

THE ACTIVIST



Published Regularly - ISSN 1178-7392 (Print & Online) 23 August 2019

WE APOLOGISE FOR THE LONG TIME SPAN BETWEEN ISSUES OF THE ACTIVIST RECENTLY HOWEVER IT IS ENTIRELY REFLECTIVE OF THE WORKLOADS ALL UNION STAFF ARE UNDER AT PRESENT. WE HAVE COMMITTED TO ENSURING THAT WE REGULARLY ISSUE AN EDITION INTO THE FUTURE.

OFFICERS OF THE UNION

For the information of members we confirm that the following are office holders of the Union;

National President – Aubrey Wilkinson (2 year term)

General Secretary – Wayne Butson (4 year term)

North Island Ports – David Marden (2 year term)

South Island Ports – Andrew Kelly (2 year term)

Women's Representative – Rebecca Hauck - (2 year term)

Auckland Rail Representative – Jas Giri (2 year term)

Wellington Rail Representative – Howard Phillips (2 year term)

South Island Rail Representative – Jed O'Donoghue (2 year term).

A ballot to elect the North Island Rail Representative closes later today and will be counted on Monday 26 August.

Once the National Management Committee make up is finalised we will move to call for nominations for the KiwiRail Industrial Councils (KNIC, KIC, MIC and TILIC).

Members are reminded of the provisions of rule 24.7. This rule states that any NMC member fills as of right any KR Industrial Council position that they are skilled, certified and competent to be.

TALKS FAIL AT PORT OTAGO: UNIONS ISSUE NOTICES OF OVERTIME BAN

Negotiations between Port Otago workers represented by the Rail and Maritime Transport Union (RMTU) and the Maritime Union of New Zealand (MUNZ) and management failed today and the unions have issued notice of an overtime ban from Saturday 7th September.

'Discussions today did not result in meaningful progress, accordingly the unions have issued 14 days' notice of industrial action, as we are required to do by law,' said combined unions' spokesperson John Kerr.

'The fourteen days gives us time to reach a resolution with Port Otago management over the main sticking points which are fatigue management and pay,' he said.

'We want to get these negotiations settled and engage with management on fatigue management in the manner recommended by internationally renowned expert

Philippa Gander in her 2017 report on roster management at the port. Fatigue is a critical risk on the waterfront and we have to address it,' he said.

'We remain hopeful of reaching a mutually agreeable outcome to bargaining but our



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

members are rock solid on the need to deal with the workplace hazard of fatigue. We regret any inconvenience to port users or customers but we can no longer tolerate this real and meaningful health and safety risk to workers,' he said.

NEW COURSE ON FIGHTING FATIGUE

WorkSafe Repls our H&S training provider is offering a one-day training course for Roster Delegates and Health & Safety Repls and Managers to learn about how to manage the hazard of workplace fatigue and prevent injury and ill health caused by fatigue.

Course dates:

6th September 2019 Wellington

19th September 2019 Christchurch

20th September 2019 Auckland

KiwiRail and the Union are encouraging HSAT members to attend the fatigue course by getting in touch with Learning and Development's Claire Savage at Claire.savage@kiwirail.co.nz, Or

you can contact RMTU H&S [Organiser kfletcher@rmtunion.org.nz](mailto:kfletcher@rmtunion.org.nz)

RMTU/KIWI RAIL NORTHLAND LOCAL ENGAGEMENT COUNCIL

The inaugural meeting of the Northland Local Engagement Council met on Thursday 15th of August. This is a group made of Union members and KiwiRail management that will work in a similar way to the Industrial Councils. That is, they will be a space where industrial issues can be addressed and a two-way flow of information between the Union members and KiwiRail. This is an important step for Northland which could see unprecedented growth in rail over the next few years. This will give Union members an avenue to discuss concerns and also to be made aware of the plans management have for the company and to influence that change. This is a real opportunity for members to have a say in the workplace and build an environment where they can be healthy and safe.

NEW KIWISAVER EMPLOYEE CONTRIBUTION RATES AVAILABLE

KiwiSaver has introduced additional employee contribution rates of 6% and 10%. These new rates are in addition to the existing rates of 3%, 4% and 8%. If you would like to join KiwiSaver or change the amount that you are currently contributing, please contact your employer. The employer contribution rate remains at 3%.

More information regarding KiwiSaver is available at www.kiwisaver.govt.nz

INTERISLANDER FERRIES GO HIGH TECH IN CINEMA

Night crossings, bad weather, frequent travel or the short attention span of young children – all can detract from the stunning scenery of the Interislander journey. But with the Easter school holidays looming, Interislander had a solution on hand – or rather, 'on head' – with the latest in personalised digital entertainment.

Following a successful trial late last year, ferry passengers can now enjoy a cinema style viewing experience with cutting-edge head-mounted personal cinemas. According to KiwiRail Tourism's Stu Banner, customers can watch the most recent movie offerings in 2D or 3D from the comfort of their Interislander lounge chairs. "They see a screen that is the equivalent of a wide-angle cinema screen viewed from the middle seat in the movie theatre," Stu said.

"Customers will be able to choose between 15 latest release movies, and 13 documentaries. Content will be refreshed every month, with new content added and older content removed." Three types of headset are available, suitable for adults, children and those who wear glasses.

The technology requires no WiFi, so travellers can use the headsets in any lounge area and in sitting or lying positions. "Safety messages will appear on the glasses of the headset prior to a customer being able to watch any movie or other content," Stu said.

"These are mandatory messages that cannot be skipped by a customer." Hire prices are



\$20 for adults and \$15 for children, with a \$50 bond also required, Stu said. The headsets will be recharged between crossings.

PORT OF TAURANGA [POTL] CA NEGOTIATIONS - UPDATE.

The RMTU negotiation team has received draft Terms of Settlement from POTL which was discussed by the RMTU negotiation team on the 15th August. The RMTU team will determine whether they will recommend or not recommend the proposed settlement to members. The proposed settlement together with the bargaining teams position will be put to the RMTU members at the bargaining report back meetings. Members will be informed, and the Union will be ready to conduct, that if the proposed settlement is rejected then we will need to conduct secret ballots for industrial action to press the memberships claims and objectives in the bargaining.

MEMBERSHIP DATABASE UPDATES

The RMTU membership database is an important tool in contacting Union Members or ensuring members are kept up to date with the latest information. We are concerned at the number of "unknown" or "return to sender" envelopes returned to National Office as part of this year's officer elections. We remind members that if you wish to exercise their rights and participate in the decision making aspects of the Union they should ensure they inform National Office of any change of address or contact details as soon as possible. This includes any change of designation or employer.

Branch Secretaries hold "update of membership forms" that you can post or fax in or alternatively for immediate action members are reminded to utilise the update of membership details link on our website www.rmtunion.org.nz.

For example – All national Union elected positions are up for election this year and so there may be votes conducted by mail. If we have the incorrect address info you will not get a vote as you will never receive a voting paper. Update now!

MINOR CHANGE TO OJT ALLOWANCES FOR TRAIN CONTROL

The change which has been agreed within the KiwiRail Network Industrial Council is to rationalise the three different OJT allowances in the MECA to two. It is also agreed to delete reference to "the major portion of a shift" and the one which will apply to the National Train Control Centre (which includes A Signal Box in Wellington) in terms of the provision of safety critical training in Cl.33.10.1.

Therefore effective immediately from commencement of the current fortnight safety critical training will be paid an allowance of \$3.68 per hour (code GLTR). This code must be included on timesheets from commencement of the current fortnight.

KR MECA COVERAGE CLAUSE

The RMTU is becoming very frustrated at the cavalier disregard that KiwiRail have for the coverage clause within the MECA. This clause is an important element of the collective bargaining within rail as it shows clearly who is in the MECA and who is out. Over the last year or so the RMTU has identified instances where existing members and new staff are being offered and given Individual Agreements when they are offered employment in positions which fall wholly within the MECA.

This is unlawful and disadvantages workers in many instances. Either this is part of a wider anti-Union conspiracy or is just a cock up by the Managers or the HR advisors involved. The cock up theory is what KiwiRail would have us believe however this misapplication is unwavering and being consistently applied. This coupled with the fact that despite assurances that "they" will fix it the poaching of MECA members onto IEA's continues.

This approach is clearly inconsistent with the HPHE prevailing doctrine of us having a partnership relationship but as we all know partnership can be undone by mistrust and a lack of fidelity.



The latest issue identified is the turnaround managers in the Picton and Wellington Interislander terminals. These members do not hire and fire and upon investigation there is a mix of full MECA, MECA with salary option and IEA. This is an unequal situation as it means some workers on a common roster are on full penalty rates, others a salary which has a "component" payment for penalties and others which have no penalties at all plus the other disadvantages of a KR Individual Employment Agreements (IEA's) like capped sick leave and many assorted other lesser than the MECA conditions.

The RMTU believes that there are at least 300 Union members KiwiRail wide who are incorrectly on IEA's whilst they fall wholly within the coverage of the MECA. We believe that this situation is mostly responsible to KiwiRail adopting an approach that "if you want this job it is an IEA" rather than members actively wishing to be employed under an IEA. We believe that there is a fundamental lack of understanding of the principles of HPHE and the Employment Relations Act within the Talent Acquisition and HR functions of KiwiRail. Unless there is a meaningful step change in this space the RMTU will be reconsidering its engagement relationship with KiwiRail as clearly the relationship Charter and the HPHE engagement principles are meaningless to them and so a return to a Business As Usual (BAU) approach by the Union is justified.

We call upon all delegates to be vigilant in their workplaces and worksites to ensure that the coverage clause for the MECA is rigidly applied to all promotions, appointments and new starts. For example the Executive support exclusion in the MECA is not intended as meaning someone who may answer the phone or type a letter for the boss now and again nor is sales and a customer logistics role meant to be anyone who talks to customers or arranges freight. If you're not sure ask your organizer for advice.

WE HAVE TO STAMP THIS ATTACK ON UNITY OUT!

C3 TAURANGA COLLECTIVE AGREEMENT NEGOTIATIONS.

The Parties to the above agreement will exchange claims this Friday 16th and we start bargaining on Monday 26th and Tuesday 27th August, at the RMTU rooms. These negotiations will be a long and hard battle.

DUNEDIN RAILWAYS WAGE TALKS PROGRESSING WELL

It's early days yet but the RMTU can report constructive discussions with Dunedin Railways, formerly known as Taieri Gorge Railway, as we seek to renew our collective agreement.

The RMTU bargaining team of Andy Howie and Julian Evans, assisted by South Island Organiser John Kerr, have been able to discuss specific issues that have arisen during negotiations with both workshop and track members and we are hopeful that we will be able to do a report back to all members late in the week of 19th August.

JUST AND FAIR CULTURE TRAINING IN HAMILTON 28-29 AUGUST.

The RMTU have 16 reps from the Waikato, King Country, Auckland and Palmerston North attending this training and are all looking forward to getting to understand and learn how the Just and Fair Culture Policy works in KiwiRail.

SUCCESSFUL SOUTH ISLAND BRANCH AGMS WELL ATTENDED

The RMTU is pleased to be able to report very strong attendance at several South Island Branch AGMs held during the week of 5th August. Our largest branches: Canterbury Rail, Lyttelton Port and Otago Rail all held meetings that were packed. Timaru Rail, whilst it is not a big branch, also had a great turnout from members.

The level of interest in our union was high, with guest speakers and good question and answer sessions, as well as some vigorous



debate. Most pleasing however, were the number of people putting up their hands to become more active as delegates and health and safety representatives. Any union is only as strong as its active members and these branches are certainly very strong.

A big thank you to branch officials for putting in the hard work to organise these meetings and make them such a success.

INCIDENTS IN THE BAY OF PLENTY.

There has been a derailment and three SPADs later downgraded to signalling incidents in the Bay of late, however with the use of the Just and fair Culture policy these incidents are being worked thru in a positive manner by both the RMTU members and KiwiRail.

LYTTELTON PORT INLAND PORTS COLLECTIVE AGREEMENT TALKS BEGIN

In what could prove to be a test of the relationship with LPC, the RMTU has initiated bargaining for the renewal of the City Depot collective agreement and is seeking to expand the coverage to include the inland port at Rolleston.

In recent years, LPC has adopted a positional and adversarial approach in bargaining which saw them break up the multi-union collective agreement with MUNZ when the latter presented them with the opportunity to do so; resisted the integration of City Depot members into the main 'waterfront' collective agreement; and engage in two bitter and acrimonious industrial disputes in 2014-15 and 2017-18.

Of late management have been making all of the right noises about wanting to improve the relationship, a desire the RMTU shares. Translating this into actual improvement is proving difficult, although this is perhaps to be expected, given that we've spent years in conflict. There are still a large number of outstanding issues to be resolved, including some real opportunities

where both parties could benefit from a more co-operative approach.

Meeting the RMTU's claim to extend the coverage of this agreement removes the need of LPC having to negotiate a Rolleston Inland Port agreement separately, with all the attendant industrial implications, and streamlines a key piece of bargaining. RMTU officials in the Lyttelton Port Branch are aware that Air New Zealand once had a grand total of 34 collective agreements with various unions, and was therefore permanently in negotiations with staff who worked as part of an interdependent and complex organisation where taking out one part of the operation could stop everything. It doesn't take much insight to see the parallels with LPC.

We remain hopeful that this bargaining will herald a new chapter in our union's relationship with LPC. If it doesn't members know we are ready for what that entails.

PORT OF NAPIER [PONL]CA NEGOTIATIONS.

Dates have been confirmed for the PONL negotiations which are Wednesday 4th August - Friday 6th August. The RMTU bargaining team are working thru the remits which will be presented to PONL prior to the 4th August. As a consequence of the Regional Council selling off 45% of their shares one of our major claims will be contracting out of services currently being undertaken by PONL and the RMTU members to other providers which will lower wages and conditions of our members. So there could be a battle at these negotiations.

KIWI RAIL NETWORKS INDUSTRIAL COUNCIL MEETS

The KNIC met in Christchurch on Wednesday. There are three priorities, all of which arose out of the MECA bargaining last year and are major HPHE projects: a pay and progression review; staffing levels review; and flexi-worker arrangements review.

The pay and progression review has a degree of urgency in the Traction Signals and Electricians work groups, amongst others, as our information is that employers are offering better pay to members to work on



major projects such as the Auckland City Rail Link (CRL).

Staffing levels and flexi-work arrangements need to be resolved as there are potential benefits for both members and KiwiRail in doing so.

The good news is that RMTU-Management relations in the KNIC are good – much better than a few years ago when we were embroiled in the so called “cost reduction programme” under a now departed manager who shall remain nameless.

A full report will go to delegates and active members for distribution as soon as possible after the meeting.

SOUTH ISLAND DELEGATE TRAINING SCHEDULED FOR LATE SEPTEMBER

With all the new blood flowing through our delegate ranks on the South Island – not to mention some old hands who have asked for a refresher – we are looking at running our re-vamped basic delegate training course on 26th September in Christchurch.

This course aims to equip delegates and active members with the skills and knowledge to get the best out of the support our union offers; and to enable them to organise members so we are all stronger and safer together. If you are a new South Island delegate you should receive an invitation in the next week or so. If you don't, please contact our South Island Organiser John Kerr on 027 246 4941.

LOG TRAINS STINKING UP THE TUNNEL

Recent Air monitoring in the Rimutaka Tunnel has identified gas levels including nitrogen dioxide and carbon monoxide generated by the heavy log trains are creating an atmosphere too toxic to breathe. The Air Matters report recommends a gap of 1 hour following the log trains to allow time for the fume to clear before the passenger trains enter the tunnel. There is no real time gas monitoring system in the tunnel so no

ability for operations including track staff to know when the tunnel is clear of fume before they enter. Due to the heavy usage of the tunnel of both freight and passenger trains the RMTU advocates a ventilation system be installed in the tunnel as a matter of priority.

GOT AN ACC QUESTION?

The RMTU is developing a new Injury Management training programme for Delegates and H&S reps involved in supporting injured workers through the claims and injury management process.

Remember KiwiRail is an accredited employer which means they step into the shoes of ACC and are required to provide the same or better level of service to injured people.

Do you have a question relating to ACC and workers entitlement? If yes can you email kfletcher@rmtunion.org.nz

The questions and answers will be collated and provided to members as part of the training package.

LONGER BIGGER TRAINS

We have been advised (not formally) that kiwi rail plan to trial 2,300 ton trains out of Picton. These trains may be up to 900 meters long with either 3 locos on the head or a banker on rear to climb the Picton elevation.

The present limits are 1600 tons for 600 meters long. This is a large increase. Trials are to commence before the new arrival roads and yards are built and probably before the new year. We assume this trial is to get ready for the new ferry's in years to come.

These large trains will affect Picton and Christchurch crews.

**Remember –
Lets be Safe at
all times**

