

# THE ACTIVIST



Published Regularly - ISSN 1178-7392 (Print & Online) 23 July 2021

## PORT NELSON RATIFICATION REJECTED.

The proposed settlement for the 2021 – 23 Collective Agreement was unanimously rejected by members at a well attended meeting this afternoon. Members were looking for real wage growth but with CPI recently announced at 3.33%, the offer of 2% general wage increase was not going to cut it. Skills recognition was the other major issue. **A secret ballot for industrial action is now being organised.**

## DELEGATES ARE DIAMONDS

There has been a recent excellent example of why delegates are so important to a union in Rail Protection at Westfield. Three brand new delegates there have raised a number of issues that have not been addressed for some time. The result is that we now have management reacting to our calls for action.

All three have just gone through the RMTU Delegate Training and have done that very important thing that all members, let alone delegates, should do, they have read their MECA thoroughly. There is a wealth of good conditions and entitlements in the MECA and many members don't know about them.

There are some especially good clauses on rostering and breaks, and the new clause

23.2.11 is a must read for defining what an RDO is. An RDO is a whole day, from 0.01 to 23.59 (effectively midnight to midnight), when a worker is not commencing or ending a shift (clause 23.2.11). That means if you finish your weekly on a Friday morning at 6.30am, your RDO means that you do not start until the Sunday. Even if it is BOL. If this is not happening, let your delegate know so they can raise it with management.

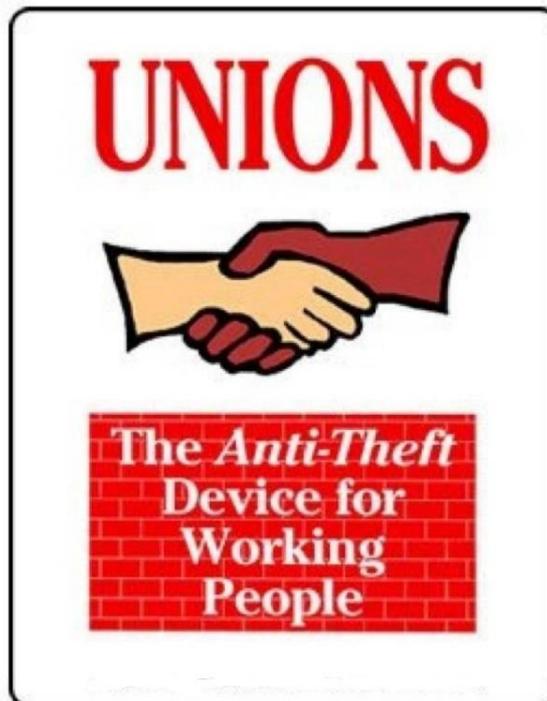
## KR MECA WAGE ROUND UPDATE

The KiwiRail MECA expired 30 June 2021.

The Union lodged with KiwiRail an Initiation of Bargaining notice in the first week of May. The RMTU negotiation team composition will be determined by, and will operate under, the oversight of the members of the wider wage round negotiation team which is made up of all the rank and file elected members of the KiwiRail Industrial Council's.

We have agreed to begin the renewal bargaining on 3, 4 and 5 August 2021 in Wellington. The Union will meet on 3 August to

democratically finalise the Union claims for the wageround. We will meet in joint session with KiwiRail on 3 August and it is hoped that we will begin sectoral discussion on 4 August and identify a process for resolving items requiring further work.



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

## NO JAB NO JOB- GOVERNMENT'S VACCINATION ORDER FOR PORTS BORDER WORKERS

The Government has mandated that all port workers (who are currently covered by the Covid weekly or fortnightly testing order) must have received at least one of the two Pfizer/BioNTech COVID-19 vaccinations by 30 September 2021. The vaccination order covers workers currently covered by the weekly and fortnightly covid testing order and in addition people that handle items removed from ships (excluding cargo). Workers who are unable to receive the vaccine due to medical reasons can be exempted.

Port employers are required to notify every worker that is covered by the vaccination order and check whether workers have been vaccinated by accessing the Ministry of Health vaccine register. Employers must not prevent workers from accessing vaccinations during their working hours. The Ministry of Business Innovation and Employment is working on guidance to Ports regarding what to do if agreement isn't reached on vaccination.

For more information about the Government's vaccination order go to this link [Border and MIQ worker vaccinations | Unite against COVID-19 \(covid19.govt.nz\)](https://www.govt.nz/health/covid-19/vaccinations)

## PORTS FORUM A SUCCESS

The RMTU held our biennial Ports Forum at the end of June. The programme was jam packed and we will provide a full report in the next issue of The Transport Worker.

Activist readers will be interested to hear that no fewer than three of our guest speakers (Michael Wood, the Minister of Transport and Minister for Workplace Relations and Safety; Melissa Ansell-Bridges, Secretary of the Council of Trade

Unions; and Craig Harrison, the recently elected Secretary of MUNZ) all discussed Fair Pay Agreements. The possible application of these to the ports sector is now a subject of some debate.

The forum also discussed automation, pattern bargaining, coastal shipping, fatigue management, COVID19 and the Northtugz dispute as well as a host of other matters. Read all about in the next issue of The Transport Worker...

## MECA'S ARE STRENGTH

We have sent out a ballot for the option of joining together the TDAK and CAF RMTU membership in a MECA (Multi Employer Collective Agreement). We believe the reasons for this are compelling. It is clear that whoever wins the new tender for the Auckland Metro Network will have a much stronger hand in the administration of, and responsibility for the performance of CAF (the company that maintains the Auckland Metro Rolling stock).

A MECA will give our members more power at the bargaining table. With CAF and TDAK RMTU members together, we would have the entire Auckland Metro Network under one banner (excepting the KiwiRail employed track and signals staff). There is already a precedent for this as Transdev Wellington and Hyundai Rotem are already in a MECA. This arrangement has increased the bargaining strength of our Wellington members. Bringing TDAK and CAF into an Auckland MECA also creates an option to move to a nationwide MECA should members desire this in the future.

The CAF members have shown how staunch they are in the dispute we had a couple of years ago and would add to a membership at TDAK that has never been afraid of standing up over issues. Moreover, if one employer is stalling negotiations it can result in the other putting pressure on them to settle, giving us increased power at the bargaining table. In



many ways there will never be a better time to create a MECA.

The changes in employment law make it much more difficult to opt out of a MECA (employers don't like them because they give workers more power) and the government push for Fair Pay Agreements in some industries make other MECAs far more likely.

The ballot of the members of both TDAK and CAF will be carried out to decide whether or not we initiate bargaining for a MECA is different from our normal voting procedures as it has to comply with the Employment Relations Act. All votes, both for and against are counted, and it needs both groups of members to reach 50%+1 in agreement before we can do this.

The RMTU leadership strongly recommend a vote for having a MECA.

## AND SO ARE MUCA'S

The RMTU has initiated bargaining for a Multi-Employer Collective Agreement (MECA) with both Prime Port in Timaru and Quality Marshalling. The most well know MECA in our Union is the KiwiRail agreement. Our union does not currently have any MECA's in place in the port sector. MECA's are a mechanism for increasing worker's bargaining power through combined strength and also for focusing union resources.

The opportunity to get both these employers to the table together arose when the expiry dates of their collective agreements aligned allowing us to initiate for a MECA. It will be interesting to see how these discussions play out. The RMTU has identified that extending MECA's into the Port's sector will see a demonstrable improvement in the T&C's of our members. For example, in Port of Tauranga we have 3 companies operating the container cranes in Sulphur point – Predominantly RMTU Members – and all on different terms and conditions for the same work. In whose interests is the perpetuation of this practice of most benefit – NOT THE WORKERS!

The first round of discussions in Timaru, during which the parties exchanged claims,

are complete. We have further talks set down for 9 August.

## HEALTH AND SAFETY REP ELECTIONS 2021- KIWIRAIL

Are you...

1. Passionate about improving workers' health and safety?
2. Passionate to promote and represent the health and safety interests of your workmates at your local Health and Safety Action Team (HSAT)?
3. Passionate about increasing your skills by doing Health and Safety Rep training and learning about the Health and Safety legislation?

Nominations will be called for in the workplaces and at the Unions Branch Annual General Meeting (AGM) .

Nominations will be received by 15th Sep 2021. If an election is required, that will take place in October 2021.

For all the H&S Rep election information and nomination forms go to the RMTU website <http://www.rmtunion.org.nz/articles/RMTUKIWIRAILHS.php>

## BARGAINING FOR C3 TAURANGA ON-BOARD LASHERS AGREEMENT CONTINUES 28 & 29 JULY

The RMTU and C3 have made good progress in these negotiations and talks have been constructive with the parties taking the time and trouble to listen to the concerns of one another.

There is little doubt the New Zealand Port Sector is facing many problems from the impact of COVID 19 at the border to strains on the global supply chain. The operating model at Port of Tauranga, with work contracted out to competing entities may make sense from a purely commercial perspective but generates uncertainty and insecurity as well as competition. Allied to the fact that many port workers rightly see themselves as essential workers in a global pandemic and therefore entitled to



recognition as such, the prospects of smooth wage talks were challenging to say the least.

So far however, we have managed to work through the issues on the table and have a further two days set down for talks next week. The recent announcement that the rate of price increases for the year to date hit a ten year high of 3.3% will doubtless focus everyone's minds.

## BARGAINING INITIATED FOR RENEWAL OF DUNEDIN RAILWAYS COLLECTIVE AGREEMENT

When the RMTU negotiated a landmark collective agreement in the spring of 2019 with Dunedin Railways, ensuring all our members moved to the living wage, no-one anticipated the debacle that was to follow. In the Autumn of 2020 COVID19 resulted in the borders closing and the suspension of the lifeblood of this iconic railway – international tourism.

The RMTU fought long and hard in exceptionally difficult circumstances occasioned by the lockdown to stop the directors and council owners from implementing a crackpot scheme to mothball the service. We were only partially successful, most of our members lost their jobs and it was only after vigorous lobbying and a social media fuelled campaign that Dunedin Council voted to retain ownership of Dunedin Railways and continue with a limited trial of services aimed at the domestic tourist market.

We still have a handful of members at Dunedin Railways and as their collective agreement is about to expire we have initiated bargaining for a renewal. We now face having those discussions in very different circumstances to those that prevailed at the time we last talked.

Time will tell what can be achieved but one thing remains certain: the RMTU will continue to fight for the future and to KEEP DUNEDIN RAIL ROLLING!

## SALIVA COVID TESTING FOR PORT WORKERS

Port workers who are subjected to the weekly and fortnightly Covid testing can now opt for saliva testing instead of the invasive and often painful nasal pharyngeal test.

Those who opt for the saliva test will be required to do two tests per week (if they are working) with a two-day gap in between. The saliva test is currently available at Lyttelton Port, Port Otago and Northport. Saliva testing services will be rolled all ports over the coming weeks. For more information on the saliva testing go to saliva testing



<https://covid19salivatesting.co.nz/>

And an overview of the process is here <https://covid19salivatesting.co.nz/provide-sample>

## 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.

## 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](http://www.worksafereps.co.nz)

## PAY SCALE 8 - THE SAGA CONTINUES

The RMTU met with management regarding Pay Scale 8 regarding the implementation of the new pay scale. All members have been transferred onto the new pay scale. If any member is not happy with where they have been transferred to, they need to talk to their delegate and meet with management to discuss where they believe they should be placed. This review process was built into the agreement.

There is still a work to be done regarding the roles of trainers and processing officers (the latter is Southdown only). Once the trainers have been appointed( applications for these positions will be out soon, they will begin working with those that want the training to progress through to the newly minted positions on the pay scale. This will take time, but we are pushing for it to happen as soon as possible.

The pay increase will be in people's banks within the next two pay days. It will be back dated to the date of ratification of the current MECA.

## FATIGUE MANAGEMENT PROJECT GATHERING PACE AT LYTTLETON PORT COMPANY

One of the key pieces of work arising out of the most recent bargaining rounds at Lyttleton Port was a commitment by the

RMTU to work with LPC on the management of fatigue. This represented a big change from the approach taken under the previous board and management regime and has grown to involve the other three unions (AWUNZ, MSG & MUNZ) at the port.

A couple of weeks ago we reached an important point resulting in the following joint statement from the four unions and management:

"On 5 July 2021, the LPC-Unions co-sponsors for the joint LPC-Unions Fatigue Management Project reviewed the draft Interim Fatigue Management Guidelines, which flowed from the previously agreed Fatigue Management Standard. The co-sponsors approved the Guidelines for use in the work area fatigue management process with the understanding there will be another review, revision and final approval after the individual work areas apply the guidelines.

Simply, this milestone provides the basis for Union Representatives to begin to work with LPC management and members in the various operational areas to address fatigue management. An education programme focused on relevant sleep science and good practice will support this work.

We are now at the stage of seeing how the Fatigue

Management Standard and Guidelines will play out when measured against current work practices.

Please be aware that if the application of the guidelines in a work area results in potential changes to the Collective Agreements, that will require separate negotiation and then ratification by the Union members.

We look forward to this next step in the development of our Fatigue Management System which will ensure our frontline staff are actively engaged in identifying and addressing potential fatigue."



## KIWIRAIL INDUSTRIAL COUNCIL ELECTIONS.

To date we have received no nominations for;

### **KiwiRail Freight Industrial Council**

- Upper North Island Terminals
- Lower North Island Terminals

### **Interislander Industrial Council**

- Scale 1 (Inside Wellington Terminal)

### **KiwiRail Mechanical Industrial Council**

- North Island Depots (Except Auckland)

### **KiwiRail Networks Industrial Council**

- Structures
- Machine Group/ Fitters
- Train Control
- Track Auckland Metro
- Track Wellington Metro

Nominations close 1700hrs Friday 6 August 2021. Nomination forms on the union website or contact national office to get one.

## PROPOSAL TO DE-UNIONISE A ROLE AT LYTTLETON PORT SHELVED

Further evidence of the thawing in union-management relations at Lyttelton was provided last week when management agreed to reverse a proposal to de-unionise a key role in the Civil Maintenance Department after lobbying by the RMTU & MUNZ.

The manager of this area has far too many people (forty plus) reporting to him and it was evident that some sort of reorganisation was necessary. Part of the proposal was to disestablish the foremen's roles and replace these with managerial positions that would fall outside the coverage of the collective agreement. Members duly met to discuss this and passed a unanimous resolution calling on management to reconsider.

We are pleased to report that management not only listened but agreed to employ an additional carpenter as part of the restructure. The details have to be finalised but the prospects are good.

Working cooperatively like this builds confidence for the future, especially as we enter the hitherto uncharted waters of High Performance High Engagement with LPC.

## KIWIRAIL RSAS TEAM LEADER REVIEW

A sub group of the Mechanical Council has been formed to review the Team Leaders role, responsibilities, training and support. This sub group met on the 22nd July to agree on the Mission Statement, set goals, discuss wider representation and set future meeting dates. Three meetings are set before the November MCC meeting where the subgroup will be looking for a recommendation of updated position descriptions and the other outcomes from the subgroup. To encourage engagement, a simple online survey (SurveyMonkey) will be sent to all RSAS Team Leaders next week. A link to the Team Leader survey will be sent to the Team Leaders KiwiRail e-mail address.

## TWO PERSON CREWING OF TUG AT LYTTLETON QUESTIONED

RMTU members, working with the Merchant Services Guild, recently acquired information that suggests Maritime New Zealand may have been misled by LPC when approval was sought for the crewing arrangements of the new tug Piaka. These arrangements specify two person crewing and it appears LPC may have misrepresented the arrangements for crewing other tugs and also the adequacy of emergency procedures in their dealings with Maritime New Zealand.

The issue was raised with LPC's CEO who very promptly directed management to meet with our delegates to discuss specific concerns. In the past this sort of issue would have most likely have resulted in both sides adopting fixed and adversarial approaches. This time we were able to quickly enter into talks to try identify what happened and why.



Our members know they have the support of their Branch and National Office and we are hopeful the matter will be speedily resolved given the safety critical nature of this issue.

## **KIWI RAIL SCENIC JOURNEY RESTRUCTURE AFTER SUSPENSION OF PREMIER CLASS SERVICE**

Concerns over the fitness of improvised rolling stock for food preparation and service led KiwiRail to finishing its Scenic Plus trial early and will be working with Rolling Stock and Assets Services (RSAS) to refurbish a new AKF carriage. This will result in a purpose built carriage for the service but does mean that the Premier Class service is suspended in the meantime. The upshot of this is that RMTU members employed on fixed term agreements found themselves caught up in a restructure as it was proposed to disestablish several on-board roles.

The RMTU advocated for these members to be accorded all their entitlements and this was duly achieved. KiwiRail have also listened to members' concerns and created an additional on-board full time equivalent position to enable some 'fat' to be built into the crew roster to allow for planned and unplanned leave to be covered. The RMTU has advocated that this role be split so if members wish to fill it on a part basis this could be done.

At the time of writing, it appears the above will go ahead. Whilst the suspension of the Premier Class Service is unfortunate, the fact that Scenic Journeys is weathering the COVID induced downturn in tourist business without more cutbacks is a positive thing, especially when compared to the speed with which Dunedin Railways was put into so-called mothballs in April 2020 with the axing of dozens of members' jobs.

## **RMTU PARTICIPATES IN INTERNATIONAL UNION FORUM**

## **ON ECOLOGICAL & SOCIAL TRANSITIONS**

COVID hasn't stopped working people maintaining international solidarity, despite the restrictions on travel. Last month, during a six day conference held largely via videoconference and hosted by the French union La Confédération Générale du Travail (CGT), 19 workshops were held, with 8971 registrations and several thousand individual connections for a total of more than 30 hours of live broadcasting in 5 languages (French, English, Spanish, Korean and Russian). From the preparatory work to the public debates of the week, about 145 organizations (mostly trade unions), from more than fifty countries and representing the five continents, were involved. The RMTU participated in a workshop discussing the role of public transport as we face the challenges of climate system breakdown and the impact of neo-liberal policies on rail, road and air transport.

The downside of participating in these conferences from Aotearoa is we are often dialling in during the night. Many of our members work at night however, so perhaps it's no bad thing for the representatives to do the same occasionally?

## **HIGH POTENTIAL INCIDENT - PALMERSTON NORTH**

Early Wednesday morning this week, a south bound train was entering the Palmerston North yard. The LE was expecting to see the back of another train as his was signalled a "low speed" but instead there were the headlights of another service that was due to go north bound. There was high potential for a head on collision. There is very little information as to why this could occur, is there a fault in the signalling system? What could prevent a similar incident? Members are seeking answers and if there is a lack of, a Provisional Improvement Notice (PIN) will be issued.

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

