

THE ACTIVIST



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THE GLOBAL ECONOMIC CRISIS - A UNION RESPONSE

Thousands of working New Zealanders are currently being hit by the global recession, but while it's currently a hot topic of conversation the recession can be a tricky thing to understand. We hope this will explain in plain language what the global economic crisis is, what brought it on and how workers and unions can respond to it.

What is the global economic crisis and what caused it?

Some of the world's biggest economies are in recession, including the US, UK, Japan and Europe. How this happened is that after a period of worldwide economic boom based on speculation and dodgy lending practices, the bubble finally burst.

One of the main reasons for this was the collapse of the US sub-prime mortgage market - sub-prime is the practice of extending credit to people who would otherwise not have access to the credit market. These mortgages had a high credit risk but the banks hid this by bundling them with more secure mortgages.

Because of this, when sub-prime mortgage holders started defaulting in large numbers huge swathes of the banking industry were affected and were forced to file for bankruptcy.

The nature of the global economy meant that the debt on these loans was tied up in investment programs and securities around the world, thanks to tricky hedge funds and

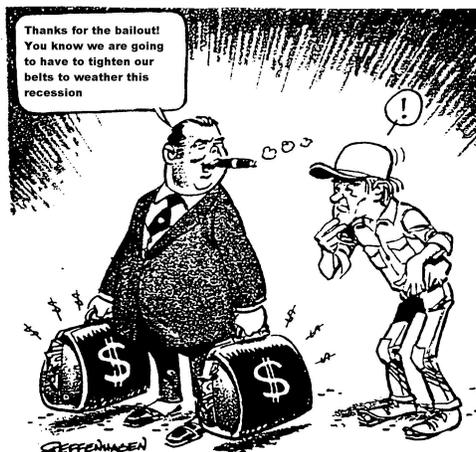
other unregulated financial products. So when the subprime mortgages went under, so did the investments. As a result, ordinary businesses across the world with no direct connection whatsoever to US sub-prime suddenly started facing difficulties or even folding if they couldn't get a bank loan or lines of credit. Banks stopped trusting each other as they were unsure of the security of other banks balance sheets and credit dried up, causing the whole system to fail.

Higher interest rates, falling consumer confidence, stock market turmoil and higher oil prices started forcing workers and their families to cut their spending. Demand for goods and services collapsed and business profits started to slump. As a result workers started being laid off, reducing their spending and further reinforcing the downward cycle. It could be characterised as a perfect storm.

Working New Zealanders are not responsible for any of this, but like everyone else we are going to have to face up to it whether we like it or not.

What is a recession?

Technically, an economy is in recession if it experiences two consecutive quarters of negative growth. The word also has a wider meaning - it generally refers to a downturn across a broad range of economic indicators like spending and business investment. A prolonged and worsening period of economic stagnation generally stops being referred to as a recession and becomes a depression. During a recession unemployment rises dramatically and businesses cut staff to save costs. Treasury predicts the New Zealand



unemployment rate will rise to at least 7% from the 4.2% we are currently at. Treasury are known to be conservative in their forecasts which means it could be worse than their forecast.

How can workers and their unions respond?

Unions have 3 messages for members and the companies that they work for:

- If a company is experiencing difficulties due to the recession, we will, as always, work with members and employers to ensure that the effects are minimised. We will work to ensure that all affected members are consulted about any changes to work places, including suggesting alternatives to any redundancies or reductions in the terms and conditions of employment. Where redundancies are necessary we will work to ensure that our members receive their full entitlements and any support that they require. In order to do this work efficiently we will be requesting that companies disclose all the necessary information, so that we can all work together to come up with solutions.
- If a company chooses not to disclose information and to use the Economic Crisis as an excuse to keep wages down, reduce wages or make unnecessary cuts to staffing numbers, we will work with our members to discover what is really going on and we will challenge any changes. If a company chooses to over look its obligation to enter into meaningful consultation with affected employees, we will challenge this too.
- Some sectors of the work force will not be as badly affected as others. Where companies are ticking along and making good profits, we will continue in our usual work for wage growth.

There has never been a more important time for working people to stick together and try to protect our terms and conditions and to ensure that things are fair. If you are not a member of the Union, it is a good

time to think about joining. If you are, then it is a good time to talk to your workmates, friends and family about joining us.

The EPMU has produced a video called Crunch Time to explain the recession and a union response. You can find the video at www.rmtunion.org.nz or www.epmu.org.nz/crunch-time/ or by searching for "Crunch Time EPMU" at www.youtube.com.

IM WAGONS – A WORRY

We have received reports from Loco Engineers questioning the braking performance of the new Chinese manufactured IM wagons. There is growing concern with the brake operation which is considered sub optimal by the LE's. This matter needs urgent attention from KiwiRail. There has been a Signal Passed at Danger (S.P.A.D.) incident involving a train using these wagons.



CALL FOR NOMINATIONS NETWORKS (FORMERLY ONTRACK) INDUSTRIAL COUNCIL!

Following the extensive disputation between the Union and the company arising out of the "Building Our Futures" booklet debacle an agreement was signed between the parties which created a single joint entity made up of elected RMTU members and management reps to deal with workplace industrial and relationship issues. Formation of the group was delayed by the difficult wages negotiations and latterly by the work of the wagheround agreed Working Parties. A decision has now been made to now implement the new structures without further delay by the RMTU National Management Committee. There are 5 infrastructure positions and 3 Operations positions on the Council for RMTU reps. Union policy as determined by Annual Conference requires that any member of the Union's National Management Committee (NMC) who is eligible for nomination to a position on an Industrial council shall be

deemed to have been elected to that position. As a result Albert Barr will fill the **Infrastructure Track worker position** on the council and **no** nominations will be called for that position.

Accordingly we now call for nominations for the following positions from members who fall within the categories of representation;

Infrastructure – Ganger/Foreperson

- If you hold a position of ganger (foreperson) in any area of KiwiRail Networks operation then you are eligible for nomination for this position.

Infrastructure – Signals, Comms, Traction

- If you are employed within the Signals, Communications, Traction specialised areas of KiwiRail Networks then you are eligible for nomination to this position.

Infrastructure – Bridges and Structures

- If you are employed within the Bridge gangs or structures specialised area of KiwiRail Networks then you are eligible for nomination to this position.

Infrastructure – Mechanical Group

- If you are employed within the track machine groups and mobile mechanised gangs, plant fitter specialised area of KiwiRail Networks then you are eligible for nomination to this position.

Operations – Train Controller

- If you are employed within the Train Control specialised area of KiwiRail Networks then you are eligible for nomination to this position.

Operations – Signallers

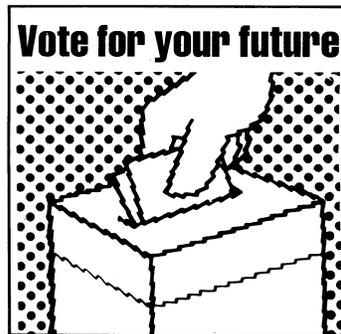
- If you are employed as a Signaller within KiwiRail Networks then you are eligible for nomination to this position.

Operations – Clerical Admin

- If you are employed within the clerical, administration, codes and standards and technical areas of KiwiRail Networks and paid under the clerical, administrative, team leaders, supervisory, professional and technical employee's pay scales then you are eligible for nomination to this position.

Nomination forms are available from the Union's Website www.rmtunion.org.nz or National Office by calling 04 4992066, fax 04 4710896 or by email to jharrison@rmtunion.org.nz

Nominations must be moved and seconded by current financial Union members who are employed within the same area for which the nominee is being nominated for and an acceptance of nomination signed by the nominee.



Correctly completed Nominations must be received in the Unions National Office by 1700hrs 10 April 2009.

In the event that there is more than one nomination received by the closing date for any position then a postal ballot of current financial members employed within the area for

which the nomination was received will be conducted. Nominees are warned that in the event of a ballot being held a photograph and short "why vote for me" story of 150 words is required from each candidate ASAP.

1 APRIL 2009

From 1 April 2009 the Employment Relations Act 2000 entitles employees to paid rest and meal breaks and employers will be required to provide facilities for employees who wish to breastfeed at work. This amendment moves the minimum expectation for breaks. Your CA may contain provisions superior to this minimum and so the impact of the legislation within our membership will be limited but it is a major gain for all non union worksites.

Rest and meal breaks

Employees will be entitled to:

- one paid 10-minute rest break if their work period is between two and four hours;
- one paid 10-minute rest break and one unpaid 30-minute meal break if their work period is between four and six hours;
- two paid 10-minute rest breaks and one unpaid 30-minute meal break if their work period is between six and eight hours.

If more than an eight hour period is worked, these requirements automatically extend to cover the additional hours on the same basis.

The timing of rest and meal breaks is flexible and can follow any arrangement agreed between employer and employee.

If an agreement can't be reached, the rest and meal breaks should be spread evenly throughout the work period.

For more information, visit: www.ers.govt.nz/relationships/breaks.html

Breastfeeding at work

Employers will be required to provide appropriate facilities and breaks for employees who wish to breastfeed or express, as far as is reasonable and practicable - taking into account both their operating environment and available resources.

The breaks are unpaid unless the employee and employer agree otherwise.

The breastfeeding breaks are to be provided in addition to the standard paid rest breaks and unpaid meal breaks.

For more information, visit: www.ers.govt.nz/parentalleave/infantfeeding.html

NMC ALTERS FOR 2009 ELECTION

A discussion paper was tabled for consideration and adoption by the members

of the National Management Committee (NMC) of the RMTU at the 11 March meeting. The paper outlined a number of options for this year's NMC election. The representation options can be summarised as being;

1. Status Quo – 2 Port, 2 Non Core rail and 2 Core rail
2. A move to sectoral representation based upon occupational lines
3. The alteration of the distribution of positions between core and noncore rail to reflect the movement of members back into the Core category with the renationalisation of rail. This would mean 3 core rail, 1 noncore rail and 2 Port reps on NMC.

A major consideration was whether a major change like option 2 could and should be done by the NMC outside of Annual Conference and it was felt that it was not appropriate as the membership should be given

the opportunity to determine such a major change. It was felt that the status quo would be nonsense as this would mean there were 2 positions to represent 646 members in noncore whereas there would be 2 for 2818 in core rail.

NMC resolved to adopt option 3 above for the 2009 election.

NMC nominations will be called for the positions later this year with the National President position being called on 1 April 2009. The National president and NMC positions have an office term of 2 years and the General Secretary is 4 years.

CTU VICE PRESIDENT MAORI CONCERNED AT MAORI PARTY DIRECTION

CTU Vice President Maori Sharon Clair expressed concern today at the policy direction recently taken by the Maori Party to support unfounded Government attacks on ACC and in particular the personal attacks on ACC Chair, Ross Wilson.

"Ross Wilson has overseen an Accident Compensation Scheme that is one of the most cost effective injury compensation



schemes in the world. Employer levies (as a % of payroll) are more than twice as high in Australia, Canada, and the USA than under ACC in NZ. Similarly, comparable motor vehicle no-fault schemes (such as Victoria Aust) have substantially higher motor vehicle levies," said Sharon Clair.

"Like all other investment funds ACC has suffered a reduction in the value of investments as a result of the international financial crisis. However, it has done better than every other fund manager, public or private both over the past 10 years and over the past 12 months under Ross's leadership. In the first seven months of the current financial year to January 2009, ACC's investments showed a return of 2.73%" she said.

"For a party that wants to be mana enhancing it is indefensible to get on National's band wagon because it is aimed ultimately at privatising ACC and it spreads such great dishonesty against someone like Ross who has not only performed well in the role but is also held in extremely high regard across the community, including the Maori community," Sharon Clair said.

"Ross Wilson has dedicated his working life to matters of worker health and safety and is also a leader in Maori workforce development strategies and was responsible for establishing a Maori advisory board within ACC that has eminent Maori members advising on how ACC can better serve Maori, so it is extremely poor judgement that the party has joined in the attacks, and will be seen for the cheap politics it is. Many Maori workers voted for the Maori Party believing it would uphold their rights and would work in a principled manner on issues such as this. What we have seen this week will leave them feeling let down," Clair said.

UGL TO KIWIRAIL MECHANICAL

The RMTU has been advised that the insourcing of the UGL business now has ministerial approval and is confirmed to occur on 23 March 2009 at 1000hrs.



ASCIANO FOR SALE – WHAT FUTURE PATRICK'S AND PACIFIC NATIONAL?

Asciano is fast coming to the realisation that its crippling debt burden of over \$4.5 billion will destroy the company in its present form. With \$2.25 billion of this debt due to be refinanced by May next year,

KiwiRail will be purchasing the shares of UGL NZ Rail Ltd and this will see all our UGL members moving to be employees of KiwiRail Group.

Members should remain calm. Your terms and conditions of employment are safe and secure. Your years of service with the employer will remain unbroken and so your service related benefits are unchanged.

We have seen this many times before and so in most cases the only visible change will be the name on your overalls or if you're lucky you will get a new pair of overalls!

As always the remaining constant in this Industry is the RMTU we remain strong and united no matter whom the employer is!

DIRECTOR OF POLICY CTU

The CTU have appointed Bill Rosenberg as Director of Policy. A full panel of CTU Officers including Richard Wagstaff and Sharon Clair interviewed 5 applicants and agreed to offer the job to Bill. He will commence work on 11th May.

Bill Rosenberg has a B.Com in Economics, a BSc in Mathematics and a PhD in Mathematical Psychology. He is currently Deputy Director, University Centre for Teaching and Learning at the University of Canterbury. Bill is a Member of the Institute of Directors, a Commissioner on TEC, and was a member of the Regional Land Transport Committee of Environment Canterbury. Bill is widely published on globalisation, trade and e-learning. He has been an active trade unionist for 30 years including the Tramways Union and AUS where he was National President for several years. He is a former member of CTU International Committee and NAC.

the so-called 'monetisation' process, by which Asciano's Mark Rowsthorn was hoping to raise at least \$1 billion, is taking on an increasing air of urgency. Asciano has confirmed that it is formally considering selling either its container ports business or its coal haulage division as part of its financial strategy. Its intermodal operations are also receiving scrutiny from interested parties, rumoured to be its main rival QR. In a sign of the times, news of Asciano's break-up was the only thing that managed to raise the company's flagging share price in recent time, by a whopping 32% up to 90 cents at one stage, before settling back to 0.730 at close of trading today. This compares with the company's all-time high of over \$11 shortly after its demerger from Toll, or the \$4.40 offered by TPG/GIP in August, or the \$2.75 at which the shares traded in October when TPG/GIP expressed some renewed, albeit non-binding, interest.

It is clear that the main concern on investors' minds is the group's mountainous debt burden, as the underlying assets are sound and performing well. While the Patrick stevedoring operations are currently underperforming due to the economic downturn, the business has been profitable and is one of only two nationwide stevedoring operations in Australia, a comfortable duopoly. There are not many industries where the barriers of entry are as high as on the Australian waterfront. Similarly, while Pacific National has decided to abandon its Tasmanian operations and largely withdraw from the grain haulage business, it has made significant inroads into coal transport and is also running a profitable, successful intermodal rail operation. At the current share price, Asciano is valued around the \$1 billion mark, significantly below its real asset value and an attractive target for complete take-over. Whatever the outcome will be, whether partial asset sale or total takeover, somebody is going to get a real bargain.

CTU FACTS ON ACC CONTROVERSY

Introduction - This fact sheet has been prepared to provide some answers to questions being asked by union members about the current political controversy around ACC, including the removal of former CTU president Ross Wilson as ACC Chair.

Is ACC insolvent? - The Minister of ACC claims that ACC is insolvent. This is untrue. ACC has revenue of about \$4 billion a year and expenditure of less than \$3 billion a year. It also has reserves of more than \$10 billion. A leading actuary, John Eriksen, in the Dominion Post (12 March) described the ACC Minister's claims as "ill-founded scaremongering by a poorly informed

government...in reality there's nothing wrong with it". ACC has a total liability of \$22 billion for the future cost of claims. It is in transition to full funding (i.e. collecting in the year of the accidents enough revenue to cover all current and future costs of the claims) from pay-as-you-go (i.e. collecting enough revenue to meet the cost of claims in the current year only) and the \$10 billion reserve fund will increase over time which (with investment returns) will fund future claim costs.

Are ACC costs "out of control"? - The Minister of ACC has claimed that "ACC costs are out of control".

This is untrue. However it is true that the number and claims is increasing at a rate greater than population growth and the cost of claims is increasing at a rate higher than inflation. Reasons include legislation changes extending coverage, high increases in medical and physiotherapy treatment costs, and New Zealand's higher accident rates than other countries. The ACC Board has been considering, and implementing, operational changes to manage these costs and some legislative fine-tuning is necessary, but costs are certainly not "out of control". As already noted ACC is also in a transition to full funding from pay-as-you-

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...ACC is a civilised and cost-effective approach to dealing with the injured. Why undermine confidence in the scheme, unless you plan to undermine the scheme itself?"

Brian Fallow, Economics Editor, New Zealand Herald 12.3.09

go. This has to be achieved by 2014 and is putting additional upward pressure on levies. The CTU supports moving the deadline to 2019.

Is the ACC scheme expensive? - ACC is one of the most cost-effective injury compensation schemes in the world. Employer levies (as a % of payroll) are more than twice as high in Australia, Canada, and the USA than under ACC in NZ. Similarly, comparable motor vehicle no-fault schemes (such as Victoria in Australia) have substantially higher motor vehicle levies.

Is ACC poorly governed and managed? - ACC is widely regarded internationally as a well run scheme. An extensive review last year confirmed that ACC is achieving international best practice and has comparatively low administration costs.

Has ACC suffered major investment losses? - Like all other investment funds ACC has suffered a reduction in the value of investments as a result of the international financial crisis. However, it has done better than almost every other fund manager, public or private over the past 12 months. In the first seven months of the current financial year to January 2009, ACC's investments showed a return of 2.73%

What is the billion dollar cost blowout the Minister and the media keep on about? - That is a reference to the increased taxation funding required from Government to fund the ACC

Non-Earners Account. This has been caused substantially by increased, and costly, claims for medical treatment injury as a result of legislation changes passed by Parliament in 2005, as well as increased medical treatment costs for non-earners'

injury claims. In fact the amount is about \$300 million per year (\$1 billion over 3 years). The Government is concerned that this amount was not made public in the Pre-Election Fiscal Update (PREFU) which a Ministerial Inquiry has found was the fault of Treasury, not ACC.

Why has Ross Wilson been sacked as ACC Board Chair?

- The real answer is probably that the National Government doesn't want a former union leader as Chair, and because of his known opposition to ACC privatisation. He has been replaced by an accountant who is an Associate Member of the NZ Business Round Table. The reasons which have been given by the Minister and government spokespeople include:

"The ACC total liability for future cost of claims has increased from \$18 billion to \$22 billion over the past 12 months." In fact the ACC Board is able to influence less than 20% of the increases in liability most of which is related to economic impacts beyond its control. Although this was the reason stated by the Minister in a letter to the ACC Board he is now quoted in the DomPost (11th March) as saying that the real reason is not controlling increases in physiotherapy costs.

"That ACC has suffered major investment losses." In fact the ACC investment performance is better than almost any other fund manager, public or private.

"Failing to force Labour Ministers Cullen and Street to disclose in the Pre-Election Fiscal Update the expected additional funds required for the ACC Non-Earners Account." In fact the Mills Inquiry

only last week found Treasury at fault and the Labour Ministers and the ACC Board were exonerated.

"ACC costs are out of control and financial skills are needed." The existing Board has a

"For the Government to wrap legitimate concerns about slippage in ACC's performance in a whole lot of shrill scaremongering and scapegoating is gratuitous."

"...ACC is a civilised and cost-effective approach to dealing with the injured. Why undermine confidence in the scheme, unless you plan to undermine the scheme itself?"

Brian Fallow, Economics Editor, New Zealand Herald 12.3.09

The CTU is a member of the ACC Futures Coalition. The aim of the coalition is "To build cross-party support for keeping ACC as a publicly-owned single provider, committed to the Woodhouse Principles, with a view to maintaining and improving the provision of a no-fault accident prevention, treatment, rehabilitation and compensation social insurance system for all New Zealanders."

mix of skills and experience including financial. The new Chair has no knowledge of ACC matters.

"Not controlling increases in physiotherapy costs." In fact only the government can effectively control physiotherapy costs by legislative or regulatory changes.

"Deterioration in rehabilitation and return to work rates." In fact ACC has the best rehabilitation rates of any comparable scheme in the world (PWC Report 2008). There has been some decline over the past several years mainly due to legislative changes requiring ACC to do more to assist retraining etc. But ACC performance remains excellent on international standards.

Disclosure Statement – RMTU General Secretary Wayne Butson is a Board Member and Director of the ACC, nominated by the NZCTU, since Dec 2006.

SECOND EXPLOSIVES SHIPS DETAINED IN NEWCASTLE



The Hong Kong-registered flag of convenience (FOC) ship the Pacific Adventurer, responsible for the environmental catastrophe off Moreton Island and the Sunshine Coast, was one of two 'ships of shame' that loaded the mining explosive ammonium nitrate in Newcastle last week.

The Panamanian registered Migah Tiga, FOC owned operated and crewed out of Indonesia, is still alongside Newcastle after being condemned by Class and the Australian Maritime Safety Authority. The vessel had started to load the explosives for Orica, destined for Indonesian mines, but after inspection showed it was not seaworthy and had to discharge.

"Had the vessel sailed, we could well have had double the disaster," said MUA national secretary Paddy Crumlin. "Dock workers

alerted AMSA to the vessel when it was in port. Otherwise it could have sailed off and done as much or more damage."

"She's a rust bucket," said deputy branch secretary Len Covell. "Our guys refused to work the cranes until AMSA checked them out. The ship was in a terrible state. The cranes were condemned. There was no glass in windows and rust everywhere. The hatch covers were corroded and the seals gone. It's been here a week and it's not going anywhere in any hurry there's so much work needed on it. Yet it was about to sail off with a volatile cargo shipment like ammonium nitrate.

"The problem with these deregulated flag of convenience operators – ships flagged out in tax havens employing the cheapest crew they can find, is that it is only the inspection regime that avoids everyday disaster," he said. "And not every ship is inspected. Some of them are as big as an office block and you just can't get around them all in a couple of hours."

Definition - A flag of convenience (FOC) vessel or ship is one where the nationality of the owner is different from the country of registration. The term has been used since the 1950s and comes from the flag ships fly to show their country of registration. The country of registration determines the laws under which the ship is required to operate and to be applied in relevant admiralty cases.

The Pacific Venturer did not show any obvious problems. The vessel has been trading on the Australian coast for the past month; her last ports included Darwin, Townsville, Brisbane and Newcastle. But the vessel does not show up among the 27 vessels with 1019 deficiencies detained

by AMSA in February.

Still, the question beggars why the ship was heading into a cyclone especially given the nature of its cargo. Standard procedure is ships divert at these times.

"Is this another case like the Pasha Bulker that ended up beached here at Nobby's a year or so back in heavy weather?" asked Len Covell.

"This maritime catastrophe is an urgent wake-up call to everyone that our coastal cargoes must be regulated by our own government using highly trained Australian crews," said Paddy Crumlin.

NEW DRIVER FOR RAIL ASSOCIATION

David Marchant, CEO of the Australian Rail Track Corporation (ARTC) has been appointed chairman of the Australasian Railway Association (ARA). The RMTU is an associate member of the ARA. Mr Marchant takes over from Don Telford, CEO of Asciano, who has chaired the association since July 2007. In accepting the appointment Mr Marchant said: "I am honoured to hold the position of chairman of the ARA. It is an exciting time for the industry as government invests in the freight and passenger networks across the country. "With the focus on climate change and the economy, rail provides a cleaner and more cost efficient solution for the moving of both people in our congested cities and getting freight off the road on the busy inter-capital networks," he said.

Mr Marchant has been CEO of ARTC for ten years where he has spearheaded the development of the national freight network from Perth to Brisbane, including the Hunter Valley coal network. While acknowledging the unprecedented investment in rail infrastructure by the Australian Government, he emphasised that the ongoing investment in rail must continue, in particular until a dedicated freight corridor through Sydney North is a reality. "The rail industry is undergoing unprecedented investment from government and change. These exciting and challenging times require us to be more dynamic in providing solutions to pressing issues such as climate change, safety and regulation. Don Telford pushed rail's case hard and the industry looks forward to the continuing strong leadership from David," said Bryan Nye, CEO of the ARA.

VOICES FROM THE SHIPS – BOOK LAUNCH

On April 7 at 1730hrs in the Australian National Maritime Museum – Darling Harbour – Sydney the book launch for Voices from the Ships: Australia's seafarers

and their Union by Diane Kirby will cast off and begin its sales journey. The book focuses on the last 2 decades of the Seafarers Union before its amalgamation with the waterside Workers' Federation to become the Maritime Union of Australia. Voices from the Ships highlights through the eyes and experiences of its members the unique international nature of seafaring and its distinguished history of political activism and Union organisation.

BITS & BOBS

- Recent newspaper reports on the dispute between NZL and Port Tauranga suggest the matter is headed to the High Court. This matter has implications for our members employed within Sulphur Point as to date the RMTU has almost total coverage of workers on this site.
- Gibo's Fun Fishing Tournament is set down for 18 April in Tauranga. John Gibson was our long standing Branch Chair within Port Tauranga and following his death the Port Company and our members agreed that a way of paying tribute to "Gibo" was to name the annual fishing comp in his honour. Gibo lived and breathed



fishing and hunting and so it was a truly fitting move to name the competition after him. Let's hope for calm waters and screaming reels (except for POT CEO

Mark Cairns reel of course!) for the competition.

LET'S BE SAFE OUT THERE & REMEMBER.....

"WE'RE STRONGER TOGETHER"!