

# THE ACTIVIST



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## MERRY CHRISTMAS AND A HAPPY, JOYOUS AND SAFE 2021!

The end of 2020 is nigh and so it is important that we all remember that at this time of year there are Xmas Parties and other work functions. Whilst it is important that we all begin to relax and get into the Xmas Spirit and enjoy the company of workmates, colleagues etc it is essential that we don't let the good times become nightmares with unintended outcomes.

**REMEMBER** that as the year comes to an end it is essential that we are mindful of some of the issues that we all tend to face when it comes to work functions, social media and no alcohol or drugs in the workplace. When you are at a work function you remain connected to the workplace and so the policies of the employer apply.

Work functions are great times to relax and interact with colleagues but do not take the opportunity to tell your boss, supervisor or colleague just what it is you think of them!

In social media the line between our private lives and work can become blurred. The Union all too often has to represent members who are called to "meetings" to answer allegations of misconduct arising from social media posts. There is no such

thing as closed groups or confidentiality in social media. Do not put anything in a social media post that you would not pin on a noticeboard at work. All employers have social media policies and many contain provisions that state that any breaches may lead to disciplinary action which may include termination.

The same policy principle applies to Drugs and Alcohol. These policies exist to provide for your safety, your workmates safety and of course the safety of the public. As humans our bodies all operate and behave differently and so when it comes to processing alcohol there is no hard and fast rule of the time between the throttle and the bottle as it were. It is essential that you self-assess your fitness for work following a bit of a bash on the booze or the pipe etc. Remember also that D&A testing is post incident, reasonable cause and random and so you have no control over whether you are subjected

to a test let alone a police roadside check en-route to or from work.

Our best advice is that you don't take the risk and call in sick if you think your unfit for duty.

Finally, if you are called into a meeting to discuss any of the above then do not go in

On behalf of the  
Union's President,  
National  
Management  
Committee and Staff  
we wish all members  
and their families a  
happy and joyous  
Christmas. We also  
wish you a healthy,  
safe and prosperous  
(the only outcome  
with collective

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

alone – **ALWAYS TAKE IN A DELEGATE OR A WITNESS TO ANY MEETING WITH THE BOSS.** There is no such thing as a quick informal chat in our experience in these circumstances.

Be safe, be smart and above all else be proud to be RMTU!

## UNION OFFICE CLOSURES

The Union's National Office (Wellington) and the Christchurch regional office will close at 1700hrs on 22 December 2020. The Auckland office will close at 1700hrs 24<sup>th</sup> December 2020. The Wellington Office will reopen on 11 January 2021 @ 0830hrs.

The **Emergency** "on call" roster for Union Industrial matters for delegates during the closedown period is;

- Rudd Hughes 23 December 2020 and 24 December 2020 inclusive on 0272464961
- Todd Valster 25 and 26 December 2020 inclusive on 0274454691
- Wayne Butson 27 to 29 December 2020 inclusive on 0274962461
- Rudd Hughes 30 December 2020 to 1 January 2021 inclusive on 0272464961
- John Kerr 2 January 2021 to 4 January 2021 inclusive on 0272464941
- Karen Fletcher 5 January 2021 to 7 January inclusive on 0276006581
- Dasha Van Silfhout 8<sup>th</sup> January 2021 to 10<sup>th</sup> January 2021 inclusive on 0272203492

Todd Valster, Dasha Van Silfhout and Debby Green return from leave 11 January 2021, Chelsea Cardy returns from leave 13 January 2021, John Kerr returns from leave 18 January 2021, Rudd Hughes returns from leave 25 January 2021, Wayne Butson returns from leave 26 January 2021 and Karen Fletcher returns from leave on 1 February 2021.



## ONLINE FATIGUE TRAINING FOR LE'S

The RMTU and KiwiRail have developed short online modules for KiwiRail LE's to use to help manage the risk of fatigue.

To access to go to KLE 'My Courses' at <https://learning.kiwirail.co.nz> The log in is your KiwiRail email address.

## KR MECA UPDATE

Following the parties meeting on Monday 23 November 2020 in Wellington the Union and the Company provisionally agreed to a settlement, subject to successful ratification by Union members. The RMTU returned a draft Terms of Settlement to KiwiRail on 9 December 2020. We have had no substantive response from KiwiRail to the draft Terms of Settlement to date and therefore advise members that there is unlikely to be any meaningful progress until February 2021 due to leave commitments during January.

## POSTAL BALLOT RESULTS – NATIONAL WOMEN'S COUNCIL - NORTH ISLAND RAIL REPRESENTATIVE 2020-2022

The postal ballot result for The National Women's Council South Island Rail Representative for the 2020 - 2022 Term was conducted in accordance with Rule 42 of the Union Rules. The preferential voting system was used.

Ballot papers issued: 164, Returned: 28, Total ballot return rate 17.07%

As there were six nominees, a Preferential Voting System was used. Ms. Tiwha received no votes in the ballot. (*See National Office Memo for full voting table*).

At the first count, no nominee received more than 50% plus 1 of the total votes returned. As Ms. Cabral had the least number of votes, following the first count, her 2nd preferences were distributed to the remaining candidates.

At the 2nd count, as Ms. Kurene and Ms. Keegan had the least number of votes (4 votes each). Both candidates' votes were distributed. Ms. Kurene's 2nd preferences and Ms. Keegan's 3rd preferences (1 vote for Ms. Keegan had its 3rd preference used earlier and so that voting papers 4th preference was used in this instance) were distributed.

At the third count, Ms. Yule received 16 votes or 57.14% and has therefore been declared the winner.

#### CHRISTIE YULE IS DECLARED ELECTED

Congratulations to Christie on her election and thank you to Emilia, Elaine, Kasia and Toia for seeking office.

Howard Phillips

**NATIONAL RETURNING OFFICER**

## **POSTAL BALLOT RESULTS – NATIONAL WOMEN'S COUNCIL - SOUTH ISLAND RAIL REPRESENTATIVE 2020-2022**

The postal ballot result for The National Women's Council South Island Rail Representative for the 2020 - 2022 Term which was conducted in accordance with Rule 42 of the Union Rules and Standing Orders is as follows:

Ballot papers issued: 93

Returned: 36

Total ballot return rate: 38.71%

Invalid: 0

Holly Egger - 7 (19.44%)

Annette Telfer - 29 (80.56%)

#### **ANNETTE TELFER IS DECLARED ELECTED**

Congratulations to Annette on her election and thank you to Holly for seeking office.

Howard Phillips

**NATIONAL RETURNING OFFICER**

## **CASUAL VACANCY - NOMINATIONS CALL – 2020/2022.**

Following receipt of an unexpected resignation (for personal reasons) from Christine Fisihoi, Nominations are called for the Transdev Wellington (including Hyundai Rotem) position.

**Nominations MUST be in writing on the official Nomination Form and contain the signed consent of the candidate, be proposed and seconded by current financial members (Rule 1) of the Union.**

**Official Nomination Forms are available on the RMTU Website [www.rmtunion.org.nz](http://www.rmtunion.org.nz) or from the National Office by calling on 04-499-2066, or emailing [admin@rmtunion.org.nz](mailto:admin@rmtunion.org.nz) or [office@rmtunion.org.nz](mailto:office@rmtunion.org.nz)**

The term of office is 2 years and shall be in alternate years to the elections for the National Management Committee.

## **NORTH TUGZ NEGOTIATIONS SETTLEMENT**

We have finally settled the North Tugz negotiations after 18 months of bargaining. Things were brought to a head when RMTU members voted to go on strike. Strike Notices were issued and brought the Company back to the table with a far more reasonable approach regarding the clawbacks they were demanding, an improved understanding on what members were asking for, and a clear focus on how we could get a resolution.

Suffice to say that we reached agreement and will be going back to the members to ratify on 18 January 2021. The members now have a roster. Equally, it is a roster where they can maintain a work life balance alongside earning a reasonable income, while maintain key terms and conditions. This has been down to the sterling work of the delegates, Nigel Yellowlees and Chris Shaw, along with the staunch show of solidarity and courage



from the members at North Tugz, who showed a willingness to take on the Company.

A brilliant way to end a difficult year.

## KIWI RAIL NETWORK SERVICES CONTRACTING OUT AND RECRUITMENT

The RMTU has been working hard behind the scenes on this thorny issue and can at last report some progress.

KiwiRail have made considerable efforts to ensure managers are aware of their obligations to consult in the event of contracting out of work being considered and this appears to be bearing fruit. National Office is receiving fewer calls from justifiably irate delegates who have been surprised by contractors turning up to do their work. We have also visited and met with KiwiRail's Capital Project and Asset Development Division and established a positive dialogue around our mutual obligations as well as an understanding around the crisis that is the state of Auckland's rail network.

In addition, the RMTU has been engaged in discussions with management around the Provincial Growth Fund funded drainage and culvert programme and can report that we will be lobbying hard in the new year for the 60 in-house trainees who were taken on as part of this scheme as fixed term workers to be made permanent.

Of course, the catch 22 that we find ourselves in is that managers are often pressured into considering contracting out because of a shortage of in-house staff and plant. KiwiRail is appointing a workforce planner to commence in the new year and will reinvigorate the workforce planning project that was started with the RMTU Networks Industrial Council representatives pre-COVID.

We are hopeful that 2021 will see KiwiRail build capacity and do more work in house

with directly employed workers who naturally will be RMTU members.

## PORT OTAGO RMTU & MUNZ MEMBERS UNITED IN CAMPAIGN OF RESISTANCE

Workers at Port Otago are going on the front foot in a public campaign to change aggressive management tactics which are threatening the future of the region's export hub.

At a stop work meeting on Wednesday 16 December members of the RMTU & MUNZ unanimously passed a motion that 'This meeting of Combined Unions at Port Otago call upon management to abandon their aggressive approach to industrial relations at our Port and endorse a campaign of resistance.'

The meeting brought together a united workforce who had contributed a massive amount to the region over a tough and uncertain year. As we all know, port workers are essential workers on the front line, whose

challenging jobs have been complicated by dealing with overseas crews and working during lockdowns during the COVID19 pandemic. Port Otago workers are no longer prepared to tolerate aggressive management attitudes that were out of step with what was required during a vulnerable economic situation.

The meeting heard about management bullying, a 'sinking lid' approach to staffing and contemptuous treatment of union representatives. A campaign plan to change management's approach and achieve a more co-operative industrial relations environment was endorsed. Similar problems over recent years at the Port of Lyttelton concluded with a clear out of senior management and board members.

The next steps are to organise petitions and action lobbying and demonstrations to take the message to the public and local politicians.



## KIWI RAIL WESTFIELD SERVICING ROSTER DISPUTE

We have been unable to settle this at mediation and are heading to the Employment Authority to get a ruling. The dispute is about the company's attempt to change a long-standing roster at Westfield from a 12 hour 4 day roster, to one which offers a far less favourable work/life balance.

Our members have stood strong throughout the consistent pressure put on them by the KiwiRail management. These are essential workers who carried on throughout the lockdown to make sure goods and services could get to our stores and shortages didn't occur. They did this while putting themselves and their families at risk.

The Company however, has no interest in acknowledging this and continues to try to push ahead with these changes despite the reasonable request from these members that their work/life balance be respected. We hear a lot about the "KiwiRail Family" from the Company, but when it comes to putting their money where their mouth is, money speaks to them far more than the needs of it's employees.

## DUNEDIN RAILWAYS TRIAL ON TRACK TO SUCCESS

As reported in the last issue of The Activist the RMTU campaign to Keep Dunedin Rail Rolling has enjoyed some success with a trial being run over the summer to evaluate domestic tourist demand the mothballed operation. This has led to the re-employment of some RMTU members who were made redundant at the end of June.

Early demand suggests the summer trial of Sunday train trips from Dunedin is on track for success. All 300 seats were sold for last Sundays Inlander pre-Christmas Santa Express train trip, to Hindon and return. At

the time of writing there is also strong demand for future services. For example, the next Inlander trip, on December 27, is also sold out, and only a few seats are left on the first Seaside return trip to Waitati on the same day.

The remaining 13 trial Sundays, both morning trains and afternoon, are at least half booked.

Let's hope Dunedin Council see sense and keep Dunedin Rail Rolling!

## CONFLICT MANAGEMENT TRAINING

The RMTU will work with KiwiRail to develop conflict management training for all customer facing crew including the Inter-Island terminals, the Hamilton -Auckland commuter service and Tranz Scenic services. Union consultation on the course development will begin in the new year.

MERRY CHRISTMAS!



## COMBINED CANTERBURY RAIL AND LYTTLETON PORT END OF YEAR MEMBERSHIP MEETING RECOGNISES GOOD WORK

On Tuesday 15th December the now traditional combined rail and port branches meeting in Canterbury recognised excellent work done on behalf of members by two RMTU brothers, rail worker Bobby Boulton and Lyttelton Port tradesman Shaun Clements.

Bobby was the genius behind the wonderful film chronicling the RMTU campaign to Keep 'Dunedin Railways Rolling' earlier this year. A keen photographer and talented producer, Bobby put the film together at the request of RMTU National Office and combined some stunning footage with a narrative read by our delegate Julian 'Muscles' Evans. The result can be seen here: <https://www.youtube.com/watch?v=1dr69gb0INQ>

Shaun demonstrated exemplary leadership in the face of a very challenging situation when,

at the height of the lockdown, the discrete work bubble he and his workmates were operating was threatened by a management attempt to introduce a new worker into the workshop. He successfully challenged this with the support of his fellow members and ensured everyone remained safe.

The meeting also heard from a New Zealand Nurses (NZNO) Delegate working in one of our Managed Isolation and Quarantine facilities in Christchurch about the challenges these worker face in dealing with stigmatism as they go about their vital work to keep us all safe. Gemma Kelley gave an outstanding address and, as a true South Islander, told us (with tongue firmly in cheek) that COVID tests are much less comfortable if taken on the North Island than on the Mainland. Gemma's story certainly resonated with our members, particularly those at Lyttleton, who, alongside her, are in the frontline at our border.

## LIFE MEMBERS RECOGNISED AT PORT CHALMERS AND CANTERBURY MEETINGS

Full membership meetings at Port Chalmers and in Canterbury provided an opportunity to award new life members their certificates and badges. This year's RMTU Conference awarded our union's greatest honour to Merv Read and John Lydiate in Port Chalmers and to Mike Williams in Canterbury Rail.

At the recent stop work meetings these members were recognised in a fitting way by their fellow members and comrades. Mike Williams spoke for all of them when he said he was humbled and honoured to receive our union's greatest accolade and stressed the need for unity in the face of all the challenges that working people are facing in the times we live in.

## RAIL UNION CALLS FOR ACTION ON WELLINGTON RAIL LINE AFTER TAIC REPORT

The union representing rail workers is calling for action to make a notorious Wellington rail bottleneck safer.

The Transport Accident Investigation Commission (TAIC) released a report today into an incident in November 2019 at the 'Wellington Throat', the convergence point of tracks coming into and out of the Wellington Railway Station.



A train failed to stop at a red light and potentially could have collided with another train, known as a 'signal passed at danger' event.

Rail and Maritime Transport Union General Secretary Wayne Butson has welcomed the TAIC report which reiterates points made in a 2017 report.

He says KiwiRail needs to fix the signalling system to ensure safety, and says the New Zealand Transport Authority (NZTA) is at fault for not enforcing this prior recommendation.

Mr Butson says in 1980 two trains collided at these signals and two people died.

He says the recommendations made then are the same as they are now: to redesign the 'Wellington Throat' and put in train stops.

"This report has to be a catalyst to redesign the tracks to provide proper train separation with safety margins and train stops. There are train stops sitting in Hutt workshops which could be fitted to the signals."

He says the TAIC report just looks at the facts of the case, but NZTA has the responsibility to hold parties to account.

"Why has NZTA not forced KiwiRail to make the changes to the signalling system recommended by TAIC?"

Mr Butson has says the approach of the New Zealand Transport Authority (NZTA) in this and other investigation processes is flawed.

The NZTA has adopted a posture of strict liability in their investigations which opens workers to legal charges, he says.

"This is treating workers as the problem rather than fixing systemic issues, and is entirely the wrong approach."

The RMTU had asked the Government look at the approach and function of NZTA as a priority.

## HEALTH AND SAFETY REP TRAINING SCHEDULE FOR FEB-MARCH 2021

Here is the timetable for Health and Safety Reps training in Feb/March 2021. The training is delivered by Worksafe Reps.

### Initial/Stage 1 Health and Safety Reps Training

11 / 12 Feb	Initial Training	Stage 1	H&S Rep	Rep Training Ponsonby (Free Parking)
24/25 Feb	Initial Training	Stage 1	H&S Rep	Rep Training Wintec Hamilton
24/25th Feb	Initial Training	Stage 1	H&S Rep	Rep Training, Wellington
16/17 Feb	Initial Training	Stage 1	H&S Rep	Rep Training Manukau Institute of Tech
3 / 4 March	Initial Training	Stage 1	H&S Rep	Rep Training Blended Virtual Learning (Zoom)
10/11 March	Initial Training	Stage 1	H&S Rep	Rep Training, Wellington
11 / 12 March	Initial Training	Stage 1	H&S Rep	Rep Training Ponsonby (Free Parking)
11 / 12 March	Initial Training	Stage 1	H&S Rep	Rep Training, Dunedin
23/24 March	Initial Training	Stage 1	H&S Rep	Rep Training Manukau Institute of Tech

30/31 March Initial Stage 1 H&S Rep Training Wintec Hamilton

### Stage 2 Health and Safety Rep Training

4th Feb Stage 2 H&S Training, Wellington

25th March Stage 2 H&S Training, Ponsonby (Free Parking)

### Creating positive Workplaces

9th Feb Creating Positive Workplaces, Christchurch

10th Feb Creating Positive Workplaces H&S Training Tauranga

17th Feb Creating Positive Workplaces H&S Training Virtual Learning (Zoom)

26th Feb Creating Positive Workplaces H&S Training Virtual Learning (Zoom)

3rd March Creating Positive Workplaces H&S Training Virtual Learning Manukau Institute of Tech

10th March Creating Positive Workplaces Wintec Hamilton

18th March Creating Positive Workplaces, Wellington

### Preventing & Managing Fatigue H&S Training

5th Feb Preventing & Managing Fatigue H&S Training, Wellington

11 Feb Preventing & Managing Fatigue H&S Training, Tauranga

25 March Preventing & Managing Fatigue H&S Training, Ponsonby (Free Parking)

For more training dates and to register for training go to [www.worksafereps.co.nz](http://www.worksafereps.co.nz)

For KiwiRail H&S Reps (only) register for training by emailing [L&D@kiwirail.co.nz](mailto:L&D@kiwirail.co.nz)

**Have a Merry, Safe and Joyous Festive Season!**

**See you in 2021**

