

THE ACTIVIST



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KR MECA WAGE ROUND UPDATE

Some progress has been made by the working groups tasked with finalizing the Pay scale 1, 2, 4 and 7 market study reviews committed to within the Terms of settlement for the MECA last wageround.

There is a difference of opinion between KiwiRail and the RMTU in that the Union says that the wage scales will have the market study rates applied and then any general increase agreed in bargaining add to them. KiwiRails expressed opinion is that any general increase will be added to the payscale and whatever addition is need to be added to get the wage rate to KiwiRails stated position for market rates will be applied. KiwiRail states it will be a market median payer plus or minus 10%.

The difference of opinion will need to be resolved at some stage however it is likely that Kiwirail will table an offer for settling the wageround which the Union will then need to consider and either recommend acceptance or rejection to members and a postal ballot occur. In the event that a recommendation for rejection is made then a strike ballot will also be conducted to provide the bargaining team with a mandate for strike action.

Watch this space.

LIVING WAGE UPDATE

The RMTU and KiwiRail have agreed previous that the KR MECA shall be a Living

Wage Accredited Employment Agreement. As you will all know the Living Wage moved from \$22.10 to \$22.75 per hour, effective 1 September 2021. KiwiRail has advised of the steps they will be taking to ensure that the MECA pay rates are adjusted as required to meet the new Living Wage rates and KiwiRail can remain as a Living Wage employer, at least, in respect of its own employees.

We currently have 145 people covered by the KR-RMTU MECA on \$22.10 per hour and another 80 people on a rate that is higher than \$22.10 but lower than the new Living Wage rate. That is a total of 225 people whose rates need adjusting, backdated to 1 September 2021.

We are in the process of moving each of those people up to the new Living Wage rate now. We will in fact run the increase across an entire pay fortnight (27 Aug - 4 Sept) because it is administratively easier to do that than attempt to calculate

any proportion of a week. This is a manual exercise for each person but the back pay has been calculated now and will be paid for the fortnight ending 18 September 2021.

If/when we arrive at a percentage increase settlement in the current MECA negotiations, and if/when it is backdated to 1 July 2021, any such percentage increase would be calculated twice for these people: once, on their rate as at 30 June 2021, and again on their new Living Wage rate as at 1 September 2021.

Transdev Wellington also agreed to be a Living wage employer in 2019 and have advised they are working on reviewing the affected wage rates to the \$20.75 ph and we have sought an assurance on backdating of



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

the increase to 1 September 2021 if there is a delay to the increase.

AUCKLAND ONE RAIL TENDER WIN

Auckland One Rail have won the tender for the Auckland Metro Network. In doing so they have beaten out the existing franchise holder TDAK who have been running it for the last 17 years. This brings a period of uncertainty for our members although very few should be affected by this change. We have had a fractious relationship with TDAK which had, over the last couple of years, improved to a more mature union/employer association.

The current Collective Agreement continues to cover the members and, should we succeed in bringing together a MECA with CAF, they will continue to be covered by that as well. The RMTU's initial meetings with the incoming company have gone as well as expected but, we reserve our view until they are in situ. Talk, as we know, is cheap and it is only through their actions that we will know what kind of relationship we are in for.

BRANCH FACEBOOK GROUPS

Branches are reporting that they are receiving requests for joining the groups that appear to be dodgy and many are clearly from overseas. Branches are reminded that the RMTU Facebook group pages are ONLY for current financial members of the Union. Regular audits of membership must be undertaken by the admins for the groups and up to date membership lists are available by request from the Branch Secretary to assist with the checking and purging of membership. No nonmember of the RMTU is permitted to be a member of any RMTU branded group.

PORTS- "WHO'S VACCINATION COVERED, ORDER WHO'S NOT?"



The Ministry of Health has issued guidance to clarify the Government's Public Health Vaccination order for border workers. The vaccination order covers workers who board affected ships, handle affected items and stevedores who work on or around affected ships. It requires affected workers to have their COVID vaccine by 30 September with a second shot no later than 35 days after the first. The full guidance can be found here.

https://www.health.govt.nz/system/files/documents/pages/final_border_worker_vaccination_order_guidance_document_for_pdbus_and_workers_-_16_sep_21.pdf

The guidance clarifies who is not covered by the order including workers who handle mooring lines, unless they interact with an affected worker whilst working. Other exclusions to the vaccination order include people who work exclusively around a ship AND are within a confined environment such as straddle or crane cabin.

PORTS- SALIVA TESTING FOR COVID SURVEILLANCE

Port workers covered by the COVID testing order can opt for the 'drool' saliva test rather than the more pain nasal pharyngeal test.

Saliva testing has been rolled out across all ports and is also being used as part of the boundary crossing requirements for essential workers from Level 4 to level 2 alert levels.

Currently there are just under 500 port workers that have opted in for saliva testing. Locations of saliva testing booths can be found at <https://www.healthpoint.co.nz/search?q=saliva>,

<https://www.health.govt.nz/our-work/diseases-and-conditions/covid-19-novel-coronavirus/covid-19-information-specific-audiences/covid-19-resources-border-sector/saliva-testing-border-workers>

TDAK/CAF MULTI EMPLOYER COLLECTIVE AGREEMENT.

The RMTU is attempting to negotiate a MECA with TDAK and CAF. The members from both companies voted overwhelmingly for a MECA. They have understood that it makes good sense to have the operational and mechanical portions of the Auckland Metro Network under one Collective Agreement as this will give us more leverage at the bargaining table.

This follows the precedent set in Wellington where Transdev Wellington and Hyundai Rotem already have a MECA. There will be some challenges ahead as we are cramped for time before the new Auckland Metro Network franchisee, Auckland One Rail, take over.

While this complicates things the overarching goal remains, let's get all our members under one Collective.

KIWI RAIL- SALIVA TESTING FOR COVID SURVEILLANCE

Kiwirail workers required to cross in and out of Auckland for essential work are now required to have weekly COVID surveillance tests. KRG have engaged the same provider as the ports (Asia Pacific Health Group (APHG)) to carry out saliva testing. Workers can opt for either the saliva test or the nasopharyngeal swab method.

PORT TARANAKI COLLECTIVE AGREEMENT NEGOTIATIONS

While these negotiations have dragged on, the parties are keen to get settlement as soon as possible. One of the challenges has been PTL wanting to go back to the past and have cross functioning teams. In the early days, the workshop members would work in many different departments. PTL then restricted that and now want to bring it

back. They are also seeking the Wharf services members assisting the maintenance teams when there is no shipping.

Two workshop type sessions were held last week with the maintenance and wharf services teams to attempt to identify the issues. Hopefully the final negotiating meeting will take place soon.

ORGANISING FOR HEALTHIER & SAFER WORKPLACES: ONLINE COURSE OPPORTUNITY

Tuesday 12th October & Wednesday 13th October 2021

This online course is available to RMTU members who are interested in extending their knowledge of the Health & Safety at Work Act and Regulations through studying case studies.

This course will use blended online approach (online study and structured Zooms), as well as written material being sent to participants before the start of the workshop.

NOTE this course is approved for paid employment leave. If you're interested contact kfletcher@rmtunion.org.nz

NO MORE FIXED-TERMS IN RAIL PROTECTION

At a recent meeting with Rail Protection the RMTU was informed that all the trainees taken on in the Auckland area will be made permanent. This is great news and has come about due to the Union's vigilance regarding fixed-term employment in KiwiRail. It is important for anyone on a fixed-term contract to be aware that their fixed term has to have a start and finish date and a legitimate reason (for example, a specific project).

The KiwiRail MECA also has a provision in it that fixed-terms should be no longer than six months. If you have concerns with your fixed term contract please contact your delegate or organiser.



TRAINING - HOW TO REGISTER FOR A COURSE

Following the Union AGM's, new Health and Safety Reps who've been elected to Health and Safety Committees are required to register for H&S Rep training. H&S Reps attend 2-days paid training per year paid for by the employer.

To register on a course, go to www.worksafereps.co.nz

NAPIER PORT HAPPENINGS

The Mobile Harbour Crane Collective Agreement has been signed off by the Union and members with good outcomes.

The new 6 wharf is operational at this stage with the full opening said to be the latter part of 2022.

The branch has called for remits from members for the commencement of bargaining for the renewal of the General Collective Agreement.

PORT NELSON COLLECTIVE AGREEMENT NEGOTIATIONS

A report back and ratification meeting was held just prior to the lockdown on July 23rd. While there were some good gains for some sectors, the general wage increase was well below the recently announced inflation figure of 3.3%. Members unanimously rejected the offer and requested a secret strike ballot to be undertaken.

The strike ballot was started and over half the members had voted. Mediation was arranged for August 30th then the lockdown meant that both the ballot and mediation were deferred. As soon as we got to level 2 another mediation was organised for

September 16th. A new improved offer is not ready to be reported back for ratification on September 29th.

SHIFT WORKERS NEEDED FOR FATIGUE STUDY

A Massey University Masters student has approached the RMTU to participate in a study to help find out "how many days does it take to recover from fatigue and regain wellbeing after working one night shift?"

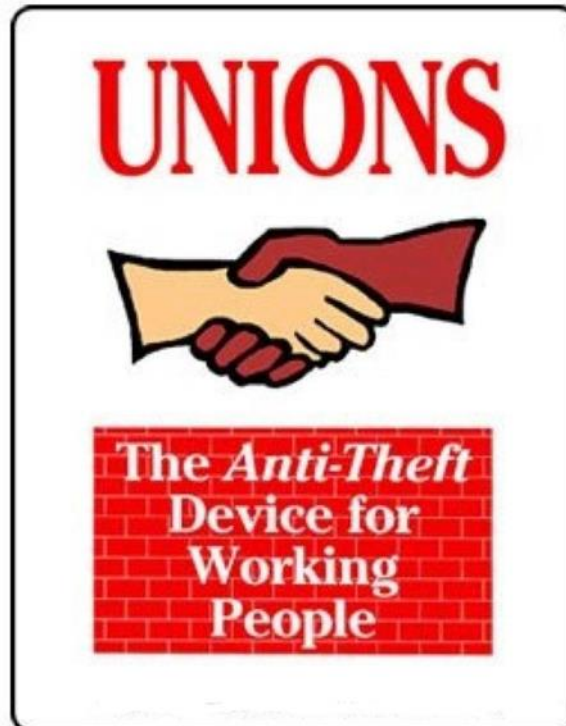
The experiment runs over 5 days, 20 minutes each day and is done on each participant's own computer. Participants are asked to complete a trivia quiz and answer questions about wellbeing. The exercise is done following a rest day, a night shift and the days following. If you would like to find out more about the research please go to the link <https://psychlab.massey.ac.nz/lucy3/signup.html>

TIMARU PORT MECA

The COVID19 Delta outbreak in Auckland in mid-August has delayed negotiations for the Timaru Port Multi-Employer Collective Agreement. Readers of previous editions of the 'the Activist' will be aware that we were progressing negotiations with Prime Port Ltd and Quality Marshalling but as the country went into a full level 4 lockdown the inevitable happened and meetings had to be postponed.

As we have emerged from lockdown on the South Island we are looking to progress these

talks as soon as practicable and have discussions set down for 11 October.



FATIGUE MNGT INITIATIVE & HPHE DELAYED AT LPC BY COVID LOCKDOWN

The news of a single case of the Delta variant of COVID19 in Auckland broke in Lyttelton just as a combined unions and management sub-committee were putting the finishing touches to our draft High Performance High Engagement charter. The swift imposition of a lockdown and its subsequent

prolongation meant that the document has been sat on the shelf ever since.

The same has unfortunately been the case with the fatigue management initiative. With the shift to level 2 on the South Island the office staff have been allowed back on site and the COVID staffing arrangements for operational staff have been relaxed so both these projects will resume.

The Lyttelton Port Branch Executive will scrutinize the draft HPHE charter and, in all likelihood, this will be put to a full membership meeting as soon as we are in a position to do so. In the meantime the fatigue working groups will get underway in the operational areas.

CANTERBURY RAIL AND LYTTLETON PORT BRANCH AGMS POSTPONED DUE TO LOCKDOWN.

The above AGMs were set down for 18 August and New Zealand went into full level 4 lockdown the day before. Accordingly the Branches have had to postpone their meetings.

Branch officials are considering whether to reschedule now we are at level 2 but the 100 person limit on gatherings does pose a

potential dilemma. Members will be updated by their branches shortly.

SUCCESSFUL SOUTHLAND AND OTAGO BRANCH AGMS

Both our deep south rail branches beat the lockdown by a few days and held successful AGMS. Our General Secretary attended the Southland AGM and took the opportunity to honour Evan Lewis who for many years was the stalwart of our membership at the port in

Bluff. Evan retired a few years ago and went to Australia before we had the opportunity to recognize his loyalty and long service. He is back in New Zealand now and enjoying his retirement on home turf so it was great to see him at the AGM.

Our outgoing Otago Rail branch Secretary handed over the minute books to Keryn Cottier who works at Hillside. Good to see a young woman from the workshops taking up the mantle of responsibility for a Branch with so much proud history.

Dave has been recently elected as South Island Rail Representative on the RMTU National Management Committee. As usual the AGM was well run and had a guest speaker, this time an academic from Myanmar, who explained the situation in his country after the military coup and told of the fight for democracy that is taking place. It was sobering indeed to hear about the loss of lives in the struggle for basic rights that we tend to take for granted.

SCENIC JOURNEY (PASSENGER) INDUSTRIAL COUNCIL

This ad hoc industrial council met on 8th September via video-link.

KiwiRail's passenger services have been hit very hard by COVID and the most recent outbreak has led to the suspension of all



services with the exception of the Capital Connection. The latter resumed operations as New Zealand moved to Level 2 but the Tranz Alpine, Coastal Pacific and Overlander remain suspended.

In the event the agenda concentrated on possible mitigations that could be put in the place in the event of delayed running of services over the forthcoming summer season. Data from previous seasons and projections about the condition of the network gave the Council a reasonably good picture of likely delays, this is important as there is a very real risk of crews exceeding the absolute limits on hours worked in the MECA.

Various options to mitigate the risks were canvassed and the RMTU representatives have put some questions to management for consideration.

The configuration of the Council is also under discussion. Revised terms of reference are in draft and awaiting endorsement by the parties. Once these are finalized the RMTU will be in a position to hold elections for representative positions. Since KiwiRail no longer operates Wellington passenger trains it is only long distance commuter and tourist services that are operated by the employer and the Council needs to reflect this.

Our next meeting will most likely be in October.

TRACKSIDE TOILETS IN SOUTHLAND: "THE RIGHT TO FLUSH"

The announcement that KiwiRail had unilaterally decided to not buy locos for the South Island with toilets for drivers came as a surprise to the RMTU last week and led to some very pointed questions being asked of management. The surprise was all the more

acute given the exemplary way in which the RMTU has hitherto been involved in the procurement process to date. In short, this unilateral decision was a departure from the established way of doing things especially compared to the debacle over the purchase of the 'Dog & Lemon' class DL locomotives.

Our concerns were partially assuaged by the news that three trackside toilets have been commissioned on the network in the deep south, in Waipahi, Clinton & Milton, and these will be accessible to all rail workers. The characterization of this project as the result of deliberations by a 'full HPHE' team were not strictly accurate however as RMTU involvement had been perfunctory at best.

That said, there was acknowledgment from management that things could have been handled better and no-one wants developments that will, at long last, fulfill our members 'Right to Flush', to lose momentum.

Expect more on this topic in the weeks and months to come as the provision of more trackside facilities is a long overdue and positive change for our members.

KIWI RAIL U-TURN ON PURSUIT OF DAMAGES FROM MEMBERS

KiwiRail's transport policy has, buried away in the fine print, a line saying the employer reserves the right to pursue staff for the cost incurred by damage done as a result of 'negligent behaviour'. This aspect of the policy has not been enforced to any great extent and the long standing 'safer shunting' arrangements had accepted that a degree of damage to vehicles would be the inevitable consequence of motorizing aspects of members' work. Your union was therefore perplexed to hear recently of three members, two in the South Island and one in Auckland, who were informed that KiwiRail were considering pursuing them for costs resulting from damage to after incidents at work.



A swift response, including the raising of a personal grievance on behalf of one member and the organization of a petition in protest that gained hundreds of signatures within a week, led to KiwiRail reconsidering dropping this change in the application of the policy. The speed with which delegates worked to obtain signatures and the support of members was gratifying as it assured our officials that the issue was deeply and widely felt, something that always helps in discussions with management. Thank you to all who supported their fellow members

KIWI RAIL RESTRUCTURE IN OTAGO

At the time of writing the RMTU is waiting for a response from KiwiRail management to a request from an urgent meeting to resolve an issue that has arisen out of the failure to consult on a restructure in Otago. The transfer of a RCO from Balclutha to Picton and the subsequent disestablishment of that role, together with the establishment of an RCO position Dunedin means KiwiRail now wants to partially staff operations in Balclutha from Dunedin. Aside from the health and safety risks posed by the potential of increased car running there remains the fact that KiwiRail has not abided by its commitments to consult as per the MECA.

Your union has sought an urgent face to face meeting with management to traverse and hopefully work through the issues with our delegates and South Island Organiser.

DUNEDIN RAILWAYS NEGOTIATIONS STALLED BY COVID RESTRICTIONS

The RMTU has initiated bargaining for the renewal of our collective agreement with Dunedin Railways. Readers will remember that this Dunedin City Council owned

operation went into 'mothballs' after the first lockdown in March 2020 meant overseas tourists ceased to visit and most the staff were made redundant. A skeleton crew was kept on for maintenance purposes and then, after a vigorous campaign mounted by the RMTU, the Council supported a trial of limited services aimed at the domestic market.

The RMTU still has enough membership at Dunedin Railways to be able to negotiate our collective agreement and we initiated for a renewal in July. The Delta outbreak and associated restrictions have meant further talks have not been able to be progressed although we are hopeful this will be rectified very soon.

UNIONS WEST COAST AND A JUST TRANSITION FOR THE COAST

Our South Island Organiser attended a meeting between Development West Coast and Unions West Coast via Zoom this week. The meeting was discussing unions' input into the economic strategy for the Coast out to 2050. Draft documents exist which unions (and therefore workers) have not had input into to date.

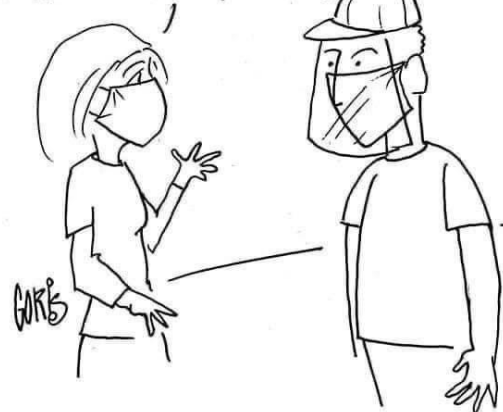
Etu, NZEI and the RMTU were represented and Paul Maunder was there as the Convenor of Unions West Coast.

The discussion focused on the form a 'just transition' will take as the changes that decarbonisation of the economy and the next wave of automation play out. This falls under the 'Future of Work' project that unions and some political parties are discussing. Laura Coll McLaughlin, a West Coast Regional Councillor, also attended - she was at the May Day meeting on the same topic convened by unions West Coast -- in a personal capacity.

The discussion was interesting. The notion that tourism is going to somehow provide prosperity for the Coast in a post carbon economy is largely discredited post COVID and in the absence (thus far) of a

What do you think is the best PPE?

The Union.



technological solution to the question of decarbonising aviation fuel.

There doesn't appear to be any easy answers but it is clear that some people with influence are starting to think about the need for a major shift in how our economy works. How to achieve a Just Transition in the absence of jobs inevitably led to a conversation about Universal Basic Income and Universal Basic Services.

Given its exposure to the effects of decarbonisation and the relatively small population, the Coast has huge potential for pilot schemes along the lines of those already tried in Finland and Canada, as part of an integrated regional strategy.

FRENCH UNION CGT TAKES THE LEAD ON 'ECOLOGICAL AND SOCIAL TRANSITION'

The RMTU participated first International Trade Union Forum on Ecological and Social Transitions organized by the French Union La CGT earlier this year. The forum was held in Paris and, because of COVID travel restrictions, that necessitated our participation being via video-link. This was reported in the last issue of the Activist.

A follow up is scheduled for 30 September at 1300 Paris time (2300 NZ time) and our South Island Organiser will be dialing in.

The discussion will focus on the forthcoming 26th Conference of the Parties (COP26) Forum in Glasgow in November and in particular an appeal supported by more than by more than 50 organizations (including the RMTU) for a just transition for working people as the global economy grapples with climate system breakdown and decarbonization. A 'People's Forum' is being organized in Glasgow alongside COP26 and the plan is to present this appeal there, thereby garnering publicity for a Just Transition. There will also be discussion on a Day of Action to coincide with COP26.

Another agenda item is how to harness international support via the forum for workers' struggles for a Just Transition 'on the ground'. As a union whose members face both challenges and opportunities as the global economy is restructured in the face of climate system breakdown and automation it is only proper that we engage in these conversations.

ACTU COURSE ON CLIMATE CHANGE FOR UNIONISTS

National Management Committee South Island Rail Representative Dave Kearns and our South Island Organiser John Kerr attended a course on Climate Change Action for Unions run by the Australian CTU. This was done via video-link due to COVID restrictions but was nonetheless very informative and inspiring. A wide range of attendees, from front line delegates across the public and private sectors

in Australia to senior elected officials and paid staff, participated in two half day sessions. The content looked at the science behind climate system breakdown and why this is an issue for all working people and their unions.

There was some very good input from unionists in the Hunter Valley, where coal production and coal fired power stations are being phased out and the issue of the future of communities and work in them is being tackled. We also heard about the industries that are rapidly decarbonising and which are creating new jobs. The electricity generation industry is decarbonising at a very fast rate and jobs are being created in solar, wind and hydro-generation. These are chiefly in construction so the long term prospects are uncertain. The electrification of rail and road transport is creating demand for more power however. One of the criticisms levelled at electric cars is they are not 'clean' if the power is generated by fossil fuels. It appears that the growth in electric car use is creating more demand for clean power and encouraging the power generation industry to decarbonise.



As unionists we were reminded that the labour movement has always been at the forefront of economic change since the first industrial revolution and that the transformation brought about by the twin pressures of automation and decarbonization will be unprecedented. We examined the need for a political strategy to protect the interests of working people and the levers we can pull through our collective endeavours. This is an issue that isn't going away and as a rail and port workers' union we owe it to ourselves to prepare for our future.

RMTU VACCINATION POLICY

The Union's National Management Committee (NMC) adopted a policy at its meeting yesterday which, as its purpose, provide guidance to officials and delegates for responding to members who are concerned that they or their workmates could be at risk of serious illness from exposure to the COVID 19 virus from working in close physical proximity with other workers or customers who have not received the COVID 19 vaccination.

In particular, the policy describes the Unions advice to members who choose to exercise their rights under Section 83 of the Health and Safety at Work Act 2015. Section 83 enables a worker to cease or refuse to carry out unsafe work on the basis that they believe the work would expose the worker, or any other person, to a serious risk to the worker's or other person's health or safety arising from an immediate or imminent exposure to a hazard.

The policy is to be read in conjunction with the NZ Council of Trade Unions- Te Kauae Kaimahi (NZCTU) COVID Vaccination dated September 2021.

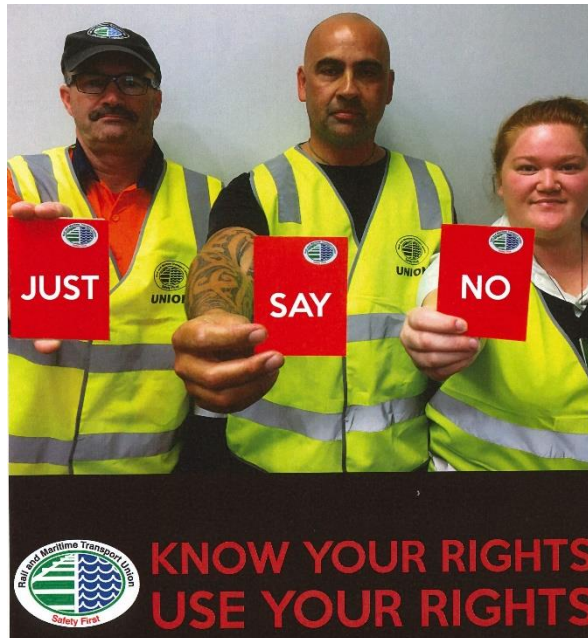
The policy has been sent to all branches of the Union.

NEXT STEPS TO IMPROVE SAFETY IN WAKE OF WHAKAARI WHITE ISLAND TRAGEDY

The Government is moving to improve safety in light of the Whakaari White Island tragedy and has released proposals to reinforce safety standards in registered adventure activities.

The package of proposals includes:

- Strengthening requirements for how operators, landowners and the regulator manage natural hazard risks
- Improving how risks are monitored, assessed and communicated
- Supporting WorkSafe's strengthened regulatory leadership role
- Improving the safety audit standard, audit process and guidance and information for the sector.



"The Whakaari White Island eruption was a devastating tragedy that meant 22 people sadly lost their lives. We are committed to learning the lessons to reduce the risk of a similar incident happening," Michael Wood said.

"A review of the adventure activities regime showed that the regime is performing reasonably well, but identified areas which could be strengthened. We are proposing a number of changes to strengthen it and raise

safety standards.

"Adventure activities are a key part of our tourism sector. Prior to COVID-19, as many as one in three international tourists took part in at least one adventure activity. It's important we provide a safe as possible experiences for New Zealanders and international visitors once our borders reopen.

"We intend to work in partnership with the sector to achieve change and I encourage tourism stakeholders, business owners and operators to look through the proposals and submit on them," Michael Wood said.

The consultation into the adventure activities regime opens today and will close at 5pm, Friday 5 November 2021.

Notes

- WorkSafe is currently prosecuting 13 parties for failing to meet health and safety laws associated with activities on Whakaari White Island. These prosecutions are independent from the adventure activities regulatory regime changes.
- At the Minister's request, MBIE commissioned a separate independent review into WorkSafe to determine if it carried out its regulatory obligations in respect to Whakaari White Island. MBIE is currently preparing advice to Government on the review.



- The Police are conducting an investigation into the Whakaari White Island event on behalf of the Coroner. The Coronerial inquest will take place once WorkSafe's prosecutions are complete.

NEW TAIC REPORT AVAILABLE

New TAIC report into 'near miss' between Milton and Henley has been published and may be of interest to members.

TAIC webpage for this inquiry: www.taic.org.nz/inquiry/ro-2020-102

BITS AND BOBS

- Unions are arguing that the Marsden Point refinery should close and that it is in the national interest for it to remain operational. Some groups are arguing that it could be converted to do bio fuel to assist on addressing our national dependency on imported fuel.
- Port of Tauranga will later this year host a visit from the largest vessel to visit our shore to load logs. The post panamax MV Clemens Oldendorff.
- We understand that KiwiRail is seriously considering writing off the Dsj that went into the harbour in Picton earlier this month.
- A classic example of wasteful expenditure is the Road Transport Forum recent rebranding of itself to Transporting NZ.

**BE SAFE, BE
HEALTHY AND BE
KIND!**