

# Transport Worker

ISSUE 2 • JUNE 2008

## WORKERS MEMORIAL DAY



We mourn those who have died on the job.

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## TESTING THE NEW ACT



Two RMTU workers have just had their court cases dismissed but not before a lot of heartache, hassle and learning a few important lessons.

Pages 14, 15 & 16



## LYTTELTON

Greenpeace and the cops face off.

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# At long last

## The Labour-led government's buy-back of Rail makes good sense



*Hutt RMTU members celebrate the government's momentous decision.*

**F**IFTEEN years after the National Government sold New Zealand Rail, the current Labour-led Government has bought it back – confirming its importance as a strategic asset.

While the deal will cost taxpayers \$665 million Prime Minister Helen Clark said it was not made for its financial return, though it will be run in a business-like manner.

She said the deal was good for New Zealand.

**The industry will finally have an owner who has the means to be able to back up the promises for much needed investment.**

led to it becoming a commercial success, rail would be different, she said.

“Rail is of a different order. It is needed for a sustainable, integrated transport network and we had the opportunity to buy.”

## A successful business

Re-nationalisation would get the best use of taxpayers' money, instead of the other option of subsidising a private company to provide the service, she said.

Miss Clark added that there would not be a return to the old days of an inefficient state monolith.

The state-run companies were “light years away” from the old New Zealand Rail and were run as successful busi-

“We are not going into this to make money.”  
While the Government bail out of Air New Zealand

New Zealand Rail and were run as successful busi-

*Continued on the next page*

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# RMTU – NZ's Largest Specialist Transport Union

# Buy back applauded

nesses, she said.

The Government has agreed to buy Toll's rail and ferry business.

Finance Minister Michael Cullen believes the New Zealand public will like and support the deal.

## Good deal

Meanwhile, Toll Holdings Ltd managing director Paul Little agreed saying the deal was good for Toll and the Crown.

Dr Cullen said the deal was subject to due diligence and some technical issues but the Crown was due to take possession on June 30, adding that the Crown had been in negotiations with Toll over the buyback for several months.

"The RMTU has fought long and hard for this decision," says RMTU general secretary Wayne Butson. "All its members congratulate the Government for finally making the breakthrough."

"Rail has been ham strung since it was sold and been subject to asset stripping on a grand and outrageous scale," he said. "It will take years to make up that lost ground but at least it can now begin the process of competing with road by beginning to level the playing field. When rail and road receive equal subsidies we'll soon see which is more efficient and beneficial to the taxpayer."

Dr Cullen's deal to buy back rail came at a time that Toll had reneged on paying its fair share of the track maintenance and says Wayne, "at a time when Rail itself was in desperate need of a major injection of capital".

Toll boss Paul Little said "if we'd had a choice", Toll would probably have preferred not to have sold the rail and shipping assets but it had been unable to reach agreement with the Government over a raft of important issues.

It will now be over to the Government to invest in the system. Dr Cullen said preliminary work was being done to discover how much more the Government would have to spend.

Predictably the National Party reacted negatively to the news. Its leader, John Key, said the purchase did not make sense when

householders were struggling to pay higher food, power and fuel. However, he added that if his party win this year's election, it won't re-sell it.

## Media support

In its editorial *The Dominion Post* supported the deal saying "New Zealand has made a long-term commitment to environmental sustainability, and rail has the potential to play a big part in that, with its ability to take freight off the roads" adding that the commuter rail network has the potential to encourage New Zealanders "out of their cars and into carriages".

"The industry will finally have an owner who has the means to be able to back up the promises for much needed investment," said Wayne. "We campaigned long and hard to get

the Labour-led Government to buy back the rail tracks but we always knew that in order to have the rail industry deliver what this country needs they had to go the final step to re-nationalise the network."

He also castigated National's actions while in power – and its promises if it wins power this year – and that of the private owners of rail in the past.

"Recent years has seen an exodus of key skilled workers, who were leaving because they didn't see this industry going anywhere. This decision will start to stem that drift and the RMTU is keen to be a part of that rejuvenation."

See also:

- General secretary's comment page 4
- Letters page 3

## A timely reminder

**W**ITH elections due later this year RMTU general secretary Wayne Butson, says the only way to ensure the people of New Zealand get value from the government's buy back of rail is get behind them with your vote.

"There's no guarantee that a National-led government will stay the course and make the investment required," he said.

The Electoral Enrolment Centre is about to embark on a major enrolment drive for this year's General Election to ensure as many people as possible are correctly enrolled to vote. The RMTU is backing their efforts.

If you are not enrolled, your vote won't count.

"You should ensure you are enrolled," said Wayne, "and encourage your colleagues friends, family and whanau and local communities to do the same."

If you have moved house since the last election or this will be your first time voting you may not be

enrolled. Check now. You need to keep your enrollment details up-to-date or they can be removed from the roll.

Enrolling is easy. Get a form by:

- Free phoning 0800 36 76 56
- Free texting your name and address to 3676
- Visiting [www.elections.org.nz](http://www.elections.org.nz) or [ivotenz.org.nz](http://ivotenz.org.nz)
- Visiting any Post Shop
- Contacting your local Registrar of Electors

If you know any young people – or anyone – who might not be enrolled please tell the team at the Electoral Enrolment Centre. Contact your local Registrar of Electors at [www.elections.org.nz/enrolment/roe\\_contacts.html](http://www.elections.org.nz/enrolment/roe_contacts.html).

Additional resources are available at [www.elections.org.nz/study.html](http://www.elections.org.nz/study.html).



## Buyback recognised by comrades overseas

Dear Editor,  
On behalf of the Australian Rail, Tram and Bus Industry Union I would like to extend our congratulations on the news that the New Zealand Rail and Ferry services are coming back under public ownership. This is quite clearly an example to the entire world that private ownership of such essential services are NOT necessarily better under private enterprise than they are under public ownership.

The New Zealand government has clearly come to the determination that these services are much more viable under public ownership and there is no reason why the businesses cannot be just as successful and profitable in public hands. The New Zealand Government is to be commended for its foresight and determination in buying back these services and announcing its intention to use them to decrease the carbon footprint and encourage further investment away from road transport.

Could you please pass on our congratulations to your members and executive on this positive development in the industries covered by the RMTU.  
Yours in Global Solidarity,  
Greg Harvey  
Acting National Secretary  
Rail, Tram and Bus Union, National Office

Dear Editor,  
Congratulations! this is something that the disciples of privatisation, deregulation and

liberalisation would never want to happen. The New Zealand experience proved the lies that privatisation is good for the country. It is a worthy lesson to learn from you all. Now we are more determined to slug it out with the promoters of privatisation using New Zealand rail experience as a debating point. Mabuhay!!

Edgar Bilayon  
Phillipines Railway Union

Dear Editor,  
I have acknowledge the great news from you through the ITF that the Labour-led New Zealand government under the leadership of Prime Minister Helen Clark, has repurchased the national rail and ferry operations from the Australian consortium. Hence your national railway asset will be returned to the nation and the people of New Zealand.

I, and all members of the State Railway Workers' Union of Thailand, are most happy to know that the hard and long campaign of RMTU to renationalise the railway is finally successful. This is a very good example for working classes all over the world.

Wishing you and your Union more successes.  
Long live the RMTU.  
Yours in Solidarity  
Somsak Kosaisook (vice-chair,  
International Centre for Labour Solidarity)  
State Railway Workers' Union of Thailand

## ACC for trauma victims

LAST month the RMTU made its case on new legislation calling for mental trauma sufferers to be compensated by ACC. Supporting their case, ex-locomotive engineer Terry (Brownie) Bristowe, who twice ran over people on railway tracks, gave testimony and answered questions.

"His submission was one of the most moving I can recall," said general secretary Wayne Butson. "The committee were humbled by what he had to say."

Terry, a 62-year-old grandfather, who appeared before Parliament's transport and industrial relations select committee last month, was involved in two accidents which occurred three years apart on the Wellington-Upper Hutt line. The first involved a 19-year-old girl and the second a young man in his mid-20s.



(l to r) Wayne Butson, Terry "Brownie" Bristowe and Hazel Armstrong.

He recounted the story for the committee, frequently breaking down. He told how he turned a corner and was confronted by what he thought was a rubbish bag lying on the tracks.

"When we got closer, I noticed it was a human being. I put the brakes on and someone said to me you'll have to go back and see what you have run over. I said, 'Oh no, that is not my job'."

But he did. He walked to the back of the train and discovered a human body.

After suffering three months of trauma at home, he returned to work. Nearly three years later, at almost the same spot, the second accident occurred.

"There was no way I could stop. I ran him over and dragged him along under the bogies of the train," he told the Dominion Post.

Again, he was forced to check the body of the young man to see if he was dead or alive.

After that he could not return to work.

He told the committee that soon afterward, he actually witnessed a third death on the tracks when he and his wife returned home from Trentham Racecourse.

Terry was medically retired from Tranz Metro after 35 years'

*Continued on page 5*

**W**E always knew 2008 was going to be a busy year but I underestimated just how busy. In our ports we have a number of Collective Agreement (CA) negotiations occurring with some progressing better than others. Port Chalmers will be a worry and we have just been advised of a major restructuring at Primeport Timaru where the ship-owners continue to play one port off against another to drive down their costs and our wages and conditions. Let us hope that the wisdom of continuing to construct the rail link into Cladybourne remains clear for all to see as an infrastructure investment. At Port Chalmers we are told Maersk are again demanding their ships be worked with 'maximum intensity' and require three shifts over the weekends. By then most of our, and MUNZ, members 'have done their hours' meaning we either have to be 'more flexible' or they will bring in another stevedoring company. If you think that sounds similar to Napier you're damn right. If the work is there then why not just employ more labour?

Rail is also very busy with negotiations with Toll NZ Consolidated Ltd for the renewal of the MECA and another with ONTRACK for the Core and Infrastructure CAs to join as a MECA. We have also begun to negotiate terms of conditions which meet the Toll NZ CA imposed 'same or more favourable' test for redundancy to enable all Toll Tranz Link members to move over to a new company called Toll Networks NZ Ltd. This is necessary following the Government's announced repurchase of the Rail and Ferry operations. The challenge is to have all of the Tranz link employment arrangements in place by 1 July 2008.

I sincerely believe that the move by this Government of repurchasing rail is the best thing that could have happened. Despite us having had successive private owners promise the earth none have delivered in full. Each introduced something which improved operations marginally – and they got to paint a few locomotives – but they

also often committed the same mistakes. The industry is critically short of capacity to move existing freight volumes and capacity to move any growth in freight volumes. This is the key component that Government will bring to the table.

However, we are still vulnerable. After years of changing ownership and restructurings we have a critical skills shortage of key managers. Some will not wish to stay and become public sector employees. To them we say thank you and good luck. There will be others who will make their choice when they see who is put in charge. This will be the key appointment – and a very important one for the Union and its members. Also important for us is which politicians are sitting on the treasury benches. If it's a Labour-led Government then we will have the ability to work our way out of trouble. I am constantly surprised when I visit workplaces and talk about the years 1990 through to 1999 and the horrible cost we workers paid in terms and



Wayne Butson, general secretary

conditions of employment and discover how many members claim to either not remember or were not working in the industry. We must educate each other about the terrible things visited on NZ workers by the last National Government. Go to the National Party website and you will see the policies of the party are essentially unchanged from those that brought NZ workers to their knees and which took us eight years of industrial struggle to undo. When members vote later this year they will not just be voting for a party, but also for an ideology. One which is friendly to workers the other friends of capital. The choice is stark.

Just to remind you here is a list of what this Labour-led Government have done in their nine years. Judge them on these points. The Government has:

- given workers dignity at work,
- invested in workers lives and futures,
- given workers more holidays,
- given workers more pay by altering the environment for bargaining,
- provided more balance in the Employment Relations legislation,

- increased the minimum wage by more than 70% and virtually removed youth rates,
- bought thousands of new teachers and nurses into health and education,
- provided 20 hours free early childhood education for 4 and 5 year olds,
- recreated apprentices and workplace training,
- provided for 14 weeks paid parental leave,
- removed interest of student loans,
- provided that working families get significant tax credits through working for families,
- created strong tripartite initiatives between the CTU, Bus NZ and Government,
- rolled out pay and employment equity in the state sector,
- put unions and workers back into workplace health and safety,
- re nationalised ACC, our world leading scheme - and reintroduced lump sum compensation,
- re-nationalised the rail system including the ferries
- resulted in industry initiatives in a number of low paid sectors such as aged care
- meant cheaper visits to the doctor and lower prescription charges
- introduced income related rents for low-income families,
- returned kindergarten teachers to the State sector,
- abolished bulk funding of teachers' salaries in schools,
- guaranteed time and a half for public holidays, and
- introduced KiwiSaver.

Sure this doesn't mean that there isn't more to do, but do you want to change it back to the proven failed policies of the past?

Is it really time for you to gamble it all on the feeling for a 'need for change'? I say 'no' and definitely 'no' if you are a rail and port worker. It is time to repay the current coalition Government's investment in us with our vote and our activism to campaign for their re-election. I remember rail under the last National Government – do you? More importantly do you want to RE-LIVE it?

We have a lot of work to do over the next three months fighting for a fair outcome to our bargaining and for respect in the workplace. The only way to achieve it is if we are 'stronger together'!

### Bannerman's salmon

Dear Editor,  
Thank you for publishing my last letter. I have had heaps of shit thrown at me but I say "if you can't take it then don't dish it". As I have dished out a bit over the years I have taken it on the chin.

I caught this in the Teramakau River on



a Wednesday night using my trout rod. I had just finished hooking and landing a small trout. I was using a heartland rod weighted for 4 to 8 pounds and was using 3kg fireline trace. The salmon was officially weighed on electronic scales and was 6.64kg!

At last, I'm a happy man.

John Bannerman

West Coast

appreciated.

I move on wishing yourself and the Union all the best, and may you continue to 'fight the good fight'. Thanks for everything mate.

Kindest Regards

Dennis Eichert

Technical analyst, Engineering Services.

Dear Editor,

On April 24, 2008 I failed to pass my Engine Drivers Medical Examination and was re-tired medically unfit. So I give notice of my resignation from the RMTU.

I have had an association with all of the titles of our Union over the years and have observed some wonderful, brilliant and capable people who headed the unions in their time: EFCA, LEA, CURE and RMTU.

I thank you all for the help you gave me.

To the coal face I say to all of those I had the pleasure to meet, befriend, work with, have many a tippie with, play sport with and against and generally got up to light hearted mischief with, to all of you I say thank you for the memories some of them are really, really precious moments that will be with me for the rest of my life.

I leave my foot prints on your hearts, some of you have certainly left yours on mine.

To you all, thank you!

Alan Haraki

Joined 14/08/56 medically retired 24/04/08

Dear Editor,

Being a proud recipient of Winston's 'Gold Card' for nearly two years and having completed 42 years and four months of service with the Railways – I have decided to 'Pull the Plug'.

I have enjoyed my time with the rail and the staff I have worked with – some were

even known as legends in their own smoko rooms.

In a large company such as the Railways, regardless of who controls it, the workers need a strong and sensible union – keep up the good work Wayne and your staff.

Regards

Martin Mason

LE Wellington

Dear Editor,

With this letter I wish to inform you that I am resigning my position as vice-chairman of the Auckland Branch and as a member of the Rail and Maritime Transport Union RMTU – effective 28 March 2008.

My reason is that I have to resign from Toll Rail as a Locomotive Engineer because of broken promises on the company side. I have taken up an honest job offer with the Australian Western Railroad in Kalgoorlie Western Australia.

I also want to take this opportunity to thank all members of all sectors for their support in trusting me to make decisions on their behalf.

Last but not least please remember 'United We Stand, Divided We Fall'

Thank you

J P Van Vuuren

Dear Editor,

As I completed 50 years plus service in April 2008 with the railways from NZR, Tranz Rail, Tranz Scenic and Toll Rail I feel it is time to move on and resign from the RMTU. Along the way I have made a lot of good friends.

I wish the RMTU and my fellow workmates all the best for the future.

O W Aitkin

LE Christchurch

### Union resignations

Dear Editor,

I write to you today in order to formally tender my intention to cease my membership with the RMTU effective immediately. I have also tendered my resignation from Toll, and shall no longer be requiring the Union's services.

I would like to take this opportunity to thank you, Mani, and the Union for representing me in several awkward circumstances with the Company. Your efforts are greatly

### ACC & trauma (cont)

service in 2003 on the recommendation of Tranz Rail's medical officer, who diagnosed him as suffering from post-traumatic stress disorder.

He had planned to work as a train driver till 2010. "I was totally stuffed, really. I get all this hurt in me and lose all this income for doing my job," he said.

He still lives near the tracks at Trentham and has to listen to the trains – a form of mental torture.

The Injury Prevention, Rehabilitation and Compensation Amendment Bill (No 2) aims to extend ACC cover to employees who develop a mental illness after being exposed to a traumatic event at work.

Until 1992 there was stress-related cover, but it was dropped by the National govern-

ment of the time. That meant Terry was unable to get compensation.

Meanwhile, Business New Zealand economist John Pask told the committee he was concerned that proposed changes to the legislation would result in higher ACC levies for employers.

He said it was unreasonable for employers to be expected to have to pay for incidents outside their control.

# Four seconds to disaster

By Mike Regan

**A**BOUT four seconds elapsed between the train's horn blast and its collision with a cattle truck in March near Temuka but locomotive engineer Alastair Grant remembers them as clear as day.

"I saw the outline of the truck through the trees beside the track and figured he would stop at the crossing," he said.

But he didn't.

"I hooted and that blasted truck didn't stop but came right in front of me."

Ten minutes earlier he had phoned his wife and said he was on his way home and they could do some shopping that afternoon. Instead, the first she heard of the accident was on the midday news.

"When I hit the truck the locomotive climbed up over it, the front bogies derailed and suddenly I was being tossed around inside the cab," he said. "At that point we lost all radio contact with train control."

RMTU general-secretary, Wayne Butson said losing radio contact when the locomotive rolls occurs when the antenna touches the ground.

"This is a known hazard and new upgraded radios will remove this problem," he said. "The Union has requested that Toll undertake an audit on all DFT cab mountings as the cab should not have sheared off the way it did at Orari."

Alastair was extracted from the cab with a



*The aftermath at the accident scene.*

gash across his forehead requiring 24 stitches and external and internal bruising to his body, arms and legs.

With 708 tonnes behind him and travelling at 80kph there was little he could do except, as he says with sardonic Southern understatement, "enjoy the ride".

"In those conditions the whole thing is a little uncontrollable," he added.

The two vehicles collided



*(1) The loco in the Hillside Workshop.*



with what local man, Brian Stone told the Timaru Herald was “a God awful thud” about 500m from his home at the Hawke Rd crossing at Orari, 13km north of Temuka around noon on March 14, 2008.

“Then silence, which is unusual,” he said, adding that it meant the train engine noise had stopped.

The truck driver, Patrick James McEntee, 46, of Christchurch, died in the accident. Our (RMTU) sympathies go out to the McEntee family.

Alastair, a little leery and somewhat fatalistic, said he had been involved in a number of ‘races’ to crossings and though he had only had two collisions, reckoned he and his colleagues could count on at least one near miss a day.

## Second incident

“There’s a compulsory stop sign at the crossing and the driver was a so-called professional,” he said. “And this was the second such accident with this company at a crossing in recent times.”

The stock truck was demolished, six of its cattle and goats had to be shot and the force of collision burst the truck’s motor out of its frame and threw it 100m. Fifteen of the train’s wagons and the locomotive were derailed. While fire teams poured foam on the spilt diesel to stop it igniting others spent more than an hour getting Alastair from his cab.

Brian Stone said he checked the driver of the truck first, and finding no pulse went to help Alastair who, he said, was lucid and able to talk, but too shocked and weak to get out of the cab.

ONTRACK responded to the accident by urging drivers on rural roads to be particularly cautious at level crossings not controlled by electronic alarms. Chief executive William Peet said every fatality at a level crossing is distressing and “we feel deeply for the family of the individual concerned”.

“All we can do is warn other drivers to be especially careful,” he says.



*An aerial view of the scene.*

He added that there are around 1400 public level crossings on the rail network – about half with some sort of electronic warning. The Hawke Rd crossing is one of about 700 protected only by warning signs.

“In these circumstances, it’s important that road users exercise caution when they approach,” he said.

For the next few years, he added, ONTRACK will continue to rely on drivers to ensure the line is clear before crossing.

Meanwhile Alastair, who was off work until recently, says he has received plenty of care and attention. The RMTU has negotiated a mandatory stand-down period and counselling with the company. Together with ACC

and supportive colleagues, a psychologist and a counsellor he was helped through the trauma.

Wayne Butson said: “We recognise that some of the best help someone can get after such an experience is to talk with colleagues – especially those who have been there themselves. When I spoke with Alastair a few days after the accident I was impressed with how well he was recovering.”

“However, I have asked that when I go back to work that a colleague be with me in the cab the first few times I travel that route and the company has agreed,” he said. With five years to go to retirement, he is quite keen to complete his working life in the cab as a locomotive engineer.

He told the Herald that for several days after the collision the events weighed on his mind. However, the counselling and talking with colleagues helped.

“It does help to talk about it. You can’t keep dwelling on it. You must move on.”

While driving a locomotive has some romantic appeal to young people, old hands like Alastair are quick to point out the realities of a “quite stressful” job – especially when nearing road crossings.

“When you race a train and it’s a draw – well, you have lost,” he told the Herald.

He speculates that truck drivers, not keen to lose momentum, are taking too many risks and that they should “live up to their name” as professional drivers.

# Make a will

“Since 1994 26 of your Union colleagues have been killed in the line of duty – an horrific figure considering we are only a Union of around 4000 people,” says RMTU secretary general Wayne Buston. “And far too many of those who died have died intestate - or without having made a will.”

The latest to do so was Sean Smith who tragically lost his life at Ohinewai last June leaving his partner Rachel, and family in serious financial difficulty.

If you die and leave no will, says Wayne, any family accounts in your own name are frozen.

“No one can access them. Your family could be left penniless – at least until the problem is sorted.”

And the sorting can take a long time. Meanwhile your wife and family must scrounge for cash to live says Wayne.

That’s when the RMTU really comes into its own, he says, as your friends and colleagues rally around to raise some cash to keep your family going. But he adds that it is far better to have thought of this beforehand and made a will.

There are many agencies willing to guide you – some for no cost and others for a small fee. You can even make a will online.

“Do it today,” says Wayne, “and save your family a lot of unnecessary grief.”

He suggests contacting your family lawyer or searching the Internet. At the very least he says, check out the Public Trust.

# The train and the digger

**A**T least two enquiries are running following the collision between a freight train and digger in late April in which the digger was demolished and most of the train derailed.

The digger was being operated near Te Puna, 11km west of Tauranga, digging for underground phone lines in the area.

Jonny Bird, 26, who was operating it at the time, told the *Bay of Plenty Times* that they waited for one train to pass before getting the all-clear to get the digger on the track to begin work again.

"We rung in and got clearance, as soon as the train went past we got up on the track, and were told we had 40 minutes. Then 15 minutes later the train came around," he told them. "I tried to walk the digger away from the train, hoping it would stop but the train was coming too fast."

He did not have long to think.

"It was pretty amazing, it just hit the digger, sparks were going everywhere, and it was pushing the digger like it was nothing," he told the BoP Times. "As I was running I saw the carriages start tipping ... and that was when I jumped clean off the bank and learned to fly."

The train smashed the digger off the tracks and came to a halt about 20 metres down the track.

Meanwhile the loco driver said that just before impact he dived to the floor of the cab.

"I thought my front loco was off the road but miraculously it stayed on all fours – more than I can say for my trailing locomotive," Darryl Hoare said, adding that the digger appeared to have become sandwiched between the



*Some photographs from the scene of the incident.*

train and the bank.

"It obviously managed to lift my trail loco up in the air enough for gravity to get the better of her."

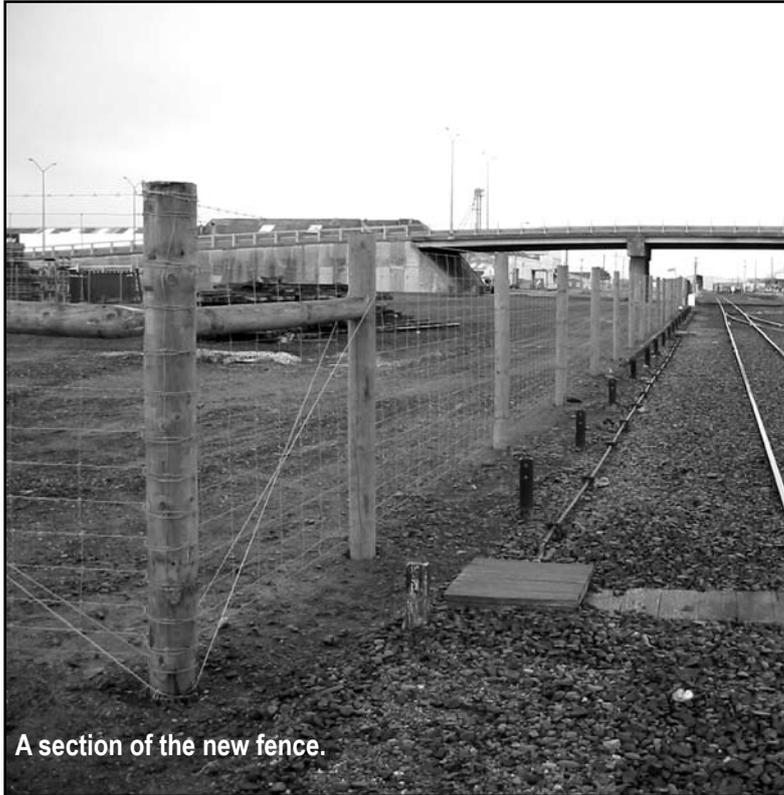
Meanwhile the digger operator stood and watched until the loco started falling towards him. At which point he began running only to find the first container wagon following the loco.

"That was when I jumped clean off the bank and learned to fly," said Mr Bird. He suffered only scrapes and bruises from his jump and was treated by St John Ambulance at the scene. He was feeling good about being alive, he said.

"I just about got squashed but I managed to save myself," he said, stoked about life. "It was ... scary at the time, I tell you that."



# Power in the Union



A section of the new fence.

**W**HEN a man in a wheel chair negotiated his way through the Invercargill rail yard workers figured it was high time to fix the hole in the fence. They had put up with a steady stream of pedestrians, cyclists, mothers with prams and even cars and though they had complained for the last 18 months or so nothing had been done.

"The original fence was 162 metres long and stood either side of the Stead Street overbridge which straddles the Bluff main line and shunt leg," said H&S action chair, Danny Kent who added that his committee considered it to be a serious H&S issue and took up the challenge to have it replaced.

They pursued the problem through management, the local Council and eventually discovered that the only people prepared to take their complaint seriously were those at the Department of Labour.

"If only we had done this in the beginning," said Danny. "After filling in the Labour Department on the

situation and the action taken so far – and the lack of response from all parties – he made one phone call, to ONTRACK, and the next day saw an incredible amount of interest shown from previously disinterested managers with phone calls and e-mails flying everywhere."

And they almost built a new fence – tall and with barbed wire on top – but stopped 30 metres short of the ONTRACK depot – the length of the shunt arm.

The committee tried to convince the South Island operations manager to come up with a few extra dollars to complete the job but they chose not to.

Instead, RMTU members at the yard recognised the problem and took action themselves completing the extra bit themselves.

"The ONTRACK boys went the extra mile and got the job done," said Danny adding that it was a good object lesson for us all. The real power is with the Ministry of Labour and your fellow workers.

## Paid parental leave – new rules



**N**EW rules which will come into force on July 1, have made some significant changes to paid parental leave and now includes self-employed parents.

The maximum payment rate is now \$391.28.

From July 1 all those eligible will receive either their gross weekly rate of pay (before tax) or \$391.28, whichever is the lower.

However, if you are self-employed and make a loss or earn less than the equivalent of 10 hours pay at the highest rate of minimum wage, you will receive the minimum rate of \$112.50.

To be eligible, a self-employed person must have been self-employed for at least six months immediately prior to expected date of birth or adoption and have worked an average of at least 10 or more hours per week.

Other changes that come into effect on July 1 include provisions for eligible employees to request variations to their hours of work, days of work, or place of work – though there are some exceptions which will need to be discussed with employers.

For further information visit [www.dol.govt.nz](http://www.dol.govt.nz) or freephone 0800 20 90 20.

## Working at home



*All smiles - Lara Binnie (ex Port Otago) with her children. Lara left the Port recently to concentrate on being a full time mum.*

# Union origins in half-hour lunch dispute

Paul Corliss reports from Blackball



**B**LACKBALL'S population of about 400 was swollen to nearly three times that size during Easter by the centennial celebrations of the victorious Blackball Miners Union crib-time strike of 1908. This 11-week strike for a half-hour lunch break was a formative event in New Zealand's history and laid the foundations of the modern union movement and the Labour Party.

Many of the rights workers now take for granted had their origins in the Blackball strike and the later work of its leaders.

Present day miners (now represented by the EPMU), local Blackballians, mayors, national officials of unions and the CTU, Labour Cabinet Ministers and MPs, Green MPs, politicians of every hue but blue, and even the Happy Valley Coal Mine protesters were there.

Brian Wood's new book was launched – *The Great '08: Blackball Coal Miners' Strike, 27 February – 13 May 1908*. Copies are available from the author: B Wood, Main Rd, Blackball 7804 for \$49.95.

Highlights of the event include:

- Saturday midday, the parade through Blackball with some 30 floats from unions, schools and community groups followed by games, tugs-of-war and children's races etc;

- Saturday night concert of working class classics at the Regent Theatre in Greymouth. The evening of 'workers' culture' included many songs written especially for the occasion and performed by the West Coast Wobblers, Spanner in the Works and Choir Choir Pants on Fire. Then three dramas covering the 1908 Strike, the 1931 Strike and the changes to Blackball as a town when the mine closed



in 1964.

More historians, unionists and politicians than you could threaten with a lock-out attended and all managed to squeeze in a bit of liquid refreshment – and a few non-union songs may have escaped their lips during some of the late night dancing. A report that an official of the EPMU was seen dancing cheek-to-jowl with a member of the CPNZ has been denied. The baby is to be called Pale Pink.

A few drops of West Coast mist reminded the visitors why the bush there is so green and lush.

## The Blackball song

The following song was adopted by the NZ Miners Federation, which formed out of the '08 Strike successes. It was the preamble to the constitution of the United Mineworkers of America and is often sung at Blackball May Day celebrations.

### Step by step

*Step by step the longest march can be won, can be won  
Many stones can form an arch, singly none, singly none  
And by union what we will can be accomplished still  
Drops of water turn a mill, singly none, singly none.*



# ANZAC Day



ANZAC is a day to pay our tributes and honour our fallen New Zealanders who fought and gave their lives at Gallipoli. The RMTU in partnership with the Petone Community Board and ONTRACK joined others at the Petone Railway Station for a 7am flag raising and wreath laying ceremony.

RMTU general secretary, Wayne Butson, attended the ceremony and laid a wreath on behalf of RMTU members past and present. The Petone Memorial is a resurrected flag pole donated



by our Australian counterparts to recognise railway servicemen. It is the only rail memorial of its kind in the country.



## ONTRACK settlement



*(above) Members of the ONTRACK/RMTU negotiating teams pose for a photo after lengthy talks reached a settlement. The ONTRACK settlement was then reported back to all members at worksite meetings and was well supported by them. (below) Wayne Butson reporting back to our Wellington ONTRACK members at a well attended meeting in their lunchroom.*



# WORKERS' MEMORIAL DAY

## CHRISTCHURCH

**A**n oak tree was planted at the Christchurch workers memorial in memory of two Christchurch trade union members killed at work during the previous year.

Family and friends of Alan Pitcaithly, who died at the Skellerup factory in a machinery accident and Iain Dorward, who lost his life on the construction site for the Jellie Park Aqualand redevelopment, were among more than 120 people at the service.

CTU local convenor, Karena Brown said

while decades of struggle by workers and their unions have resulted in significant improvements in working conditions, the toll of workplace injuries, illnesses and deaths remains enormous and unacceptable.

Labour MP and former trade union leader Darien Fenton was fog-bound in Auckland, but sent a message of condolence to the families of Alan and Iain.



country. It's about family and friends, not about the bottom line.

"Our struggle for safer workplaces is not over. We must continue to work and fight together to prevent the human and social cost of work-related death, injury and illness."

City Councillor Yani Johanson noted that the

steady erosion of working conditions by the contracting out of services and by expecting people to do more for less made a direct negative contribution to workplace safety.

He pointed out that work related accidents and diseases killed 6,000 workers a day, world-wide, according to ILO figures. "Work kills more people than wars," he said.

Margaret Radford from Occupational Safety and Health observed that machine guarding systems and work practices were easily seen, but the precursors of occupational illnesses could go undetected for years, with disastrous consequences.

"Today is about remembering that for every worker who suffers illness, injury or death on the job, the cost to friends, families, work mates and communities is enormous and many other lives are changed forever," she said. "Keeping workers healthy and safe at work is about taking care of the people you work with, and the people who help create the wealth of our



## WELLINGTON



CTU president Helen Kelly addressing the group at the WMD Wellington service.



## HUTT SHOPS



A row of feijoa trees were planted by Helen Kelly CTU, Mike Smith UG, Kasia Kurene and Prime Minister Helen Clark.

## HAMILTON

It was a solemn turn out at Hamilton as the memory of track worker Sean Smith and the very recent death of Fire fighter senior station officer Derek Lovell was still uppermost on people's minds and especially those of Sean's partner Rachel and her children who were also in attendance.

Wayne Butson spoke on behalf of the RMTU, saying it was a day to remember those workers who left their homes for work and either didn't return or returned injured or maimed.

He also spoke about occupational related death, injury and sickness.

"It is estimated that work-related diseases kill between 700 and 1,000 workers a year," he said. "Most of these deaths are due to occupational cancer, heart disease or respiratory diseases."

He noted that RMTU members work



*RMTU members, fire-fighters and the family of Shaun Smith attend the service.*



in a dangerous industry.

"In the last couple of years we have battled to get them lump-sum payments from ACC and we have been successful," he said

He made special mention of the recent loss of Shaun Smith who was killed on June 19, 2007 at Ohinewai.

He said the RMTU is about whanau and friends, not rules and

regulations.

"Management alone can't make our workplaces safe and neither can workers. We can only do it by working together."

Other speakers were Sue Moroney MP and James Ritchie who represented the CTU.

## MOUNT MAUNGANUI



*(above) Members of the BOP Port sub branch executive stand proudly with their memorial stone and plaque with Wayne Butson. A photo is placed on the memorial to remember those who died at work.*

*(l) Kelvin Marten BOP sub branch chair and Eddie Cook from MUNZ place a wreath at the memorial stone.*

## PORT NAPIER

A slightly smaller congregation gathered this year to mark the remembrance for our brothers and sisters who have either lost their lives or are unable to work as a result of work place injuries.

Around 40 people attended, with equal support from the RMTU and MUNZ, a few guild members, couple of Port managers and Garth Cowie the CEO.

I would like to thank all those who came, a special thanks to the speakers – Alan Burke (MUNZ), Russell Fairbrother (RMTU, MP), Jennifer Harris (industrial chaplain) and Roberta Ratima (RMTU) for her waiata and karakia to close our gathering.

We were reminded to think of those whom we have lost as we returned to work, and acknowledge them when passing their plaques on the Apperley Memorial Wall just inside the port gates.

## YOUR RIGHTS

**W**HAT you do, who you speak to and what you say immediately following a serious incident is a question concerning the RMTU's lawyer Geoff Davenport and general secretary Wayne Butson.

"As soon as you have a serious operating incident," said Geoff, "you're going to have emergency response units and the Department of Labour coming very quickly. Usually within a couple of hours and often while the RMTU operators are still in a state of shock."

Geoff says he is becoming increasingly concerned that RMTU members don't fully appreciate that they have the right to take advice before giving any statements. Before answering questions or giving any statements, you need to take stock, calm down and take advice about what processes are about to occur, and how to best respond to those processes.

"And that includes to the police, OSH, the employer, anyone," he said, adding that you should give them your contact details and ask them to talk to you once you have been able to take advice. If at all possible, get their contact details too.

"Tell them you are happy to talk but you need to take advice and have some time to calm down beforehand," he said. "You need to be able to deal with the incident without the immediate trauma affecting your judgement."

Then contact the RMTU head office as soon as possible and report the incident. They will talk through your options, and help to ensure that someone is at your side to help you through any questioning.

Remember: Stop, take stock, get advice – don't be rushed or feel that you have no choice but to answer questions. You are allowed to take stock; recover from the shock of what has happened, and take advice before you respond to questions.

## CASE STUDY

# The stress, strain and support surrounding

By Mike Regan

**N**EARLY three years after their runaway wagons crashed into, and seriously injured, a man south of Masterton the two locomotive operators involved have finally been cleared of all charges and allegations.

Three key things emerge from the stretched out ordeal faced by Wellington-based Steven McIver, 42, and Daniel Greene, 51 – the friendship of their union colleagues, the strength of belonging to a strong and united Union and the selfless support of their partners – without which, they both agreed, they wouldn't have withstood the onslaught – never mind the financial strain.

Both pleaded not guilty to failing to correctly apply brakes – air and hand brakes respectively – to a line of wagons and the allegation that they knew or ought reasonably to have known that their actions were likely to cause death or serious injury.

The men had stopped the train for a quick turn around, applied the air brakes and detached a rake of wagons expecting the air brakes to hold for the short duration of the process. However, the air brakes released and the nine wagons rolled about 14km south from Waingawa, south of Masterton, before colliding with newspaper delivery driver Steven Geange's utility vehicle, about 5.30am at a railway crossing monitored only by stop and warning signs.

Mr Geange suffered various injuries, internal bleeding and fractures to his skull and back.

Chris, Dan's partner, said they took the whole incident very hard. "The first few months were the hardest. It really threw him [Dan] and he needed a lot of support," she said, adding that during his years at Rail he was often called upon to provide and organise support in similar incidents but nothing like this had ever happened to him before. "They found the man first and thought he was dead and that affected Dan a lot."

She said those first six months, until the police finally laid charges, were the hardest and that the RMTU and their colleagues were solid in their support.

"Chris was always there and helped share some of the darker moments," said Dan.

Steve is also full of praise for his partner, Fiona, saying she would "pick up my bottom lip when it started to drag".

But neither could understand what went wrong. They had done nothing different than they had done dozens of times previously.

Todd Valster, a Union organiser, was their main contact from the start through to today. "I've got experience supporting members through serious incidents," he said. "And right from the beginning the legal advice was to exercise their right to silence and to take steps through the Union to find out why the wagons had moved off."



Daniel Greene (l) and Steven McIver (r)

Despite their insistence to remain silent – and the *Dominion Post* to a much lesser extent – to pressure them to talk.

"I was very, very conscious of that," said Dan. "While I can handle that now at the time it was a bit of a struggle."

The police waited until almost three weeks after the incident, actually serving the papers.

"Just three days before the statutory deadline came knocking on our back door," said Dan. "I was always on edge over those six months, but in the end the more we thought they were going to do, that they did was devastating."

With over 50 years experience in rail, Dan said they are "professionals". "Like us, they don't understand what went wrong," he said.

"I can now sleep at night," said Dan. In the interview he had pulled out the huge file of documents for the case and read through them, bringing back some bitter memories.

"Now I know what happened it makes sense, but I still test for that fault now."

While an investigation at the time was ongoing, it had not been applied to any of the wagons.

# Grounding a serious incident



Steven McIver are delighted their ordeal is over and (inset) an example of the air brake.

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 good advice,” said Dan.  
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for such short turn arounds was to rely on the air brakes alone. Evidence emerged showing there was a fault in the air brake valves, a fault which had first been noticed on the West Coast and later backed up by other incidents around the country.  
 “It appeared the problem was systemic,” said RMTU general secretary Wayne Butson. “Though we weren’t able to discover what happened with this particular locomotive’s brakes as by the time we had discovered the problem, they had already been removed and replaced.”  
 At the trial in Wellington, Judge Denis Barry dropped the charge against Daniel saying it was appropriate to do so given the evidence about the brake failures.  
 However the trial proceeded against Steve focussing on the fact that he failed to apply the hand brakes. The allegation was that in doing so he knew or ought reasonably to have known that his actions could cause serious injury. It took further months for the charges against Steve to be resolved, adding more stress and strain to his, and his partner’s, lives.  
 Another factor of considerable significance said Todd, was the value of the indemnity clause in their collective contract. “It was absolutely huge,” he said. “These guys would have lost

*Continued on the next page*

## The new Railways Act 2005

**W**HEN the new Railways Act was released in 2005 the acting Transport minister Judith Tizard said the legislation was designed to improve the safety regime for all rail operators.

She said the Railways Bill implemented the recommendations of the Ministerial Inquiry into Tranz Rail (the Wilson report) and addressed “gaps in the current safety framework, that have arisen because of recent changes in the rail industry”.

The Act sought to improve safety for passengers, rail workers and to ensure rail freight will not come to harm.

It introduces a new regime for licensing, documentation, assessments and audits, enforcement, and costs.

**LICENSING:** All rail operators must be licensed and everyone who is part of the rail sector must be covered by a “safety case” provided by either an operator or access provider.

**DOCUMENTATION:** All licence holders must prepare a high-level “safety case” for approval and publication by the LTSA. The safety case will include increased reporting requirements for all in the rail sector.

**ASSESSMENTS:** The previous system of annual safety audits was replaced by regular safety assessments, which could include spot-checks, inspections, and discussions with staff. Those assessors are appointed by the LTSA, which will recover its costs from the licence holder. Incentives now exist for operators with good safety records.

**ENFORCEMENT:** The LTSA may impose a greater range of penalties, including a year’s imprisonment or a fine of up to \$100,000 for safety breaches; a fine of up to \$50,000 for a rail operator who fails to report an incident; and a fine of up to \$100,000 for failing to hold a licence. In serious cases the District Court will also be able to prohibit a person from being involved in rail activities.

**COSTS:** Licence holders are encouraged to minimise their costs through better safety records though they will still need to pay for regulatory intervention.

Links to the Act can be found here:  
<http://www.transport.govt.nz/railways-act-index/>

# Waingawa tests new Rail Act

**T**HE new Railways Act (2005) came into force nearly three years ago. Its first test case has just concluded with charges against two RMTU members being dismissed. However, Union lawyer, Geoff Davenport, warns workers not to become complacent.

“Some good advice emerges from this case that RMTU workers should heed carefully,” he says.

He lists those points:

- Don't jump to conclusions;
- Treasure being in the such an inclusive and caring Union;
- Appreciate the combined knowledge of your colleagues; and
- Be informed and understand the Act.

The case taken against RMTU members Daniel Greene and Steven McIver was won, says Geoff, because of the ability of the Senior Counsel instructed to run the case (Bruce Squire QC); the support and dedication of the RMTU and its officials; and the fact that the combined knowledge of members in the Union brought to light two key things:

- a systemic brake failure; and
- the importance of common practice.

When Daniel and Steven stopped their train at Waingawa in the Wairarapa nearly three years ago and began the process of uncoupling a rake of wagons for a short-term turn around they relied solely on the engine's air brakes to hold the wagons – a common practice for such manoeuvres.

When the rake departed down the track unassisted – and unattached to the locomotive – RMTU general secretary Wayne Butson

suspected a less obvious explanation and put out the call to help.

A short time later word came back that an air brake on a loco on the West Coast had had a similar problem. The fault was tracked to a faulty valve repaired with cloned parts. Instead of holding the wagon when the brake was applied it suddenly released and the wagon was free to move of its own accord.

Then more such incidents were reported.

“This convinced me that it may explain what happened at Waingawa,” said Wayne.

The evidence was taken to court and eventually the judge agreed, dismissing first the case against Daniel.

The faulty valve was instrumental in the judge's decision to discharge Daniel at the close of evidence from the prosecution. He didn't believe there was a charge to be faced.

“What that highlighted for us is that what may on the surface appear to have be an explanation can, after proper digging, reveal a less obvious explanation,” said Geoff. “That was certainly the case here.”

Hence he says, the first rule from this part of the case was not to jump to conclusions but to assess what went wrong and get good technical advice.

The result, he said, was that the “Judge dismissed the charges against Daniel”.

“In this case we were straight away looking for an explanation as why this brake released,” said Geoff.

However, the charges against Steven continued. It was alleged he failed to apply the

hand brakes when he knew that by not doing so he might cause serious injury.

When the circumstances of general practice were investigated the judge concluded that there had been a practice of not using hand brakes for short shunts and that it had not been proven that by following this practice Steven knew or ought to have known that serious harm or injury could result.

In short, RMTU members were under the impression that the air brakes wouldn't fail and that for short shunts the hand brakes need not be applied.

The judge concluded that the prosecution failed to prove beyond reasonable doubt that the failure to apply the brakes was an “omission he ought reasonably to have known would be likely to result in the wagons running off”.

“In fact he concluded the exact opposite; that rail operators expected the air brakes to hold and that the wagons would not run away,” said Geoff. “However, people working in the rail corridor need to realise the legislation exists and that charges can be laid against individuals. That means you have to be careful and if you make a mistake you could be dismissed”.

Worse he says, you could be involved in a long and stressful prosecution process.

In both cases, says Geoff, without the support of their Union colleagues, things could have been quite different.

“Both were vindicated,” said Geoff but added: “The greatest asset you have in such cases is the combined knowledge of your fellow unionists.”

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## The stress and strain from a serious incident

*Continued from the previous page*

their houses without it. The indemnity agreement ensured that their legal bills were paid – and that could have been in the hundreds of thousands of dollars.”

He is also very pleased with the action of the Union in ensuring their employment status was agreed early on and that they continued in employment. That helped to relieve some of the stress on their families.

While Victim Support offered help, they both preferred the support of their colleagues who knew what they were going through, had experienced similar serious incidents and could honestly empathise with them. In fact they had messages of support from throughout the country and from ex-colleagues overseas.

“And they still kept phoning and talking to me two and half years later,” said Steve.

The wait for the Judge's decision seemed

in interminable, said Steve. However, Todd figured that he was taking extra time to consider the issue largely because this was the first test case of the new Act and as such his decision would set an important standard.

In the end, the Union's stance proved correct and the two were vindicated though Steve says: “Now that it's all over there's no elation.”

# Demo for Osanloo at Iranian Embassy

**A**BOUT 40 New Zealand transport workers gathered outside the Iranian Embassy in Hataitai, Wellington in March to seek the release of Iranian unionist and bus driver Mansour Osanloo.



The protest was part of an international day of action by the International Transport Workers' Federation (ITF) and ITF New Zealand convenor and RMTU general secretary Wayne Butson said the protest was important given New Zealand's trading links with Iran and could have an impact.

He says Mansour Osanloo is currently detained in the notorious Evin prison in Teheran. He had helped create 'Sherkat-e Vahed', an independent trade union representing 17,000 bus workers in Iran's capital city, Tehran. He and his fellow workers led protests that increased bus workers' pay

by \$50 a month, persuaded employers to provide work clothes and got casual workers signed to two-year contracts. They argued also for \$40 childcare allowances to be paid to women workers.

"Osanloo had been threatened, attacked and now imprisoned for five years for fighting for basic workers rights," Wayne said. "Article 26 of the Iranian constitution recognises the right of all citizens of the Islamic republic to participate in party politics, union organisations and other types of associations. It is on

this constitutional basis that Osanloo and others decided to revive their union to defend the rights of the workers of Tehran's public transport system."

The Iranian Government is acting in defiance to the country's constitution, says Mr Butson.

"There are reports that workers who have refused to resign from the Union have not been paid overtime and have not had their years of service recognised."

Solidarity actions, including demonstrations, were also held at Iranian embassies, in cities, railway stations and at border crossings in Austria, Australia, Belgium, Canada, Ethiopia, Cote d'Ivoire, France, Germany, India, Indonesia, Italy, Japan, Korea, Lithuania, Luxembourg, Mali, The Netherlands, Norway, Peru, Spain, South Africa, Switzerland, Thailand and Turkey.

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MORTGAGES

# CTU - Government forum

A CTU-Government forum was held at the Westpac Trust Stadium on April 17 providing a good opportunity for Labour ministers, including the Prime Minister, Helen Clark, to share their thoughts and opinions with affiliated unions to the NZCTU on the upcoming elections.

Helen Clark spoke in depth about what her Labour-led government had achieved for the workers while being in office such as raising the minimum wage to \$12, abolishing of the 90 day bill, and so on.

The forum split attendees into workshops which gave everyone the opportunity to ask ministers individually about the Labour party's positions in terms of, for example, wages, ERA, health and employment conditions.

The RMTU delegation to the forum consisted of Wayne Butson, Henry Fagaiava, Julia Harrison (all from National Office), Phil Bosworth (Hutt shops), Hayden Smith, Gary Innes, Graeme Elliot and Sam Kahui (from Wellington Rail branch).

*(top) CTU president Helen Kelly and Prime Minister Helen Clark.*

*(bottom) The RMTU team at the Wellington CTU Government Forum.*



# Canadian visitors at Hutt Shops

ON March 5 a delegation from the Canadian Auto Workers Union (CAW) visited New Zealand.

The CAW delegation consisted of Sari Sairanen (director of CAW National Health, Safety & Environment Department), Lyle Hargrove (CAW director of Health & Safety Training Fund), George Botic (CAW National Health & Safety Staff rep) and Paul Goggan (CAW National Health & Safety coordinator) – pictured right and below with RMTU members at Hutt Shops.

The purpose of their visit was to get a better understanding of the New Zealand Accident Compensation system and to develop contacts and get a better understanding of the New Zealand health and safety system from the perspective of the union movement.

As part of their visit they were invited by the RMTU, in partnership with NZCTU, to visit one of our worksites and branches.

Our Hutt Branch committee and its executives gladly accepted



the invitation and put on some lovely 'Kiwi tucker' followed by a tour of the Hutt Shops.

Questions were asked specifically on our injury management programmes that our visitors were interested in and the vast contrasts between New Zealand and Canada in terms of ACC legislation and entitlements.

National Office would like to thank the branch for accommodating the visitors.

# Importance of global solidarity

**T**HE inspiration of meeting fellow unionists from around the globe was a highlight of attending union conferences in Australia for two RMTU representatives.

National vice-president Aubrey Wilkinson and national management committee South Island ports rep Ruth Blakeley went to Sydney in April for the Maritime Union of Australia's Pacific Rim conference and the Mining and Maritime conference. Ruth also attended the MUA women's conference.

For Aubrey, rubbing shoulders with delegates from many nations impressed on him the importance of building global solidarity. There were 300 international guests at the M and M conference and 800 delegates at the MUA conference.

The fact that it was the 10th anniversary of the Patricks dispute, which was resolved partly through the support of US and Canadian unions, highlighted the themes of global solidarity and international co-operation. Aubrey noted that co-operation among ports in New Zealand and overseas had also been an important factor in settling the recent Napier dispute.

The MUA used the conference to declare its intention to form alliances with other Australian unions and to strengthen its ties with related unions overseas. It acknowledged the vital role international solidarity had played in winning the Patricks dispute.

Ruth noted that emotions still run high over the Patrick dispute and how "the government broke its own laws".

She said one in five Australian workers was a union member and



*THE RMTU team at the M&M Conference (l to r) - Aubrey Wilkinson, Ruth Blakeley, John Murfitt and Mike Morgan.*

in the trucking industry, which was mostly non-union, 70% of truck drivers were working more than 100 hours a week.

"Sharan Burrow, president of the ACTU, couldn't stress enough that we need to organise globally and have the focus on organising, not meetings or representation," said Ruth "Global corporations are shaping the world. Someone from the USA spoke about manufacturing jobs which were paying \$20 an hour in the USA, moving to Mexico for \$1 an hour and are now in China for 13c per hour."

The theme of the MUA women's conference was 'Making waves for change'. While the M and M conference theme was 'Globalising solidarity - from the mines to the ships our strength is in the chain'.

## Stage 2 delegate training



Nelson delegates were Colin Lowe, Kamelia Chapman, Mark Jennison and Mike Renwick.

Marlborough delegates were Murray Burgess, Tania Haraki, Martin Burns, Debbie McManaway and Rowdy Robertson.

A thank you from National Office to the participants who put in a lot of hard – and 'voluntary' – work to ensure members of the RMTU are represented locally.

Well done!

**D**URING February and March, delegates from the Marlborough and Nelson regions were involved in Delegate Training stage 2.

Facilitated by national organiser Henry Fagaiava, the one day workshop focussed on experienced delegates' involvement throughout the process of collective bargaining.

The participants said they found the course useful and were keen to implement the skills learnt as soon as possible in their everyday duties as a delegate.

# Parihaka International Peace Festival 2008

**T**HE RUNANGA O NGA KAIMAHI O AOTEAROA again held a very successful information sharing stall at the 2008 Parihaka International Peace Festival.

A small team of Runanga members and their whanau came together to create the stall and then cover the opening hours. The team included members from NZNO, PPTA, AUS, NDU, ASTE and the RMTU. They acknowledge the support received from kuia Mary Broughton and the back office support of CTU office staff.

A lot more foot traffic was noticed this year as the stall was situated on the flat near the food court and adjacent to the Kids Zone area.



The bright colours of the stall also contributed to the number of enquiries made. People



were interested to learn about unionism and the role Maori play within the union movement. Those on the stall said it was great to be able to share the different work and projects that Te Runanga is involved in.

These include

the HANGI project, Maori models of organising nga momo whakaritenga project and a number of other initiatives for Hui Taumata.

The wider work of the CTU was also promoted including health and safety, workplace productivity, learning reps, making low wages history and annual leave

A number of signatures were gained for a petition organised by NZNO regarding a MECA for Maori primary health providers.

Many of the people spoken to had either little knowledge of the union movement or believed that all unions did was go on strike.

People appeared to be comfortable speaking to the team about employment issues ranging from holidays and sick leave to questions about joining unions. They were supportive of the Runanga's work and what the CTU and affiliate unions do to raise the wages of low paid workers and also our presence at Parihaka.

The Parihaka Peace Festival is an awesome 3 to 5 day experience, combining music, dance, poetry, film, food, conversation, and conservation.

For more information check out the website: [www.parihaka.com](http://www.parihaka.com)

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# Aussie lessons for NZ

New Zealand unionists can learn a lot from the Your Rights at Work campaign as they head into an election year, says RMTU industrial officer Brian Cronin. He spoke to the *Australian Rail Tram and Bus Worker* after attending the RTBU National Council in Hobart.

**THE WORKER:** *New Zealand has a General Election in 2008, how significant will this election be for New Zealand working families?*

**BRIAN CRONIN:** The general election this year is massively important for NZ families and really for the future of New Zealand. The hard right free marketeers who guided the country through the nineties are still in the background pushing their ideas on market reform. They are not concerned about ordinary working families, nor the living standards of working people. They are only concerned with larger and larger profits for the ruling elite. They will use every trick in order to fool people into giving their servants in Parliament (the National Party) another chance at parliamentary power.

**TW:** *Can New Zealand unions learn anything from the Your Rights at Work campaign which contributed to the defeat of the Howard government in Australia?*

**BC:** The amazing thing which the Australian union movement achieved with the "Your Rights at Work" campaign was that you managed to make it the number one issue for the majority of voters leading up to your general election. This was achieved through your members bringing the issue into their homes and discussing it with neighbours, friends and making it a community discussion. That's where we in New Zealand can learn. We need to have workers' rights and protections as a major issue leading into our general election.

**TW:** *What are some of the current issues faced by RMTU members?*

**BC:** As well as the General election, our members face a raft of Collective Agreements expiring this year so it is

already a busy year for the membership. All of our rail agreements are due for renewal and in the port area some of our most strategic ports are just about to enter into bargaining. Our members are aware that NZ is still a low wage economy and will expect some real movement upwards in their living standards.

**TW:** *How much of a problem is the exodus of skilled workers, and how can unions such as the RMTU help encourage skilled workers to stay in New Zealand?*

**BC:** The loss of skilled workers from New Zealand is a real worry. For any country to lose its skill base eventually means loss of business and it's a downward trend for the economy from then on. For unions including the RMTU we have to fight for higher salary and wage levels. This of course is a political fight as well as an industrial one, so we need to get our members consciously involved on both fronts.

**TW:** *What have you been able to bring back from the RTBU National Council to assist your work at home?*

**BC:** The sense of solidarity within the whole Australian union movement in combating the Howard Government is a lesson we can learn from. Your delegates and activists' work on the ground were I feel the reason for the change of government. We can learn from that and it's definitely something this union (RMTU) will be working hard on.

Finally it's always great to catch up with comrades and friends from the RTBU. The sense of solidarity between both our unions is something I feel very proud and positive about. Whenever I attend your council I feel I am among family and that's a feeling I cherish

## Geoffrey Robert Grubb

22/4/1960 – 23/4/2008

Fitter/welder at Port Otago

**G**EOFF was born, bred and schooled in and around Alexandra spending much of his youth fishing or hunting amongst the Central Otago hills.

On leaving school, he became a fitter/welder apprentice at Farra Brothers in Dunedin where he met his soul mate, Bronwyn. They were married and settled in Dunedin where they started their family.



The yearning for Central Otago was still calling and they all moved to Alexandra where Geoff worked at Paul Fallow Engineering fabricating, assembling and maintaining extraction plants. Geoff travelled the world assembling plants.

They eventually returned to Dunedin where Geoff gained employment at Palmers Mechanical before securing his job as a fitter at Port Otago.

Eighteen months ago Port Otago asked Geoff to go to China to oversee the manufacturing of a container crane. Bronwyn was able to join him in Shanghai and on its completion they toured China, Tibet and Thailand.

A few months later Geoff became ill.

He faced his illness with courage and determination getting on with things and seldom complaining.

About three weeks before he died his friends arranged the hunting trip he had always wanted to do. Despite not being well enough to go he was determined to do so. The trip was a struggle, but he stuck it out smiling all day and even managing to shoot a stag, despite having to shoot left-handed because of the pain in his right arm. That day Geoff got to see some of the very special parts of New Zealand he loved. The trip brought him immense satisfaction.

Geoff was a good character, straightforward, honest, loyal, enthusiastic, easy-going, fun-loving and with a fabulous sense of humour. He was a genuine guy who always had time for others and would do anything to help you out, even if it meant that he had to change his own plans. He had that certain 'X' factor. There were no hidden agendas.

He was also a dedicated, loving and fabulous husband to Bronwyn and 'a supersonic hard out dad' to his boys. Geoff will be missed and fondly remembered by his workmates. Our heartfelt sympathy goes to Bronwyn, Tim, Braden and Luke.

'Geoff, you left the world a better place'



Wayne Butson, Trevor Bremner and John Sargent Toll Rail regional manager – central having a laugh at the lunch put on for Trevor to celebrate his retirement.



Henry Fagaiava wishes Martin Mason all the best for his retirement after 42 years plus with Rail.

### An Ode for Trevor

*Just a few lines about a lad called Trev  
Although quite bright, he would never do surgery  
on brains*

*So he chose the next best thing  
And took up driving trains*

*So in 1964 Trev joined the job  
And became part of the Frankton team  
He loved his new job but in 67  
He sadly bid farewell to steam*

*Trev was told how to get ahead  
Join the lodge or do what ya oughta  
I've got a better idea said Trev  
I'll marry the shed driver's daughter*

*So Trev and Denise got married  
And without so much as a hint  
They started breeding and before you knew it  
They had Michael, Graham, and Clint*

*Trev soon tired of Waikato Draught  
It was making his head go balmy  
Come on Denise let's follow your olds  
I want to head south to Palmy*

*In no time at all Trev made his mark  
Whilst on the South End shunt  
A Dx was on its side, Oh dear  
What have you done Trev, you silly. 'Locomotive  
Engineer'*

*A day on the track with Trev  
Was full of laughter gossip and fun  
And Trev's meticulous driving  
Always ensured the double bun*

*President of the Drivers Union  
Was Trevs next claim to fame  
His no nonsense approach at the table  
Made many hot head manager's tame*

*In 2001 Trev could sense the changing tide  
So he moved down the road to Tranz Scenic  
He had truly gone over to the 'Dark Side'*

*We all wish Trev and Denise a long retirement  
That's full of laughter and glee  
Come September Trev's mate Slippery John  
Perhaps may hold that Key*

## Welcome aboard Phil

Phil Spanswick is the newest addition to the RMTU staff as the organiser in the Bay of Plenty region. Phil brings a wealth of experience from his roles in other unions and we look forward to further growth in organising capacity in that region. Phil is based in a building on the UGR site in Totara Road so members in that area need to call in and get acquainted.



PORT TARANAKI BRANCH

Farewells

■ Len Julian, a veteran of 45 years service, retired in January. He began work with the Taranaki Harbour Board in 1963 and eventually became a wharf crane operator. He has seen two major rebrandings of the Port's name to Westgate Transport Port Taranaki Ltd and recently, Port Taranaki Ltd. Len later secured a position with the mooring gang. Operations manager/harbour master Ray Barlow and Marine Services manager John Ireland both thanked him for his loyalty and service



Former RMTU Port Taranaki branch president Graeme Lowe presented Len with a trophy in recognition of his service with rope shed. The trophy is a rope-splicing fid.

on behalf of management.

Len is a colourful character with a vast knowledge of the history of the port. He has often been the cause of some of the antics around the work place. He has been a member of the RMTU for most of his working life.

■ Another long serving and loyal employee, Peter (Sauce) Saunders, retired after 24 years



service from the mooring gang in March. 'Sauce' is well known as a gentleman and a very humorous and colourful character.

He is a very keen fisherman and what Sauce doesn't know about fishing off the Taranaki coastline is not worth knowing. If you're planning a fishing trip we advise you to contact 'Sauce'. First he'll put you onto the right place and you will be sure to come home with a fish or two.

We wish both gentlemen all the best in their retirement years.

On the road to recovery

RMTU member, Craig Jacob, is recovering in hospital after a serious motor bike accident. His injuries were so serious he had to be flown to Wellington Hospital and put into an induced coma. It was touch and go for a while but we are pleased to report that Craig is now back in Taranaki at Base Hospital recovering. The support from his family, Port management, work colleagues and friends went a long way to assist with his recovery.



Congratulations

On a sunny autumn day, Port Taranaki security officer tied the knot. Ken and Jocelyn McCracken were married on Saturday April 12 at the Devon Hotel and Conference Centre. On behalf of their fellow RMTU brothers and sisters, we wish them congratulations!

## PORT TARANAKI BRANCH [cont]

### Secretary's promotion



Rob Wilson, who has been a long-standing member of the RMTU Port Taranaki branch as secretary has accepted a new position, which also means he will no longer be a member of the RMTU. Rob's new position is Works Supervisor.

Rob's employment with Port Taranaki commenced in 1994 as a wharf carpenter. After several years he joined the Port company's security department and became very competent as a communication/security officer. After a few years he went back to his trade as a wharf carpenter. We congratulate Rob on his new career.



### From security officer to barrister

Dave Pawson was recently accepted to the bar in the High Court of Palmerston North and is now eligible to practice law in any court in New Zealand. He graduated from Waikato University in 2004. Dave's family, friends and past work colleagues from, New Zealand Army Military Police, Correction Department, Port Taranaki Security and New Zealand Customs Service were all there to cheer him on.

### Collective agreement round

That time had arrived again after a three-year contract. Prior negotiation discussion with the delegates. This year a new negotiation strategy was introduced. In the past the negotiation team was the branch president and secretary, this year the collective agreement negotiation team were represented by delegates from each department and the RMTU organiser. On April 16 a draft settlement of negotiations was achieved.



RMTU organiser Todd Valster (r) and mooring gang delegate Barry Williamson (l) in a 'meaningful' discussion.



Some of the RMTU team (l to r) Rob Wilson, Daniel Manu, Wayne Butson, Barry Williamson and Larry O'Byrne take time out during one of the breaks.

### PORT CHALMERS BRANCH

**I**T has been a busy few months down here. As I write, it is indeed a chilly day; I guess it's a sign of what is to come as we head into winter. Our port continues to be busy in all areas, our container volumes are still heavy and there always seems to be a ship along side. Like always the staff continue to work hard to turn the vessels around as quickly and safely as possible.

We are full on negotiating our CEA and like always the games continue to be played. At one stage one group of workers were offered an hourly decrease!

The company wants to split into two groups: a vessel operations gang and a yard operations gang. The general feeling amongst the troops is, it has been tried before and all it did was create divisions within the work force.

We seem to be making some progress but it's been a very hard battle so far and as always the report back meeting will indicate if we have been heading in the right direction. (We have since had a report back meeting and boy did the proposal go down like a lead balloon! A fact to remember, don't shoot the messengers!) With escalating costs of basics necessities, it is absolutely critical we hammer out the best deal. Members' expectations get higher and higher daily as we see our standard of living dropping!

The Port has recently hired 15 new cargo handlers so we welcome fresh new faces

aboard and our belief is there are still more to be employed in the very near future.

Workers Memorial Day was attended by a number of us, but it was still disappointing at the overall number of people that attended. Let's try for a better attendance next year. Our guest speakers included Mayor Peter Chin who seized the opportunity to promote the Chinese gardens currently being built by imported labour from China. He is ever the optimist to think that when these workers return to China that they will improve health and safety records in their workplaces. I don't think they know what health and safety is. One hopes that they have learnt lots from their experience in Dunedin and it does make some difference in the future.

Clare Curran spoke about Labour's continued commitment to health and safety. This year saw the release of 52 balloons – far too many and already since WMD we have had one work place death in Otago and that is one too many.

Recently, while making a comment on some new artwork hanging in our HR office and upon closer scrutiny, it appears that they are the work of our very newest RMTU member at Port Chalmers, Nicole Timney.

Our CEO Geoff Plunkett had reason to celebrate recently; he kept it very quiet that he was turning 50. Happy 50th birthday Geoff!

Yet another member chose the tranquil

setting of Jeff Anderson's property to wed. Margaret Powell (now McNamara) married recently and we wish her and her husband all the best for a happy and bright future together.

Bruce Walker is having some time off to get through another stage of his illness and by all accounts he is doing fairly well. I believe he is chomping at the bit to return to work and we look forward to seeing him.

We farewell Lana Kennedy in a couple of weeks as she prepares herself to become a mother for the first time. We hope everything goes well for her and her partner Phil.

Enjoying motherhood so much, Lara Binnie has decided to leave us and concentrate on being a full time mum. Josh and Sophie are almost one now and grandad Malcolm MacDonald is still as proud as he was the day they were born!

The true meaning of generosity was shown recently by our membership when we had a quick whip around for Geoff Grubb and his family. Geoff had been off work for a number of months due to illness. We managed to raise almost \$5000 which was generously matched dollar for dollar by Port Otago. It was a great feeling to be about to deposit almost \$10,000 to their bank account to help them out. However, it is with much sadness that Geoff lost his battle and passed away one day after his 48th birthday.

Until next time, be safe out there.

### MARLBOROUGH PORT BRANCH



*It has been a while coming but head office members are now decked out in their new uniforms. (l to r) Robyn Barclay, Debbie McManaway, Francis Parker, Lyndi Burns and Lauren Hunter.*

### TARANAKI RAIL BRANCH

**H**ERE'S the talk from the Naki. The Branch secretary, what a job. Well of late I have put my hostage negotiating skills to good use.

#### Many changes

Since taking on this job a few months ago it really has been an eye opener and I can only see it getting worse. There certainly isn't a dull moment up here in the Taranaki. Leighton Hunt has disappeared from the Rail operating ranks at Stratford and has headed down to Palmie to join Loco, also to be closer to his beloved Palmerston North Panthers. The Rail operating roster in Stratford has been re-hashed as the company weren't replacing Leighton because of insufficient work. The guys, to their credit, managed to settle on a roster which doesn't make everybody happy but it works. Stratford-based rail operators have been issued head

lamps and they seem fairly happy with them. The lack of yard lighting is gaining traction finally after seven years, with a possible contract being struck with an electrical firm to supply yard lighting for the middle yard. New shunt radios were supplied after staff at Stratford demanded that the radios be replaced within 14 days or they would take industrial action. The power of the people – it can be such a good thing.

#### Price of safety

The train control radio system on the SOL had really turned to crap, to the point where it was basically non-existent. The Company in their wisdom came up with a satellite cellphone for use as a secondary back up to the flawed radio system. The first month's bill came to \$500. The staff were happy, the area manager wasn't. But that's the price you pay for safety. The guys at Whareroa are in the

process of winding up another milk season. Another tough season with a 5th milk train really pushing the staff to their limits. Now that the off season is approaching all the guys want in return is some much-needed maintenance around the whole facility. Shocking really, the money that goes through the place in the way of milk you would think that everything would be top notch and maintenance free. Paved in gold is far from the truth. Let's hope some maintenance is carried out and not just the promises or sticking plaster patch ups of past years.

#### Positive move

The guys I have spoken to seem to be positive about the move back to the government except for the Branch chair, Glenn Hughes, who has lost a bottle of Makers Mark to Todd Valster over the sale.

Well that's what's been happening up here in the Taranaki.

### OTAGO RAIL BRANCH

**T**HE news of the Government buying the rail business comes as a breath of fresh air to those employed in just about all facets of the rail industry. Although it was an almost forgone conclusion at least now the uncertainty is over and those who will be in the new organisation can look forward to growth and some much-needed new equipment – even though it may be some time, perhaps years, before it actually arrives. The Chinese order books are quite full, we understand, and they have the Olympic Games to contend with not to mention a bit of bashing to be done in Tibet! Nonetheless, the Chinese garden in Dunedin will be open by the time these notes go to press and they will be a great asset to the city and at minimal cost to the rate payers, at least in terms of construction.

Over at ONTRACK we have an excess of Dougs. Not content with having Doug Boulton, Doug Tamatea's son Doug has also joined the team – but not Dad's gang; and we have a vacancy or two being advertised as well.

With the joint RMTU/ONTRACK wages working party review of career progressions within ONTRACK, there has been a minor

exodus from the area as various personnel have departed for centres throughout the country to contribute to the review committee's work.

#### Good faith?

The Toll wage round is still proceeding even though there is going to be a change of owner in the immediate future. Can Toll truly negotiate in good faith knowing that they will not have to live with the outcome and do they have the moral fortitude not to be antagonistic and provocative to put the boot into the Union one last time? We will see. All the rail contracts are being negotiated at the moment and there is certainly some optimism in the ranks for a significant increase in wages to compensate for what is seen as the outrageous increases in the cost of living. It is interesting to read the different interpretations of the cost of living depending on who is telling the story and which figures they are choosing to use.

We as a Union are affiliated to the Labour Party and as such have entitlements within their organisation. It is up to each member to

acquaint themselves with their entitlements and act accordingly. We do need to keep a Labour Government next term to ensure that the momentum they started in the rail industry is not lost. National has said that they will not privatise it in their first term but they have not said that they will continue to invest in it!

#### WMD turnout

This year saw a change in timing for the Workers' Memorial Day service here. It was advanced an hour so that with all the speakers the minute's silence could be observed at midday. There was a good turnout of local union stalwarts and a large number of family groups. It is a little disheartening to see such a small turnout from companies represented by your Union. The mayor of Dunedin, Peter Chin, gave a well-received address and there were many wreaths and flower arrangements laid this year. Must have been a busy few days for our National President Jim Kelly, for as well as partaking in the Workers' Day service, was the CTU representative to lay a wreath at the Anzac Day dawn service at the Cenotaph in Wellington.

Happy winter from the deep south.

### PORT NAPIER BRANCH

#### A delegate's position

**T**HIS week we were able to ratify our general collective agreement which expired 30/9/07. So just over seven months to finally cross the finish line. There were many reasons why this took too long including, industrial action taken just prior to Christmas in support of the MUNZ and sickness which resulted in the terms of settlement stalling and availability. The outcome is of course, (in this writer's view point only) a reasonable result in light of the troubled times we went through to achieve what we did. Though, even on the last day before ratification the company pulled two of our claims that had already been discussed as given in the final TOS's. One of these we were able to retrieve the other was met with a blank. I guess for all those who have represented members across a spectrum of job types within a company, will always find it difficult to achieve a total accord with each department even though their respective representatives do their best.

We sadly saw Nicholas Gray, a good delegate, leave just after we had reached the TOS at Christmas. Sure, it was his choice to go, however he gave his perspective on the result saying he voted on the terms of settlement agreement for the sake of moving forward.

#### United we are stronger

He is correct, within the scope of his profession we have lost two staff members to Australia. The argument over the skilled brain drain and better pay across the ditch is alive and well, more is the pity that some employers will not acknowledge higher pay rates and professional skills are linked.

As mentioned above, 'for the sake of moving forward' is at the end of the day the common theme that forces us all to come to a settlement. Knowing full well that some will be okay with the result and others not, this is democracy and I understand totally a forced acceptance for some. We must remind ourselves that no matter how small any gains are, they are good gains none-the-

less. Union density is essential to maintain conditions collectively. Through member volumes we have power, irrespective of individual or management intent to undermine collective agreements.

At times, as delegates we see management pressure, or personal gain a priority over a CA. Without doubt we are individuals but we gain respect and conditions through solidarity and being a union, in essence working with 'one voice'. Working back door deals without union participation only ends up causing grief for both parties, particularly when it comes from self interest by management or ourselves.

As noted in the last TTW editorial, the regime of divide and conquer will continue as history has shown, so let's stick together and consult/communicate at all levels before we have regrets in order to achieve fair and equitable outcomes, as sometimes the union is left to pick up the pieces. Think of how those on individual agreements are treated when it comes to pay increases. The only winners on IAs are senior management who have a tendency to look after themselves

Cheers Todd for all your efforts.

### AUCKLAND BRANCH



*(above) A section of the membership at the February meeting of the Auckland Branch, RMTU.*



*(l) Jim Kelly, national president addressing members at the February meeting of the Auckland Branch. (l to r) J P Janse Van Vuuren, vice chair; Bernie Henare, chair; Jim Kelly; James Williams, interim secretary.*

### LYTTELTON BRANCH

**T**HE *Rainbow Warrior* brought some colour to Lyttelton Harbour recently, inviting the public to open days and promoting its environmental message. Unfortunately, the *Hellenic Sea* with export coal at a nearby berth was too provocative for the eco-warriors. They set up their protest, anchoring their little ship nearby while three protesters, complete with banner, attached themselves to the ship to delay her departure.

The Port Company could barely handle the excitement, with managers gathering on Cashin Quay. Chief executive Peter Davie directed the counter-attack, ordering crew on the ship to hose the protesters and arranged for some of the 30 cops to board a tug and cut the protesters down. The ship got away on time and the protesters got their message across.

The only losers were the public who were left with a very thin police presence. The police blamed the protesters for the fact that a woman who was attacked in central Christchurch could not get police assistance.

The shortage of trades skills and attractive pay rates elsewhere, particularly Australia, has rung some changes in the workshops here, particularly among fitters. Doug Collins started the exodus and has been followed by Daniel Brasell and Richard Lowes. Now Jim Kilshaw has called it a day. Some replacements were found in the shape of Craig Rees, Aaron Walton and PRP Allan Black who



*Coal ship high-jinks – cops on board an LPC tug make the world a safer place for fossil fuels by arresting a Rainbow Warrior protester.*

decided to go back to the tools and a full time job. John Laidlaw is the latest addition. Meanwhile mechanic Rex Woods has shifted through the Port Hills to run the new workshop at the company's inland container site, City Depot.

Our saddest departure was logistics officer Dave Kingsbury, who has retired after 42 years' service. Dave will be missed for his legendary dry sense of humour. He started his LPC career in the Harbour Board pay office then moved through to the new terminal building at Lyttelton as administration officer in 1977. He became an operations supervisor a few years later and then logistics officer. His retirement plans include Tai chi, visiting his brother in Sydney and enjoying some hobby classes.



*(l) RMTU members Graeme Densem and Bill Evans were among the latest group to complete their cargo handling certificates.*

*(r) "Your offer stinks" seems to be a message for management at LPC about its 3.5% pay offer.*

