

THE ACTIVIST



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LPC WATERFRONT AGREEMENT RATIFIED BY 88.5% MAJORITY

After what was the most bitter and acrimonious industrial dispute in recent times at Lyttelton Port, involving a two day illegal lockout by the employer and a five day strike by RMTU members, a revised deal was overwhelmingly ratified by RMTU members on 17th May.

We managed to squeeze a bit more out of the Employer which was loaded into the rate paid to people when a public holiday falls on a day when they are not rostered on to work. This amounted an average of 0.85% per member over and above what was being offered before final discussions.

The final deal results increases of a minimum of 9.64% over three years backdated to expiry, with no clawbacks and most importantly no changed hours of work clauses for members working in the Container Terminal. The value of the latter became apparent a few days after the vote when management put MUNZ members onto a 'sliding shift' – and RMTU members did not have to do it.

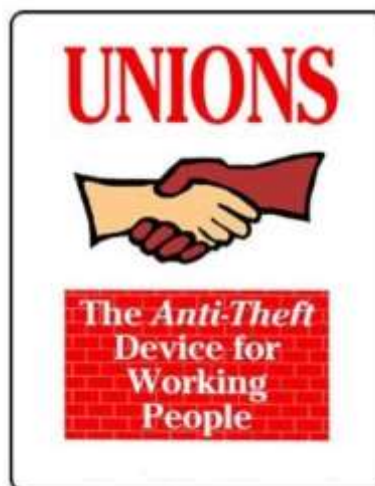
Feelings are still running high however. Trust between members and LPC is at rock bottom and it will take a great deal of time and effort to restore what faith the parties had in one another; let alone build a relationship where we can work through change in a cooperative and productive manner. Our Marine Services and part time cargo handlers are still the poor relations in terms of their pay and conditions so there

is unfinished business that needs to be attended to.

LPC also seems bent on provoking a confrontational and adversarial relationship, refusing to accept that there has to be agreement on the level of risk created by fatigue in the working group on that issue; and publishing a memo accusing members in the container terminal of misusing sick leave.

TOLL NETWORKS BARGAINING

Two days of bargaining for RMTU members at Toll kicked off on May 31st in Auckland. We had six delegates (five of whom were new to the bargaining table) and two organisers attending. After two days some good progress was made we were unable to settle the negotiations and still have some outstanding areas where we are not yet in agreement. We are currently looking to set another day of bargaining. An unintended bonus from the two days is the opportunity to recruit new members from Toll Parcels and give them coverage under the Collective Agreement.



FIRST TRAIN NAPIER – WAIROA

A report from Joe Gibson - Wednesday 6th June was a new spring day for KiwiRail. Celebrating the first train on the Napier/Wairoa line for 6 years. All the pomp and ceremony was fit for a king, with local Ratana brass band playing. Tributes were paid to the Honourable Shane Jones from the New Zealand First Party. Local Kahungunu for the blessing, Napier and Wairoa Regional Council, Port of Napier affiliates. KiwiRail CEO Peter Reidy, Ray Brown welcoming

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

speech. Wayne Kempton reminisced of the last trip on Wairoa line back on December 4, 2012.

Shane Jones spoke about the provincial growth fund that central government has committed to investing 1 billion per annum over the next three years. Regional Rail being a major factor.

KiwiRail's Peter Reidy states within 12 months 2 to 3 trains will be running a week, setting up a new marshalling yard in Wairoa, taking an estimated 5500 trucks of the road annually.

All in all was a great morning nice fed/nibbles put on afterwards.

KIWI RAIL MECA RENEWAL 2018

The KiwiRail Holdings, KiwiRail Ltd and RMTU Multi Employer Collective Agreement expires 30 June 2018. KiwiRail approached the RMTU and suggested a "dates and rates rollover" for the Collective Agreement. The RMTU has indicated its willingness to consider such an approach. If such a "dates and rates rollover" was to occur then this would mean that there would be no claims from either party and that all current terms and conditions of employment would remain unchanged except for wages and the term of the "new" CA.

There is an arguable case for a dates and rates rollover as;

- The ERA changes to restore alternative strike rights will be enacted in the newly proposed legislation and recent experience with industrial action illustrates that the current rules are very restrictive, and;
- We are successfully resolving "issues" as and when they arise through the use of the Industrial Councils and HPHE projects.
- All of the unresolved outstanding issues from previous wagers

have now been resolved between the parties

- Inflation is low and so it is likely that an above inflation increase will be offered by KiwiRail

We requested in the May issue of *The Activist* that members and branches discuss a rollover and inform the General Secretary and Organisers of their viewpoint. The majority of comment received has been supportive of the proposal subject to a healthy above inflation offer being made by KiwiRail.



All KR-RMTU Industrial Councils (Freight, Interislander, Mechanical and Networks) will meet with KiwiRail in Auckland on 20 June 2018 to begin the conversation. We will advise the outcome soon thereafter.

WAIRARAPA 9-CAR SET

Union members for Transdev Wellington and KiwiRail have raised red flags regarding the introduction of a 9-car set on the Wairarapa passenger line which goes through the category 1 Rimutaka tunnel.

Transdev Wellington is under pressure from Greater Wellington Regional Council to add another carriage to the passenger train due to the growing number of commuters. If the proposal goes ahead up to 668 passengers will be onboard at peak hour.

AUCKLAND'S CHALLENGING ISSUE

It is with a sense of excitement, and a little trepidation, we begin the High Performance High Engagement process (that we are calling HP2 at Transdev) over "the challenging issue". This has involved 2 days of training with Mike Belmont from HP2 (the name of the facilitating Company) for all those involved in the project. This is three from Transdev, three from Auckland Transport and 5 from the RMTU (Leighton

Mosese, Lance Dowson, James Williams, Bill Sweeney and Rudd Hughes).

This has been an interesting learning experience where we are exploring an interest based problem solving approach which has as its foundation the achievement of consensus outcomes. Four days this week has been the first attempt at putting the theory into practise. We are not expecting to resolve "the challenging issue" in these four days but we are expecting to make some progress and we will be booking more days, later in the month, to continue the process.

THR WELLINGTON BARGAINING

The Union has initiated bargaining with Transdev Wellington and Hyundai Rotem Company for the renewal of the newly signed MECA which will expire on 2 July 2018.

Claims meetings have been organised as follows;

- Date:** Saturday 16th June 2018
Time: 1300 - 1400hrs
Venue: Waterloo Hotel, 1 Bunny St, Wellington. 1st Floor Bar.
- Date:** Sunday 17th June 2018
Time: 1000 - 1130hrs
Venue: Masterton Railway Station, Staff Room.

Once our claims for the wagheround are finalized we shall advise THR of preferred dates for meeting and hopefully be able to settle a bargaining process agreement in a timely fashion.

RMTU BIENNIAL CONFERENCE - REMIT CALL

The Union calls for members and branches to tender any remits for National Conference 2018.

The mechanism to change or set union policy, rules and/or standing orders is by way of remit to Conference.

Remits must be moved and seconded by current financial members and passed by majority vote through properly constituted branch meetings before submission to the National Office and then onto the Conference.

Remits are called and will close on 30 June 2018.

Union policy is a broad topic and for example covers things like trade agreements to whether we support 26 weeks paid parental leave. Currently there is no policy on either of these topics.

DISAGREEMENT OVER WBV RESEARCH

The RMTU is extremely disappointed that KRG has excluded using the results of the recent LE survey on whole body vibration (WBV) for the purpose of supporting members' ACC claims for back/neck injury due to workplace WBV exposure.

KRG have stated that it's use is outside of the scope of the terms of reference of the working party. The Union will continue to fight for workers' entitlement to access ACC if they have been injured due to whole body vibration.

FATAL INTERACTIONS BETWEEN FORKLIFTS AND PEOPLE

Toll Networks appeared in the Auckland District Court after an incident involving a forklift that left RMTU Member Paul Darroch fatally injured.

Toll Networks (NZ) Limited was sentenced after Paul was crushed to death by falling pallets that were being moved from a rail



wagon by forklift in September 2016. He was standing beside the forklift and as the driver reversed the pallets it was carrying fell and struck him and he died at the scene.

Worksafe's investigation found that Toll had not identified the risk of a pedestrian being hit by freight falling from forklift tines and that its pedestrian safety system relied on administrative controls that were ambiguous and contradictory.

WorkSafe Deputy General Manager, Investigations and Specialist Services, Simon Humphries said that pedestrians and moving plant need to be segregated to avoid tragic fatalities like this.

"This was a much loved father and grandfather whose death would not have occurred if Toll had effective controls in place. Administrative controls like rules and procedures are simply not enough, pedestrians need to be segregated from forklift activity."

Humphries said that WorkSafe respected that this was a workplace that was constantly changing with many moving vehicles, plant and personnel, but more needed to be done to keep workers safe.

"Fixed barriers to separate people from moving plant don't work in every workplace, but a temporary barrier and warning signage would have kept the victim outside of the dangerous area and alive."

More information on healthy and safe work in the transport, postal and warehousing sector

Notes:

- A fine of \$506,300 was imposed.
- Reparations of \$118,020.10 were ordered for emotional harm and consequential loss in addition to payments totalling \$105,000 which had already been made to the family of the victim in accordance with the relevant Collective Employment Agreement.
- Costs of \$6030 were ordered.

- Toll Networks (NZ) Ltd was charged under sections 36(1)(a), s 48(1) and (2)(c) of the Health and Safety at Work Act 2015.
- Being a PCBU, failed to ensure so far as was reasonably practicable, the health and safety of workers who worked for the PCBU, while the workers were at work in the business.
- The maximum penalty is a fine not exceeding \$1,500,000.



JUST FAIR CULTURE TRAINING - TAURANGA

The RMTU and KiwiRail are co-facilitating a two day Just Fair Culture course to Delegates, H&S reps and Managers in Tauranga on 27 and 28 June.

RMTU 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!**

TIMARU QUALITY MARSHALLING BARGAINING CONTINUES

The RMTU has commenced bargaining on behalf of our members who work for Quality Marshalling (QM) in Timaru. We tabled claims on 14 May and have another day of talks set down for 7th June in Christchurch. The employer had no claims and the discussions to date have been constructive and amicable.

The RMTU negotiation team is being led by Branch President Naylor Young and Branch Secretary Josh Meyer. We are hopeful that good progress will be made at the next meeting and that a smooth renewal of the collective agreement with an appropriate pay increase will be forthcoming. A big issue for our members is fatigue management and we have asked that QM engage in a similar process to that which we are working through with Lyttelton Port.



PROTECTOR PAY RATES IN KIWIRAIL NETWORK SERVICES

The KiwiRail Network Services Industrial Council (KNIC) met on 1 May and one of the key discussion items was pay rates for protectors. Management have commissioned a market survey which confirmed what everyone suspected; that protector wages in KiwiRail rates are behind the going rate being paid by contractors.

The conversation is now about what the parties are going to do about it. KiwiRail have tabled a suggested adjustment to Level 2 rates but none for Level 1.

RMTU representatives find this puzzling as Level 1 protectors pay is even further behind the market rate than Level 2. We are arguing for an increase to both rates to reflect the considerable responsibility that protectors have for ensuring the safety of people and property on and around worksites.

The KNIC has a good record of achieving agreements on pay outside of collective bargaining and we are aware of several areas where there is pressure to look at wage rates, for example excavator operators and Machine Group gangers. Most recently we agreed an increase for Non Trade Structures Leading Hands so we are hopeful we can resolve the issue of protectors' and others' pay rates in a similar fashion.

WALTHAM MECHANICAL DEPOT HPHE & ASBESTOS

Waltham Mechanical Depot has been in the wars in recent years with the Scenic Journeys service bearing the brunt of two earthquakes. Members at this Depot maintain the rolling stock for Scenic Journeys, amongst other work supporting KiwiRail's Rolling Stock and Asset Services in Christchurch.

We've experienced contrasting approaches from management of late. First the good news. Asbestos removal from DSG shunt locos is about to commence and management have adopted an inclusive and transparent approach, involving key RMTU delegates and the wider membership. This goes a long way to alleviating concerns about the necessary job of dealing with this very nasty substance.

Less positively we've experienced obfuscation and a failure to abide by the High Performance High Engagement principles by management in relation to a project that appears to be a glorified time and motion study. The failure does appear to rest with local management, with whom the RMTU has an excellent relationship. The issue has led to members withdrawing from

participation in the project. The RMTU is seeking a meeting with the managers responsible next week to try and resolve the issue.

ASBESTOS AT HILLSIDE

Another good example of union-management relationships was provided at Hillside in last week. Routine maintenance of a crane led to the discovery of suspected asbestos in a friable i.e. dangerous state. The site delegate and H&S representative were immediately alerted and management worked with them to ensure staff were evacuated and shifted to the Dunedin Mechanical depot while the offending material was properly disposed of.

Our South Island Organiser was visiting and was kept fully informed by both the RMTU delegate and management. 'It was good to see KiwiRail, Dunedin Railways and the RMTU all working together to keep the job going at the Mechanical Depot while Hillside was being cleaned up and to watch our officials deal with the problem with such confidence', he said.

GOVERNMENT'S FAIR PAY AGREEMENT WORK TO BEGIN

The Government's work on establishing Fair Pay Agreements, helping design a collective bargaining system to lift wages and productivity in New Zealand, will be led by former Prime Minister the Rt Hon Jim Bolger, says Workplace Relations and Safety Minister Iain Lees-Galloway.

"The Government has a vision for a highly skilled and innovative economy that delivers good jobs, decent work conditions and fair wages, while supporting economic growth and productivity," says Mr Lees-Galloway.

"The best way to create a high-wage economy is through productivity growth, and we must ensure that workers and businesses benefit from economic growth. While wages have generally grown in the top-two and bottom-two deciles, wages for middle New Zealand have not kept up and as a result feel squeezed by rising costs, particularly in housing.

"We can and must do better for middle New Zealanders. Fair Pay Agreements will establish a framework for employers and employees to work together constructively to lift wages and productivity.

"Workers and employers know their sector best. By working together through effective engagement and bargaining cooperatively, workers and employers can set standards that are relevant to their sector and support productivity and growth.

"The aim of FPAs is to prevent a race to the bottom, where some employers are undercut by others who reduce costs through low wages and poor conditions of employment.

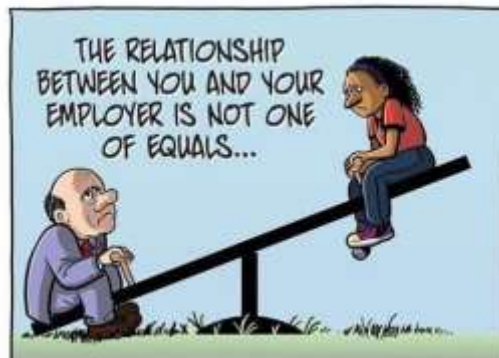
"Through the team led by Jim Bolger, the Government intends to introduce legislation to allow employers and workers to create Fair Pay Agreements that set minimum employment terms and conditions for

all workers in the industry or occupation covered by the agreement.

"Fair Pay Agreements will help lift wages and conditions and ensure good employers are not disadvantaged by paying reasonable, industry-standard wages.

"It is time to move toward new models of bargaining. It is time New Zealand adopts a sector-level approach that is common across the developed world.

"Mr Bolger will lead the team of ten to develop recommendations on the design of a Fair Pay Agreement system, which is due to



report back by the end of the year, and we will work closely with businesses, organisations and workers to develop a new and enduring framework that is good for employers and workers," says Iain Lees-Galloway.

The team includes worker and business representatives, those with practical on-the-ground experience and experts in law, economics and bargaining systems.

Members of the Fair Pay Agreement team:

Rt Hon Jim Bolger – 35th Prime Minister of New Zealand, former Minister of Labour

Dr Stephen Blumenfeld – Director, Centre for Labour, Employment and Work at Victoria University

Steph Dyhrberg – Partner, Dyhrberg Drayton Employment Law

Anthony Hargood – Chief Executive, Wairarapa-Bush Rugby Union

Kirk Hope – Chief Executive, BusinessNZ

Vicki Lee – Chief Executive, Hospitality NZ

Caroline Mareko – Senior Manager, Communities and Participation, He Whānau Manaaki o Tararua Free Kindergarten Association

John Ryall – Assistant National Secretary, E tū

Dr Isabelle Sin – Fellow, Motu Economic and Public Policy Research, and Adjunct Senior Lecturer at Victoria University of Wellington

Richard Wagstaff – President, New Zealand Council of Trade Unions

The terms of reference are available at [MBIE's website](#).

VICTORY FOR HUTT VALLEY

We have won! For three years Living Wage Hutt Valley has campaigned to win the Living Wage at Hutt City Council. Locals from faith groups, community organisations and unions have demonstrated community support over and over again - taking delegations to council, supporting speakers, telling workers' stories and building support in the community.

On 6 June Hutt City Council voted overwhelming to pay at least the NZ Living

Wage rate of \$20.55 an hour to all directly-employed workers and to continue to work with the local Living Wage network on the issues for council workers employed by contractors. This victory will transform the lives of hundreds of local workers. It is a direct outcome of the work of the Living Wage Movement.

NEW HOUSING AND URBAN DEVELOPMENT MINISTRY

Minister of Housing and Urban Development Phil Twyford today announced a new Ministry will be set up to help the Government deliver on its priorities of making housing more affordable and our cities more liveable.

The new Ministry of Housing and Urban Development will be established from 1 August. It will officially start operating on 1 October.

"Addressing the national housing crisis is one of the biggest challenges our Government faces. The new Ministry will provide the focus and capability in the public service to deliver our reform agenda," Phil Twyford said.

"Too many New Zealanders are hurting because of their housing situation. Many are locked out of the Kiwi dream of home ownership. Others are homeless or suffering the health effects of poor-quality housing," says Phil Twyford.

The new Ministry will be the Government's lead advisor on housing and urban development. It will provide across-the-board advice on housing issues, including responding to homelessness, ensuring affordable, warm, safe and dry rental housing in the private and public market, and the appropriate support for first home buyers.

Initially, the Ministry will be set up by moving functions across from existing agencies, and look at utilising funding from their existing operational budgets:

- From the Ministry of Business, Innovation and Employment: the housing and urban policy functions, the KiwiBuild Unit and the Community Housing Regulatory Authority.



- From the Ministry of Social Development: policy for emergency, transitional and public housing.
- From the Treasury: monitoring of Housing New Zealand (HNZ) and Tāmaki Redevelopment Company (TRC).

The changes won't affect where people go to for help with housing. The Ministry of Social Development will continue to assess people's need for housing support and manage the public housing register.

Phil Twyford said the new Ministry will provide the Government with strong leadership and fresh thinking. It would also end the fragmented current approach caused by involving a number of agencies.

The Government is:

- Ramping up efforts to house the homeless
- Building affordable homes through KiwiBuild
- Modernising and building more public housing
- Reforming the tenancy laws to make life better for renters
- Setting minimum standards to make rentals warm and dry
- Adjusting the tax settings to discourage speculation
- Setting up an Urban Development Authority to lead large scale urban development projects

"The Ministry of Housing and Urban Development will help us deliver our bold and ambitious plan to build much-needed affordable housing, and create modern and liveable cities ready for the future," Phil Twyford says.

EDITOR'S CHOICE FOR KR SPAD WORK REPORT

Improving signal passed at danger management in New Zealand rail

operations: Combining stabilised approach procedures with risk-triggered commentary driving'

<http://journals.sagepub.com/doi/full/10.1177/0954409716675003>, has been selected as the Editor's Choice paper for November 2017. Please find the Editor's Choice collection on the website here http://journals.sagepub.com/topic/collection/s/pif-4-editors_choice/pif, where the article has been made free to access.

BITS AND BOBS

- The Ixom Morrinsville Collective Agreement. The Claims meeting will be held on the 27th June.
- The C3 Truck Drivers Collective Agreement. At the last bargaining day C3 offered 0%, a report back meeting will be held to determine the members response.
- The C3 Lashers Collective Agreement. The Terms of Settlement has been agreed and we are awaiting sign off by C3, and then our ratification meetings will take place.
- The C3 Logs Tier 3A variation - Has been agreed and we are awaiting for C3 to sign off on the variation, then we will hold the ratification meetings.
- The Champion Collective Agreement Claims meeting will take place on the 21st June.
- On behalf of our ISL members we have Initiated Bargaining for a Collective Agreement, which will cover crane drivers, straddle drivers and stevedores at Sulphur Point.
- The Port of Napier Crane Drivers Collective Agreement negotiations is set down for two days, 11th and 12th June.



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