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## KiwiRail / RMTU Industrial Council (KIC)

15 July 2008

### **Introduction**

Members of the KiwiRail / RMTU Industrial Council (both employer and RMTU) need to be aware that behind the activity of the Council there are underlying health and safety as well as industrial factors. Various legal obligations exist for both parties of the KIC to consult, discuss or resolve a range of matters in an employment context. The parties agree that the KIC will be deemed to be a partial meeting of the general obligation to consult and to act in Good Faith under the Employment Relations Act 2000.

### **1. KiwiRail / RMTU Industrial Council Terms of Reference**

The KIC will be the formal discussion group for matters involving passenger, shunting, terminals, CT terminals, locomotive running and associated activities therein.

The Council will effectively be an ongoing joint working party between KiwiRail and the Rail & Maritime Transport Union.

The general purpose of the group will include:

1. Building an appropriate framework for the future
2. Enhancing discussion and consultation at local level
3. Providing leadership and direction necessary for local committees developing, trialling and implementing agreed outcomes
4. Counselling on how local projects (modelled on the national 'big picture') can be jointly developed, trialled and implemented
5. Ensuring the maximum possible local participation in any debate and project work
6. All relevant code, training and rule reviews and updates
7. Providing a joint (RMTU/KiwiRail ) national overview of the 'big picture'
8. Sharing all information, data and ideas at all levels as appropriate
9. Dealing with the "exceptions", local quirks
10. Developing agreed educative programmes to enhance safety and understanding
11. Develop and set facility and equipment basic standards (e.g. lighting, underfoot conditions, loco cab conditions, etc)
12. Provide a national overview and processes for the development, trial and introduction of new technology and work processes
13. Issues incorporated into or arising from the KiwiRail New Zealand Operating Plan (or further issues which may arise from the Council) should be vetted, debated, amended or endorsed at KIC level
14. Review of Tunnel Committee reports
15. Review Technical Committee reports
16. Overview of local H&S Action team minutes and escalation point for unresolved issues



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## KiwiRail / RMTU Industrial Council

### 2. KiwiRail / RMTU Industrial Council Agreed Configuration

The following configuration and concept is agreed:

- Managers representing Kiwi Rail / Passenger
- Manager representing Mechanical
- RMTU Northern - a rep each from Loco and Terminal
- RMTU Central - a rep each from Loco and Terminal
- RMTU Southern - a rep each from Loco and Terminal
- RMTU 1 CT Site rep – Nationally
- RMTU 2 Passenger reps – TMW and Scenic
- RMTU 2 Industrial Officers/Organisers or NMC representatives

The Chairperson will rotate between KiwiRail Senior Management and RMTU Officials

The KIC would be supported by Regional Forums and will also involve geographic “tours” on specific KIC issues and general standards. These structures needed to be made more effective, have buy-in and participation from managers and RMTU reps. The issues would be generated locally and feedback given and liaison provided.

Additionally, the KIC set the standards on issues of national concern and monitor, audit progress and implementation.

It is the intention of the parties that the KIC and Ontrack Industrial Council (OIC) will meet at least annually to discuss and deal with interoperability issues.

The KIC should meet at least bi-monthly and this can be regularly reviewed. Ongoing discussion and liaison between meetings should occur to assess progress and focus.

### 3. Local Industrial Committees

1. Local Industrial Committees will be established at Westfield, Mt Maunganui, Te Rapa, Palmerston North, Wellington, Middleton and Dunedin.
2. Local Industrial Committees will provide local expertise and support for the KIC and the local Health and Safety Action Teams on all matters relating to and involving shunting, locomotive and CT site activities.
3. Local Industrial Committees will gain their membership jointly from employee elected union representatives and management designated sponsors. No one member of the committee will carry greater authority than any other and the employee representation must cover all designations requiring representation.
4. The Chairperson will be elected annually from the LIC membership.
5. Local Industrial Committees will oversee shunting, locomotive and CT operational activities for the primary and aligned secondary marshalling terminals within their area.



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6. Membership will ensure adequate representation of the occupations in each terminal, plus one union/employee representative from each secondary terminal within their area.
7. Secondary terminals are – Whangarei, Taranaki (New Plymouth, Stratford, Whareroa), Napier, Kawerau, Kinleith, Picton, West Coast, Timaru and Invercargill
8. At least two informal meetings must be held with employees each year to update them on local and National council activities.
9. Local Industrial Committees should meet as required but no less than 4 times a year

### **Local Industrial Committees will be responsible for:-**

- a. Liaison on matters arising from KIC initiatives
- b. Overseeing and supporting the development and implementation of new technology and processes.
- c. Discussing, resolving or escalating local issues.
- d. Supporting local management on matters relating to rules and process compliance.

### **4. Role of the KIC RMTU Representative**

The representative is an elected role from among the constituent terminal members of the RMTU.

Each KIC rep. represents the interests of all RMTU members within their geographical coverage and within their occupational groupings. As with all RMTU representatives they are bound by policy and rules set by various conferences and formal RMTU bodies.

Currently the occupational groupings include:

- Locomotive Engineers, Team Leaders, RCOs, Rail Operators, CT Operators, Customer Service, Passenger On Board Service staff
- Reps are elected for a two year term.

You are required to not just represent the interests and concerns of your terminal or designation. During the course of your involvement you will receive a lot of information, both written and verbal. While the majority of this is important to distribute and get out to members you represent you need be remember that some aspects of the information will be confidential and this must be respected if we are to continue to have access to it to help us understand our roles and decision-making.

There will be issues of not just legal personal privacy under the Privacy Act but common courtesy dictates that some material is confidential to named individuals. This 'personalised' information does not need to go out to members and **should not** go out. While far the majority of material is for distribution you must be aware of your responsibility to respect private information. If you have any doubts, ask first.

You will be required to contribute and debate the introduction of new technology, restructurings proposed and contribute to negotiation on rates of pay and conditions that may arise from any of the



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above. Any outcomes agreed at KIC level on these issues will generally require formal endorsement by the RMTU nationally and some outcomes may be required to be incorporated into the Collective Employment Agreement (e.g. CT Operators rates of pay).

You must be made available by your manager to attend KIC meetings and participate in regional visits as planned.

**Examples of specific items and issues with which you should make yourself familiar, monitor, review and provide reports to the KIC on are:**

- i. Promote meaningful employment relationships based on respect, trust and good faith
- ii. Provide feedback to areas in your region on KIC issues and decisions
- iii. Report to the KIC on local relevant issues.
- iv. One of the key objects is to actively work to improve and enhance occupational safety of all members represented and ensure national standards are negotiated, agreed and complied with
- v. Educate members on agreed outcomes: e.g. the Safer Shunting and Safer Riding principles
- vi. Liaise with all Local Industrial Committees in your region, provide support and advice on Operations Council policies and agreed positions
- vii. Monitor and report on hours of work, continuous shifts and time off in line with agreed Collective Employment Agreement Clauses
- viii. Assist members and delegates with the KiwiRail/RMTU Injury Management Programme
- ix. Participate in KIC Projects and put the views of your region (e.g. NZQA training, Site Safety Procedures development, safety observation systems, etc)
- x. Raise at the KIC any specific site related issue that needs national input
- xi. Monitor the agreed Underfoot Conditions standards in critical operational areas and post-maintenance/track renewal
- xii. Ensure the roster consultation and rules process is adhered to by both parties (i.e. KR and RMTU)
- xiii. Enforce the wearing of personal protective equipment (e.g. safety boots, appropriate hearing protection, safety glasses)

**You are entitled to access to any information that comes across the KIC table. Don't hesitate to ask for background material from the KIC Chairman if you are unsure.**

**If unsure on any matter or simply seeking advice, contact the KIC RMTU Industrial Officers/Organisers.**

### **6. Management Responsibilities**

- Provide leadership across all areas of KIC coverage
- Ensure adequate and appropriate communication is achieved
- Promote meaningful relationships based on respect, trust and good faith



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### KiwiRail / RMTU Industrial Council

- Represent KiwiRail for all topics of discussion involving KiwiRail Operations, including Passenger and CT Operations
- Facilitate the necessary processes and initiatives to achieve KIC agreed outcomes
- Provide relevant and accurate information at the KIC to encourage discussion on trends etc.

#### **7. Communications**

Minutes from the KIC will be placed on the KiwiRail Intranet and terminal notice boards  
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 15 July 08

Craig Nelson – KiwiRail / RMTU Industrial Council Chair

  
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Wayne Butson – National Secretary RMTU

DATE 15 July 2008.

