigating as to what is causing the issue with the Ukk's in Dunedin. Are any other South Island locations experiencing difficulty?

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

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

WORKERS' MEMORIAL DAY ♦ 28TH APRIL Remember the Dead: Fight for the living

**Union workplaces  
are safer workplaces!**



22/03/13

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