

THE ACTIVIST



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LEVEL 4 - NEW ZEALAND IS CURRENTLY AT ALERT LEVEL 4.

Your Union staff and delegates continue to work from home on your behalf to ensure that all members are treated lawfully and fairly during these unusual and uncertain times we find ourselves in.

I want to again give a huge shout out to our delegates and activists who continue to give their time, talent and energies to helping and assisting their fellow members. Be assured we are in this together and we could not get through these times without your help and assistance. We are all truly grateful!

The industrial staff are all working from home with laptops and mobile phones and it is very much business as usual. Debby and Chelsea are also at home and have laptops and so membership applications, data, accounts etc continue to be processed.

The RMTU mourns the loss of 5 fellow Kiwi's to Covid 19 as at today's date. Our sincere and heartfelt sympathies go out to their Whanau and friends. The threat is very real folks so let's maintain physical distancing etc and play by the rules.

Unite against COVID-19

ESSENTIAL WORKERS LEAVE SCHEME BASICS – WHAT YOU NEED TO KNOW

The Government's COVID-19 response has introduced new support for essential businesses to pay their employees who cannot work. We outline the main features of this scheme below as a general guide. This information is correct at the time of issue, however as this is a dynamic and constantly evolving environment, the position should be confirmed prior to substantive action. Applications can be made here:

<https://www.workandincome.govt.nz/products/a-z-benefits/covid-19-support.html>

What is it?

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

Some employees working in essential services, who cannot work from home, may need to stay away from work because:

- They or someone they live with may be sick with COVID-19;
- They may have had close contact with someone who has COVID-19 (self-isolation);
- They may be at a higher risk of severe illness if they contract COVID-19 and have agreed with their employer that they will not work.

The Essential Workers Leave Scheme is designed to support public health goals and financially assist workers.

Eligible employers will be paid:

- \$585.80 per week (gross, before tax) for each full-time worker (where they usually worked 20 or more hours a week before COVID-19), or
- \$350.00 per week (gross, before tax) for each part-time worker (where they usually worked fewer than 20 hours a week before COVID-19).

Employers should pass on to the relevant workers:

- The full subsidy, if the workers' usual income before COVID-19 exceeds the relevant subsidy rate, and in that case also make best efforts to pay at least 80 percent of the workers' usual income before COVID-19; or
- Their usual income before COVID-19 if this is less than the relevant subsidy provided. Any surplus funding from the leave payments provided must be used to fund essential business workers' wages where possible.

The Essential Workers Leave Scheme will be available for at least the period while the nation is at Alert Level 4. The subsidy covers

a four-week time period, with the option for organisations to re-apply for those same workers after four weeks, if necessary.

Eligibility

Employers and employees should work together to identify if they are eligible for the scheme. This is consistent with the duty of good faith which requires parties in an employment relationship to be communicative.

Employer Criteria

- Employers must provide an essential service. Guidance can be found at: <https://www.mbie.govt.nz/about/open-government-and-official-information/coronavirus-covid-19/essential-services/>

Either:

- The employer has experienced a 30% revenue loss; or

- The employer's ability to support eligible employees that need to take leave because of COVID-19 has been negatively impacted by the COVID-19 public health restrictions.

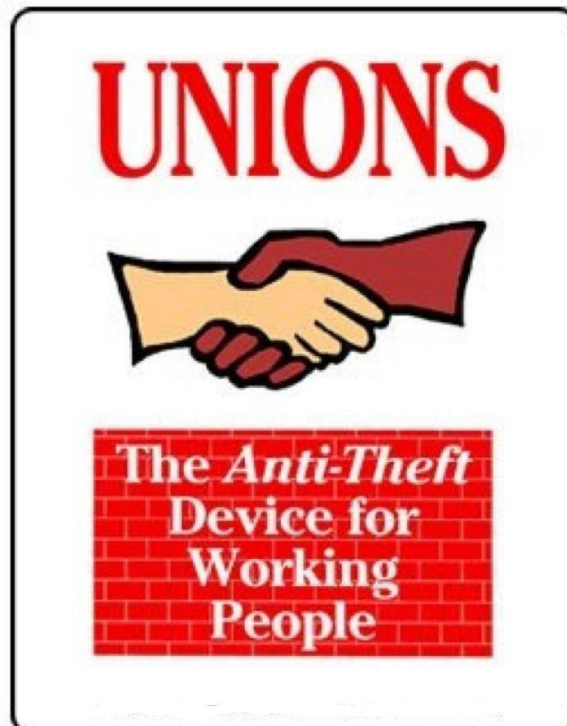
Employee Criteria

- Workers who are sick with COVID-19 who are required to remain in isolation until advised by a health professional that they can be released from isolation.
- Workers who are in self-isolation due to close contact with an infected person. For example, a worker identified as possibly infected through contact

tracing.

- Workers with dependents who are either sick with COVID-19, or whose dependents are self-isolating as a close contact. This does not include regular/routine childcare.

- Workers who have serious health conditions themselves, or in their household, that put



them at higher risk of becoming severely ill from COVID-19, and who agree with their employer that they will not work for an agreed period.

In each case, employers may apply for the Essential Workers Leave Scheme based on information provided by the employee. Neither the employee nor the employer needs to provide medical evidence to MSD.

Who is at higher risk?

The best place for information on this comes from the Ministry of Health:

<https://www.health.govt.nz/our-work/diseases-and-conditions/covid-19-novel-coronavirus/covid-19-novel-coronavirus-health-advice-general-public>

Generally speaking, people with chronic lung disease or moderate to severe asthma, serious heart conditions, immunocompromised conditions, severe obesity, diabetes, chronic kidney disease, people undergoing dialysis, liver disease, or those over 70 years of age, fall into this category.

Some observations

It is important to note that this does not just apply to a worker but also to workers who have people in their household (bubble) at a higher risk. Again, we emphasise that workers and employers need to have a conversation to first see whether any risks at work can be appropriately mitigated. Underlying that conversation is the duty of good faith towards employees and the obligation to keep workers safe. If that conversation reveals an agreement that the employee cannot continue working safely, the parties should agree on what the leave arrangements will be before the employer then applies for the scheme.

Best Efforts to pay at least 80%

While there may be some instances where the leave scheme applies where otherwise no wages are due, as with the wage subsidy scheme, an employer must use their best efforts to pay at least 80% of an employee's normal wages. However, any reduction in regular pay must be done lawfully, for example by agreement between the employer and employee.

Proof of Eligibility

As noted above, neither the employee nor the employer needs to submit proof to MSD to gain entry into the scheme. However, employers are within their rights to ask for some form of proof from their employees.

While a request of this nature may be met with some resistance, a pragmatic approach could be to get the relevant employees to sign a declaration, attesting to their eligibility. That way, an employer has a record to return to in the event of a future audit.

Wage Subsidy and Leave Scheme?

Employers cannot apply for both schemes at the same time for the same employee. Where an employee is eligible for both schemes, preference should be given to the wage subsidy scheme as it lasts for longer duration. The leave

scheme only applies to the period under level 4 lockdown.

KIWI RAIL ANNUAL LEAVE CALL

KiwiRail has written to all staff requesting that staff members agree to take 5 days annual leave during May and June to assist the company with its efforts to remain financially viable during the Covid Crisis. The letter states...

"Your agreement to use 5 days of annual leave. We are seeking your agreement that you will use 5 days of annual leave to be taken over the months of May and June.



Assuming your agreement to do this, your manager will work with and your colleagues to plan how this will be scheduled across the team during this period.

If we all play our part, we can together help to ease some of the financial pressure that our business is facing and help us come through the current disruption in a stronger position.

Should we be unable to reach agreement on a plan to take the 5 days of annual leave within the above timeframe, we may need to provide you with lawful notice as per the provisions of Section 19 of the Holidays Act and your employment agreement which permits KiwiRail to book annual leave when agreement is unable to be reached.

Please click this link to agree to take 5 days annual leave between 2 May – 30 June."

The letter does mark a major departure by the company from

earlier notices etc in that it did not state that Consultation on the proposal had occurred with its Union partners. The RMTU confirms that KiwiRail did consult with the RMTU in the formulation of the letter and that the RMTU does concur with the letters content and tenor.

There is no doubt that we are all in this Covid crisis together and that KiwiRail has, in general, behaved as a principled employer should. They have not leaped to do the minimum necessary, rather, they have endeavoured to maintain members full terms and conditions of employment and income during this period of lockdown. This is to be commended and with this letter it is now time for us, as workers, to respond in kind. The letter and the request comply with NZ Employment Law and with the requirements of the MECA. The RMTU does not see the request for members to volunteer to take 5 days leave during May and/or June as an unreasonable request.



MORE ON THE WAGE SUBSIDY

In the space of 10 days or so, the wage subsidy has moved from - essentially - capped business support based on headcount to the government underwriting and providing an income floor for workers but administered by their employers.

That is, it has moved from a best endeavours high trust model which helps employers keep on staff through additional assistance to one involving publication of company names, explicit requirements that employment law must be followed and funds paid to employees as well as acknowledgement that audit action could follow.

With all dollar value caps removed - both an out of work contractor and an NZX 10 company are now eligible if they have experienced or will experience a substantial fall in revenue. Great work Coalition Govt!!!

CLEANING SURFACES AGAINST COVID 19

Droplets containing the Covid 19 virus are too large to stay in the air for long, so they quickly settle on surrounding surfaces. The virus has been found 'live' on plastic and stainless steel surfaces for up to three days

Surfaces or objects that are frequently touched by others should be cleaned before and after a person touches them - clean it first (e.g. handles, levers, steering wheels in pool vehicles, door knobs, shared desks and phones).

Cleaning products

- Use a disinfectant that is antiviral.
- Surfaces need 10 seconds of soaking with the disinfectant for it to work.
- For phones, radios and other more delicate surfaces, soak a disposable towel or cloth and wipe the surfaces thoroughly.
- Use clean cloths or disposable towels to wipe surfaces.

The most effective antiviral sanitisers are:

- Products containing Hypochlorite
- Activated Hydrogen Peroxide
- Standard Bleach
- Products containing an alcohol i.e. ethanol or isopropyl
- Methylated spirits can also be used

Hand sanitiser should contain at least 60% isopropyl alcohol to be effective.

WHAT'S NEXT WHEN WE COME OUT OF LOCKDOWN?

(Some challenging observations and thoughts from Andrea Black NZCTU Policy Director/Economist)

We cannot return to a version of the status quo – in the way we did following the Global Financial Crisis. The recovery must benefit all of us – not just those with capital or secure paid work.

There are a number of questions I have been mulling on since taking this role – 2 months ago in another universe:

- Why is it that government assistance – Working for Families – is needed for people in paid work to keep their families out of hardship? And then they lose between 25 and 62%⁴ on top of taxation for any additional \$ earned.
- Why is it that in the best of times 111,000 with no paid work – is full employment?
- Why when full employment involves so many people needing state assistance – is the assistance so low?
- Why are we a low wage, low productivity economy? When New Zealanders go overseas and thrive in a way they can't here.
- Why have our houses earned us more than our jobs? Causing wealth to be transferred from our children's generation to ours.

- Why do we tax all labour in the PAYE system fully and no quarter given but taxing capital or labour from closely held companies is much more nuanced?

The CTU prescription, which I fully support, includes:

Industry transformation. A tripartite system of business, unions and government working together with a focus on us becoming a high wage high productivity country. Government help is going to go on for some time and it is important that as the representative of everyone in New Zealand – it makes sure that there is no return to the status quo.

Active Labour Market – supporting transitions where Mana in Mahi is but a tiny example. In fact, the whole \$585/week thing could be seen as the beginnings of transitional support to displaced workers. Whether it ultimately becomes specific social insurance and/or an

enhanced welfare system, what is very clear is the longer a person is disconnected from paid work – the harder it is to return at the same level and income they left.

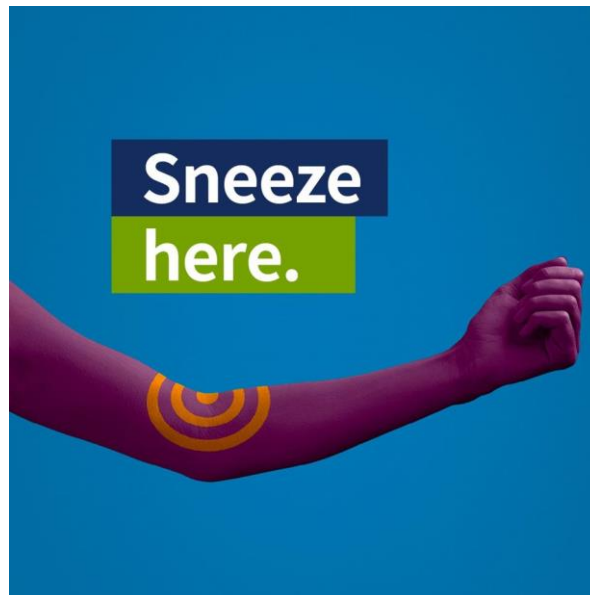
Seriously commit to housing our people. It isn't a 'nice to have'. Given our overcrowding, without the lockdown, CoVID 19 would have ripped through the poorest sections in the way that all other infectious diseases

currently do. It is time to fully treat 'living rent' as the goal. No one should have to work more than 12 hours in a 40-hour week to house themselves and their families. This also dovetails nicely with the last two points.

A highly skilled New Zealand workforce building houses with products manufactured in New Zealand. Why not?

Tax system that is actually fair and balanced. Where everyone pays tax according to their ability to pay. And this means:

- taxing capital more. It could be taxing more capital gains, a land tax, risk free rate of



return on residential property or a wealth tax. Or a combination.

- putting equity and fairness, rather than growth or compliance and administration costs, as its primary focus.
- making the progressive tax scale apply to everyone not just those on PAYE. And then put top personal tax rate up.

And yes, it might just mean an inheritance tax – which also means gift duty – as a back stop for any under taxation during someone's life. Which also means - thinking the unthinkable in tax terms - being much less protective of the concept of the Trust.

Because what has become starkly clear during this period – is the people who are actually valuable in our society are the essential workers, and the carers both paid and unpaid. And our economy needs rebalancing towards them.

The best time to have done this was thirty years ago. The next best time is NOW!

WOMEN'S REPRESENTATIVE ON THE KR MIC

Upon the close of nominations two members had been nominated for the position and so a ballot is required. We have considered undertaking an electronic email vote given the relatively small number of women members eligible to cast a vote in this election however as we do not hold current email addresses for all women members in this area we are unable to do so. If you are a female member and employed in the

KiwiRail RSAS business then please send a current email address to Chelsea at office@rmtunion.org.nz

If we are unable to obtain all email addresses then the ballot will be conducted by post after the Union is able to return to the National office.

We thank the women members for their interest in the position and regret the delay in conducting the ballot.

ONLINE HEALTH AND SAFETY TRAINING AVAILABLE

Due to the inability to run face to face training during lockdown, Worksafe Reps are offering two of their training courses online for H&S Reps and Managers

Online Stage 1 (initial) Health and Safety Rep training

This online course equips HSRs with the skills to promote a safer and healthier place of work and also covers Unit Standard 29315. Successful completion of the unit standard (via the assessed quiz and fillable PIN) allows an HSR to exercise their powers to issue provisional improvement notices (PINs) and direct unsafe work to cease.

Team Leader/Manager /Supervisor H&S training

The aim of this course is to provide Team Leaders, Managers and Supervisors with skills knowledge and competency that will assist them to provide health and safety leadership and compliance with the Health and safety at



Work legislation. This is a non-assessed online training course.

For more information go to <https://worksafereps.co.nz/health-and-safety-courses-online/> or ring 0800 336 966

WAIKATO, BAY OF PLENTY, NAPIER AND THE KING COUNTRY

Our regional Organiser Phil Spanswick reports that everyone is complying with the Level 4 Lockdown, the only exception is C3 where we are in the midst of dispute over the interpretation the Ministry of Business, Innovation and Employment (MBIE) advice that employees who are unable to work because there is no work are to be paid 80% of their "usual income before Covid-19" which seems to be quite clear to all members but C3!

C3's view is to pay 80% of "contracted hours [minimum hours in guaranteed hours employments agreements" which on the surface is fine, but C3 employees work more hours than their guarantees, so usual income must be based on earnings before Covid-19, which is higher than the minimum guarantees.

There is a general feeling amongst the affected union members that MBIE should be advised of C3's disregard of the MBIE advice, their view is under consideration

CENTRAL REGION

WELLINGTON PORT BRANCH

Centreport haven't been too bad and have been pretty on to it with the Covid19 affair thus far. I will list below what Centreport has put in place to date.

-Team briefs on safe 2m social distancing at all times

-Removal of cutlery, cups, plates etc. from messroom and replaced with disposable paper plates/plastic spoons knives forks

-Removal of roller hand towels from toilet area-replaced with paper hand towels

-Extra cleaning done in messing areas and ablutions areas

-Separate messrooms for Depot & Cargo Handlers to limit numbers of men together

-Separate messrooms for AWF, Crawfords Truckdrivers, Cargo Handlers during ship operations

-Lines Handling limited to 4 persons per vehicle (must wear face masks, glasses, gloves) and must wear same gear when handling lines

-Limit 4 persons in vans to and from ship - must wear masks, gloves etc

-On board ship's labour all supplied with masks and gloves

-On board labour to keep safe distance from crew and to only engage with crew from safe distance

-All machines/vehicles kitted out with sprays and disposable cloths to wipe down controls on change over

-Face masks and gloves available from Logistics managers

-Hand sanitisers at entrance exits to Centreport House/Messroom

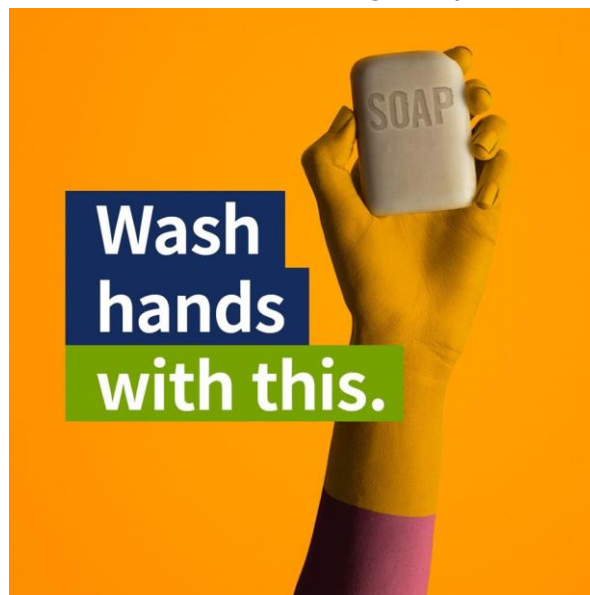
-Last week was notified by Logistics manager to minimise use of crane drivers in any yard work if possible

-90% of office staff working from home

-All office staff working at CPL must wear masks in the office

-Port Security Office locked and only 2 people inside at a time

Minimise use of crane drivers for yard operations during lockdown. No unnecessary work to be carried out whilst lockdown in place.



The feeling amongst most of the guys is fairly upbeat, these are extreme times and none of us has experienced anything like this before. Many I think actually enjoy coming to work to get away from the house for a spell.

SOUTHERN REGION

OUTSTANDING WORK IN OTAGO RAIL BRANCH

Our Otago Rail Branch has always been well organised, with committed Branch officials and active delegates supported by a membership that has never been shy of standing up and being counted. One of the few upsides of the winding up of the Hillside Branch in 2012 was a cadre of high calibre RMTU activists were brought into the Otago Rail Branch.

COVID19 has brought out the best in the Branch. Readers will have read in the last issue of the Activist of the sterling work done by Dunedin Railways delegates Courtney Kilner and Julian Evans on behalf of members in a company we organise in that has been slammed by the collapse of the tourist market more than any other.

Next to that we received the following from our Dunedin based RMTU National Women's Representative Rebecca Hauck, who works in the freight yard:

'Things are going good at Dunedin depot, the guys are really taking on board how serious this is. We are cleaning like mad people. We have heaps of gloves, spray, masks and just got a delivery of hand sanitiser that KiwiRail organised and sent up on a train from Invercargill for us...legend! Two of the boys sourced some hospital grade disinfectant for the depot, a big keg of it. Bloody awesome stuff guys...

We have wipes in all the fleet cars, disinfectant spray and cloths in all the locos as well as the DSG's. Was just told by a driver today that some Loco Engineers have been cleaning the cabs for one another for when they need to swap trains....great stuff!

GOVERNMENT MPs IN CANTERBURY HEAR ABOUT THE GOOD, THE BAD AND THE UGLY

Unions Canterbury is the local Council Trade Unions' (CTU) umbrella that represents all the CTU affiliated unions in the region. It is

unique for such a body in that there is a regular monthly meeting with Labour and Green MPs to exchange information and raise issues of common interest.

On Wednesday 8 April this meeting took place via video-conference for the first time. Minister Megan Woods, Poto Williams, Duncan Webb and Eugenie Sage attended and were briefed by unions working across the public and private sectors. They were keen to hear

from us and confirmed that what we said corroborated what they were hearing from elsewhere in New Zealand.

So, in summary:

The good: some employers are doing a good job of looking after their staff, maintaining terms and conditions and, where they operate in essential industries, making a real effort to work safely. Fonterra was mentioned by the Dairy Workers' Union and KiwiRail certainly looked good compared to other employers in the transport industry.

The bad: FIRST Union, operating in the banking, transport and retail sector; and Etu, organising in manufacturing, aviation and the food and service industries described some appalling behaviour by employers that are unilaterally (and illegally) slashing wages and conditions, laying off and sacking staff without good cause or consultation and generally acting as if employment law has



been suspended (it hasn't). A very pertinent point made by the Etu Organiser was that the bad behaviour of large firms like Fletchers (see the <https://www.stuff.co.nz/business/120892838/employers-using-covid19-as-a-chance-to-treat-staff-badly?fbclid=IwAR00RiJopoIBibHEvBfH7Z2vUZieQZOgQE6gNEspoLo4ESmSp2TUY5Pub6g>) is copied by smaller outfits further down the chain so the big companies need to be made accountable. Lyttelton Port Company didn't shape up well with reports of managers and staff breaking the 'intact work bubbles' and the failure of the CEO to respond in a timely manner to concerns raised about this.

The ugly: arguably the most concerning point raised was by the Public Service

Association, one of the unions representing home care workers. The lack of PPE for these workers, who are dealing with some of the most vulnerable people in our society is nothing short of scandalous and poses a real risk to lives. The MPs listened hard, acknowledged the point raised and assured us it would go back to cabinet.

To conclude on a positive note, there was also some discussion about the post COVID19 economy and it appears that instead of the do-nothing 'leave it to the market' approach of the previous National Government this Labour led administration is committed to a hands on approach to staving off an economic meltdown. MPs were keen to involve 'social partners' i.e. unions in dialogue about how we could build a strong sustainable economy that works for people and provides prosperity and security for all. On a regional level the MPs want to hear from working people and the RMTU lost no time in pushing the case for the regional growth of rail for both freight and commuter traffic in Canterbury.



PORT OTAGO CONFIRMS COVID19 CASE BUT CONTAINMENT WORKING

Port Otago management seem to be working well with the unions, including the RMTU, at the port. This is welcome news given we've had our differences in the past.

A confirmed COVID19 case in the marine team certainly made anyone who was not taking hygiene and physical distancing seriously sit up and take notice and our Branch has been working with management to keep people safe.

A temperature screening process is being introduced that includes a non-invasive indicator that will confirm if people have

anti-bodies that are fighting something off. It has been confirmed by the Ministry of Health that anyone who comes up positive via this screening will get immediate access to a COVID19 test.

There have been a few disappointing examples of people breaking bubbles but by and large the staff and membership of all unions are sticking to the rules. Keep up the great work!

LYTTELTON PORT PLAYING RUSSIAN ROULETTE WITH SAFETY AND THE PORT'S OPERATION

The change in management at LPC in February doesn't seem to have led to a material improvement in how the place is run. The COVID19 crisis has revealed the gap between the rhetoric of a CEO who talks about dialogue and partnership with unions and then treats workers' representatives with contempt when they raise genuine safety related issues.

To be fair, LPC has tried to get some things right. Allocating workers to separate work groups was a sensible move. Allowing those who are vulnerable or who have responsibilities for caring for family members to stay at home on pay is both applauded and supported by the RMTU. The unintended consequence of a professed shortage of labour doesn't seem to have been anticipated by the boss however. The subsequent introduction of casual labour into work groups was irresponsible as it only takes one confirmed COVID19 case and the whole group has to self-isolate – why take the risk?

Even more concerning are unconfirmed reports of workers and managers working across work groups – taking the 'intact' out of 'intact work bubbles' as one member put it. When our Branch Secretary raised this with management the CEO reacted very poorly, refusing to answer a question about a potential present risk of serious harm until a scheduled meeting with unions later in the week.

We certainly don't want to be in his shoes if there is a case of cross-infection because of such practices. More pertinently, what about the people whose health may be at risk?

NEWS

THE COUNCIL OF TRADE UNIONS IS DEEPLY CONCERNED WITH REPORTS OF SOME EMPLOYERS BEHAVING BADLY DURING THE COVID-19 CRISIS.

"Working people expect to be treated fairly at all times and especially in times of crisis. Some employers are behaving badly, others are quite frankly behaving unlawfully, CTU President, Richard Wagstaff said.

"Affiliates are reporting a wide range of bad behaviour from some employers. Including employers compelling staff to use sick leave or annual leave to cover the level 4 isolation period. This not only breaches MBIE advice but is also in violation of the law, such decisions about annual leave need to be made in consultation. Sick leave must only be used when someone, or their dependent, is sick."

"We are hearing reports that some employers are not acting in good faith when accessing wage subsidies supplied by the government. When an employer does so they are expected to, with best endeavours pay 80% of that person's salary/wages for 80% work. Employers who are taking tax payers money in a time of crisis have a moral obligation to not then use it to line their own pockets."

"Employers must focus on playing their part – they must demonstrate a greater level of compassion and they certainly must adhere to the law."

"It is also shocking that some employers are behaving opportunistically and self-proclaiming their business as an essential service. This type of behaviour makes a mockery of the serious situation we face."

"It is important to note that most employers are following the law – most employers are doing the right thing and listening to the clear guidance of the government, MBIE, and Business New Zealand group" Wagstaff said.

Stay home if you're sick

