

# THE ACTIVIST



Published Regularly - ISSN 1178-7392 (Print & Online) 20 December 2022

## MERRY CHRISTMAS AND A HAPPY, JOYOUS AND SAFE 2023!

The end of 2022 is upon us 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 Christmas 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.

**Please 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 will 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 often 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  
2023.

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) will be closed from 1600hrs 21 December 2022 until 0830hrs 9 January 2023.

The Auckland office is closed from 23 December to 31 January 2023

The Bay of Plenty is closed from 19 December to 1 February 2023.

While the SI Organiser, Dave Kearns, does not currently work out of an office, he is on leave from 28 December and returns 9 January 2023.

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

Rudd Hughes – 22, 23 & 24 December inclusive on 0272464961

Todd Valster – 24, 25 & 26 December inclusive on 0274454691

Dasha Van Silfhout – 28, 28, 30 & 31 December inclusive on 0272203492

Allan Addison-Saipe 1, 2 & 3 January 2023 inclusive on 0272119959

Dave Kearns 5, 6 & 7 January 2023 inclusive on 0272464941

Todd Valster 8 January on 0274454691

## FAIR PAY AGREEMENTS – MYTHS AND MISINFORMATION

Our union office has been contacted by members, delegates and managers over MUNZ staff touring the ports talking up Fair Pay Agreements (FPA) on the waterfront.

To dispel some myths, it is timely to clearly state our current positions.

We do not have any agreement with MUNZ to do a FPA on the waterfront. It has been discussed informally with MUNZ but there is not an agreement between RMTU & MUNZ to do an FPA.

We do not see a waterfront FPA affecting existing Port Collective Agreements unless the FPA has superior conditions to a Collective Agreement which is unlikely.

We believe where an FPA maybe appropriate will be for ununionised port workers or those that seek to not be in a "inhouse" union.

Lastly, we are not going anywhere. Two managers have made contact after being told the RMTU will not be on the waterfront in the future – again another myth!

## STEVEDORING- APPROVED CODE OF PRACTICE WORK BEGINS



Following the inquiry into the shameful levels of worker injuries and fatalities in the ports sector, the Ports Leadership Group (which includes the RMTU, waterfront unions, ports employers and regulators), has begun the development of a national standard for health and safety in the ports. The working group will adapt the Australian Approved Code of Practice for Stevedoring for the NZ environment. The

first meeting is on 15 December and is aimed to be completed by mid-2023.

## TRANSEV WELLINGTON / HYUNDAI ROTEM / RMTU MECA JOINT STATEMENT

The RMTU, Transdev Wellington and Hyundai Rotem have attended two sessions of bargaining since the unsuccessful ratification ballot, the last meeting being 12<sup>th</sup> December 2022.

All parties understand there is frustration that the bargaining is taking so long but we are now at a stage where there is a new settlement offer for members to consider. The main issues for the RMTU are to achieve a reasonable pay rise, industry parity and to restore relativity between On Board roles. The main issue for Transdev Wellington and Hyundai Rotem is affordability. Following further bargaining we believe we have achieved a balance and are in the process of finalising the Terms of Settlement and draft MECA.

Once the RMTU has the final documents, the union will undertake a postal ratification ballot. This ratification ballot will be sent out before the Christmas break.

Thank you for your patience.

## THE AUCKLAND BEAT

Trouble in the City of Sails. There are a number of headwinds for members up here, most of them emanating from Auckland One Rail, the company running the Auckland Metro Network. Aussie owned, they genuinely don't seem to know what they've bought and consequently are questioning, and often failing to follow what has been agreed in the Collective Agreement. In many cases we are having to fight over long-established protocols, not the least of which is meaningful consultation. The result has been some sharp lessons for them in terms of New Zealand employment law. The consequence is 18 outstanding issues, PGs and disputes, several of which are heading to mediation and beyond.

Auckland Transport (AT) are hardly blameless in this. They used the dying embers of PTOM, a failed process for procurement of services, to bring in AOR over the existing provider, Transdev Auckland (TDAK) because they came in a lot cheaper. This is exactly the same process that spelled disaster for the bus network in Auckland, and especially for Bus Drivers whose wages were driven down. The Labour government were supposed to get rid of

PTOM when they first came in but their procrastination on this matter has led to these incompetents taking the reins of Auckland Metro Rail.

The irony is that the RMTU had finally established a working relationship with TDAK after years of battling with them. This also seems to be one of the reasons the TDAK bid failed with AT. The membership is looking at some stormy seas ahead so it will be time to batten down the hatches over the coming 12 months as we enter into bargaining in October. Kia kaha.

## PORT WORKERS HEALTH AND SAFETY TRAINING- 22-23 MARCH 2023

This two-day training is for port members who are passionate about improving health and safety on the waterfront. The course will be taught via zoom so members from all ports can meet and work together using case studies, quizzes, videos and group work. Your attendance will be covered using paid EREL (employment related education leave), organised by your Union. If you're interested in doing the course, please get in touch with either your RMTU Organiser or [kfletcher@rmtunion.org.nz](mailto:kfletcher@rmtunion.org.nz).

## INJURIES STILL HIGH FROM PULLING POINTS

### AT KIWIRAIL

In November three workers suffered neck, back, shoulder and wrist pain from pulling sets of points into place. Despite KRG's programme of replacing the Wynne Williams points with points that are easier to manoeuvre, there continues to be significant injuries to rail workers.

## BALCLUTHA BATTLE LINES

Trouble has been brewing over an issue at Balclutha in South Otago where a long standing agreement is in place for two Balclutha based RCOs to be employed. When

MERRY CHRISTMAS!



© iStockphoto.com

one of them transferred north over 12 months ago, Kiwirail decided to run the nightly Balclutha shunt shift position out of Dunedin, over 80km away, instead of advertising to fill the position.

This would involve the Dunedin based RCO travelling both ways either by train or fleetcar for each shift. Our Members in Dunedin resisted this, as they are employed to work in the Dunedin/Port Chalmers area and working the Balclutha shunt shift would introduce several safety risks.

Eventually RMTU won a decision in the Employment Court whereby Kiwirail cannot compel Dunedin RCOs to travel to Balclutha for work. This being a good result, RMTU Members breathed a sigh of satisfaction, job well done. But ever since the court decision, Kiwirail have been trying to achieve 'through the back door' what they failed to get through the front door, and are currently using LEs to fill the shift on a piecemeal basis, which has added to a loss of confidence in Kiwirail's management.

One aspect being watched closely and advised to Members is that Kiwirail do not cut corners in terms of compliance or safety induction for the area concerned. RMTU's position has remained constant throughout: employ a second RCO at Balclutha to reinstate the status quo. The Otago Rail Branch has risen to the challenge and displayed solidarity throughout. Watch this space.

## PORT NELSON RATIFIES AGREEMENT

Port Nelson LTD Members ratified a one-year deal with the employer on December 6<sup>th</sup>, a well turned out meeting gave a resounding majority decision to take an 8.2% pay rise from the employer for a one year term. Significant steps were taken in addressing breaches of the Holidays Act with new conditions added to the CA around lieu days for regular casuals and penalty payments not coming off permanent guarantees.

PNL and RMTU continue to commit to a working party on rosters for stevedores. A first for Nelson, this would give stevedores surety around when they are working and guaranteed days off. Another first for Nelson is using a Interest Based Problem Solving approach to getting a result. This process looks to find a solution through consensus

which provides and answer for all parties by working collaboratively.

Whilst this process has been used for a number of years by KiwiRail with their HPHE program, this is a new initiative in Ports. Who would have thought that working collaboratively would be a good idea, but it turns out that even though the process is complicated and it is extremely difficult to find that solution but it would appear not impossible?

A report back to the workers is planned before Christmas so a response can be gauged on the work already done.

## CENTREPORT RATIFIES

Two port Deals ratified in one week, CentrePort members ratified their CA on December 9<sup>th</sup>, a multi-union deal was agreed with RMTU, MUNZ and Etu in a MUCA. A much drawn-out process will result in all back around the table in six months as a 7.2% GWI was agreed for a one-year term. There were gains for the lowest paid members as well as resigning a letter of understanding in regard to Cellular lashing work staying in house.

Negotiations were marked by a protracted discussion for a claim for permanent line handlers, agreement could not be arranged over availability and compensation. The proposal seemed a bit light on Fatigue Risk Management and could not be agreed so the status quo remains for line handling in Wellington.

## PORT INDUSTRY ASSOCIATION FATIGUE WORKSHOP

Allan Addison-Saipe, the RMTU's newest organiser, recently attended a two-day fatigue Workshop at CentrePort presented by Dr Kirsty McCulloch and Australian sleep scientist and FRMS advisor to industry.

The presentation was made mainly to Port Industry Executives and representatives, Kirsty presented a sobering message to industry representatives that it is time for NZ ports to embrace FRMS and do something about the risk of fatigue in the Ports sector.

Whilst much of the information was not new to Allan, clearly many in the industry realized they have a lot of work to do. Two points that were pressed was that nap rooms are a major control and should be used and encouraged. Also, that employers need to not only provide



an opportunity to sleep but have a duty to make sure workers have had adequate sleep.

A lot of things require a cultural change in the approach to fatigue by both workers and management. However, congratulations to the PIA for being proactive in moving as an industry to deal with this issue

### **C3 BAY OF PLENTY, KAWARAU AND NAPIER COLLECTIVE AGREEMENT RATIFIED.**

After many months of bargaining, a settlement was reached and the proposed Collective Agreement ratified.

There are nine schedules covered by this Collective and majority of these Schedules received a wage increase equal to CPI.

The biggest highlight is in January 2023, the On Board Labour Collective members will wind up their separate Collective and be included in this Collective Agreement again making it 10 Schedules. One RMTU/C3 Collective again.

Two big claims were put forward by C3 regarding moving from the current weekly pay to fortnightly pay and the other of Rostered Employees potentially losing their 'Otherwise Working Day' entitlements. We have successfully maintained both of these conditions.

Increases are effective Monday 19<sup>th</sup> December 2022, with backpay to be paid in January 2023.

Report back and ratification meetings were held last week and to maximise member participation at these meetings, they were held around the clock with one of the meetings at 2AM!

Well done to Dasha and the entire RMTU bargaining team for their valuable input.

### **UNION FEE INCREASE**

The RMTU has held the union fee you pay steady for the last three years but in order to maintain our services to members we have increased the fee as at the 1<sup>st</sup> December from \$9.00 a week to \$9.10,

(aside from some of the Port branches who pay slightly more to gain a local branch fee.)



**Take care of each other and above all else – Have a Merry, Safe and Joyous Festive Season!**

**See you in 2023**



# IMPORTANT RMTU DATES 2023

SPECIAL DATES	
<b>International Women's Day</b>	8 March 2023
<b>World Toilet Day</b>	19 November 2023
<b>Workers Memorial Day</b>	28 April 2023
<b>RMTU BRANCH AGM's (Election of Officers &amp; Conference Delegates)</b>	<b>To be held in the month of AUGUST 2023 as per RMTU Rules &amp; Standing Orders.</b> (Please liaise with your Industrial Organiser and other local branches to ensure General Secretary and / or President attendance at your AGM).
<b>Suffrage Day</b>	26 August 2023
<b>Labour Day</b>	23 October 2023
<b>White Ribbon Day: Saying No To Violence Against Women</b>	25 November 2023
<b>School Terms / Holidays</b>	<b>Term 1:</b> 30 Jan to 06 April 2023 <b>Term 2:</b> 24 April to 30 June 2023 <b>Term 3:</b> 17 July to 22 September 2023 <b>Term 4:</b> 09 October to 20 December 2023
CONFERENCES & FORUMS	
<b>RMTU Biennial Conference</b>	2024
<b>RMTU Ports Forum</b>	18-19 July 2023
<b>RMTU Women's Forum</b>	20 July 2023
ELECTIONS - RMTU EXECUTIVE AND KIWIRAIL LTD INDUSTRIAL COUNCILS	
<b>General Secretary</b>	01 March 2023
<b>National President</b>	03 April 2023
<b>NMC Representatives</b>	01 May 2023
<b>KiwiRail Industrial Councils</b>	2023 - TBC
<b>Women's Council</b>	August 2023
NMC MEETINGS	
<b>RMTU NMC Meetings</b>	<b>1<sup>st</sup> NMC Meeting:</b> 08 March 2023
<b>National Management Committee Board Meetings</b>	<b>2<sup>nd</sup> NMC Meeting:</b> 14 June 2023 <b>3<sup>rd</sup> NMC Meeting:</b> 13 September 2023 <b>4<sup>th</sup> NMC/Staff Meeting:</b> 06 & 07 December 2023
NZCTU DATES	
<b>NAC</b>	23/02, 25/05, 24/08 and 24/11/2023
<b>Runanga</b>	24/02, 26/05, 25/08 and 22/11/2023
<b>Runanga/NAC</b>	23 November 2023
<b>Biennial Hui</b>	2024
<b>Women's Committee Meetings</b>	TBA
<b>Komiti Pasifika / Out @ Work Conferences</b>	TBA
<b>CTU Biennial Conference</b>	25-26 October 2023
THE TRANSPORT WORKER	
<b>Branch Contribution Deadlines for editing and printing</b>	<b>Issue 1:</b> 10 February 2023 <b>Issue 2:</b> 05 May 2023 <b>Issue 3:</b> 04 August 2023 <b>Issue 4:</b> 03 November 2023