

Stronger together

A history of the
Rail and Maritime
Transport Union

By Peter Franks

'The outstanding feature was the unanimity of all that its rules must be wide enough to embrace all classes of railway servants who wished to join in this forward movement for improved conditions, the guiding principle being "One industry, one union", not an association of unions, nor a federation, but one union for New Zealand railwaymen . . . '

- Report from the 8 March, 1886 formation of the Amalgamated Society of Railway Servants (ASRS).

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Foreword

Our Union started life as a single united voice for rail workers in 1886, splintered into craft and sector unionism, partially recombined in 1990 and in 1995 became the RMTU with the addition of the Harbour Workers Union.

This amalgamation was driven by leaders who saw that a house divided is a house weakened and to combat the forces of neo-liberalism, employer aggression and an aggressively anti-union government all of whom were hell bent on destroying union strength we had to strengthen our house. Our leaders realised we are stronger together and so began the amalgamation journey to the RMTU. That amalgamation was meant to continue and eventually form a single transport logistics union. Sadly it has floundered. We believe that one Union vision is still sound – especially within the wharf gates. I believe that by us joining together we can grow the power, influence and conditions of our members.

This book chronicles that history and whakapapa of the Rail and Maritime Transport Union.

I was on the amalgamation committees which created CURE (Combined Union of Railway Employees) and then the RMTU and this book has revealed facts and information I had all but forgotten, gleaned from numerous sources by its author Peter Franks. I thoroughly enjoyed reacquainting myself with the history.

I know there are voices within our Union who believe they would be better served by returning to the craft or sector unions of old. They are wrong.

I have worked within the Union for more than 40 years and I know we have made more gains for our members as one united Union than was ever obtained by a single union.

I was present at the rail wage talks when there were four unions in the room and the most bitter and acrimonious discussions were with each other rather than the employer.

When I reflect on the highs and lows of the last 25 years the highs include the rail strike of 1994 and the unity of purpose which emerged – and the 2.2%.

Other highs include the Ministerial Inquiry into Health and Safety within Tranz Rail and the workers and families having a voice and being heard, the employer part funding our first dedicated H&S organiser, our success in combating outsourcing where our membership and conditions grew rather than our destruction; the survival and financial success of the NZ Railways Staff Welfare Trust which was in doubt with outsourcing; the retention of the electric locos; succeeding in taking back the track; seeing KiwiRail created, fighting the closure of Hillside – and fighting for its reopening, fighting for respect with the Transdevs and CAF – and the many successful battles we have waged with those port companies – and won.



Wayne Butson
Generalsecretary

The highs have been aided by many wonderful and passionate people – union leaders and activists – willing to give freely of their time for their workmates and a fair deal. The fact that in 25 years we have only had two national presidents and two general secretaries speaks volumes about the wisdom of members in picking their leaders. I know that a major part of my work in the RMTU has been facilitated by the excellent foundations put in place by Ross Wilson. I have had nothing but support from Jim Kelly and Aubrey Wilkinson as presidents. The staff, both past and present, are solid and supportive of the Union and its members and we are all the richer for having them.

The lows for me include the deaths of too many members in avoidable accidents, of Christine Clarke's unbelievable death on a picket line, the untimely loss of union stalwarts and great workmates Brian Cronin and John Murfitt – and sadly many more. They are all missed terribly.

It has been an honour and a privilege to have been a leader within our Union for the last 20 years.

This book celebrates our past and sets the scene for our future.

I thank everyone who was interviewed and who shared memories and thoughts with Peter, particularly Paul Corliss who, over a period of two full days, plied him with a seemingly endless supply of anecdotes, historical context and real life experience which Peter may never wish to replicate.

A special and heartfelt thanks to Peter for seeing this book through to completion during a challenging period of his life and to the Union's leaders, activists and members who understand we are STRONGER TOGETHER.

Chapter one:

1870 to 1950



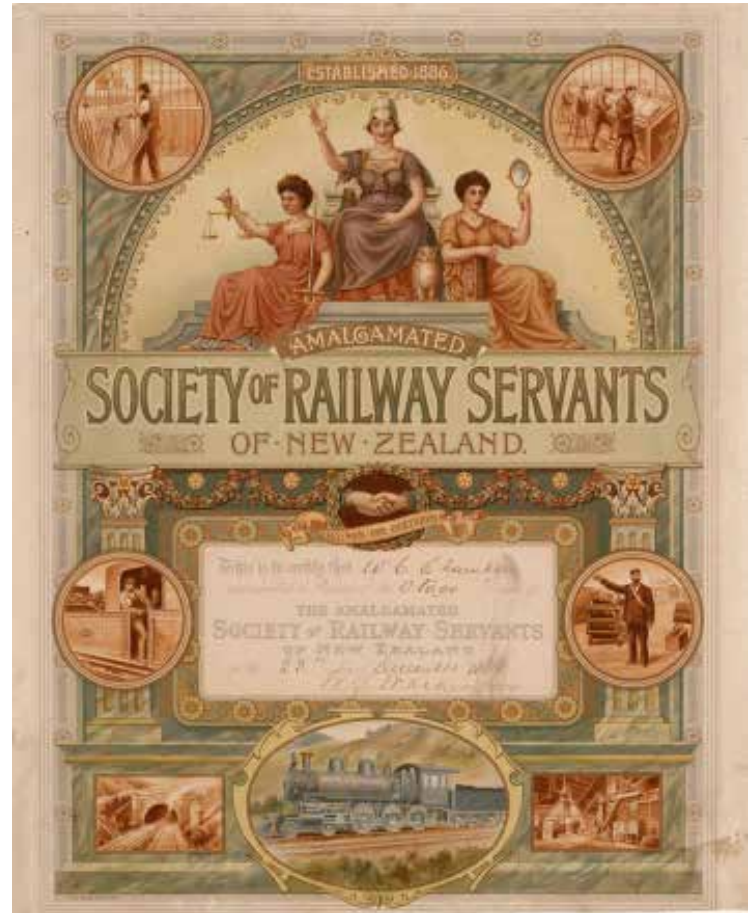
RAILWAYS and ports have played a central part in New Zealand's economic development. In 1870 the government decided to borrow heavily overseas to build railways. Ten years later, NZ Railways operated more than 1900km of track and carried almost 3 million passengers and 830,000 tonnes of freight a year. By the 1880s ports in the main centres – Dunedin, Wellington, Auckland and Lyttelton – were dealing with 80 per cent of overseas trade.

Poor safety, long hours, low wages and unsympathetic management made workers realise they needed collective action. The first attempts by railway workers to form unions failed because of management opposition. The death of James Bracewell, an engine-driver, at Tuakau station was the impetus for the formation of the first union that lasted. After his funeral, a number of workers met informally and took up a collection to form a society.

On 8th March 1886, a meeting of all grades of railway workers was held at the Waverley Hotel, near Auckland railway station, and formed the Amalgamated Society of Railway Servants (ASRS). The ASRS *Jubilee Souvenir* in 1936 said:

'The outstanding feature was the unanimity of all that its rules must be wide enough to embrace all classes of railway servants who wished to join in this forward movement for improved conditions, the guiding principle being "One industry, one union", not an association of unions, nor a federation, but one union for New Zealand railwaymen . . .'

In the late 1880s, there was an upsurge in trade unions. The ASRS grew rapidly, its branches affiliated to their local trade



NZ Amalgamated Society of Railway Servants membership certificate, 1889.



Addington Workshop blacksmiths, ASRS, c1900s.

councils and the union joined the Maritime Council in early 1890. Later that year, the ASRS supported the Maritime Strike, New Zealand's first major industrial dispute. The strike failed and railways management cracked down hard on the union. Four executive members of the union in Christchurch were sacked. Its membership fell from 3700 to 1800. As a condition of recognition by the government, the ASRS agreed not to be associated with other unions.

The ASRS was open to all railway workers; however some groups believed they could best protect their interests by having their own unions. In 1894 salaried and clerical staff formed the Railway Officers Institute and in 1908 the Engine-drivers, Fire-

men and Cleaners Association was established. In 1916, tradesmen in the railway workshops formed the Railway Tradesmen's Association.

Under the Liberal government, elected in 1890, railway workers made important gains. The Government Railways Department Classification Act 1896 created two broad divisions for salaried staff and for permanent wage workers. While it was difficult for workers to get promotion, the classifications system protected

The Shunter

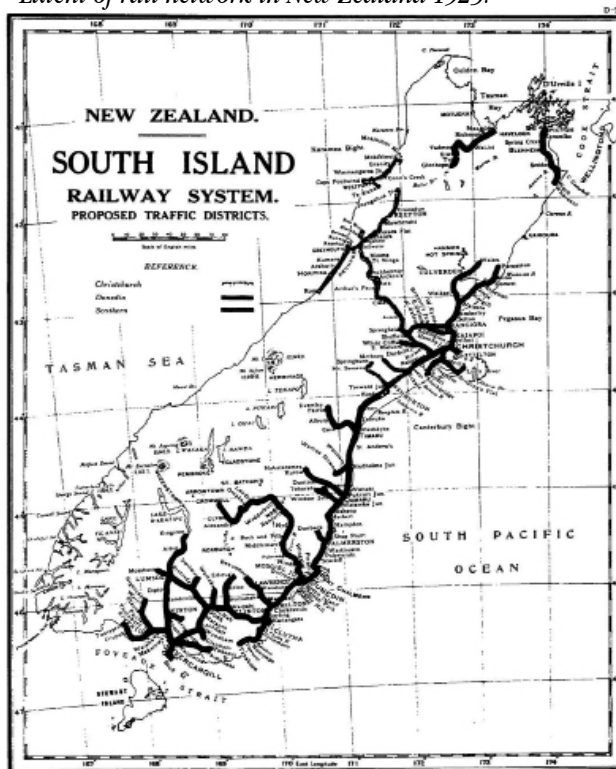
The engine bars are splashed and starr'd
They've killed a shunter in the yard
"He never seen how he was struck
and he died sudden," someone said.
The driver coughed "That flamin' truck
Came on the slant and struck him dead."
The fireman choked and growled "Hard Luck!"
As he was carried to the shed.
The engine whistles short and low
(His blood is on her 'catcher-bars').
We had to let his young wife know
His soul had passed beyond the stars,
Where he will hear no engines blow,
Nor listen for the coming cars.
She stared and stared – until he came,
On four men's shoulders, up the hill.
She sobbed and laughed and called his name,
And shivered when he lay so still
She had no cruel words of blame
She bore no one of us ill-will.
They've washed the rails and sprinkled sand.
(Oh! Hear the mail go roaring on!)
And he was just a railway hand
A hidden star that never shone
And no one seems to understand
Her heart is broken! He is gone!
The engine-bars are cold and hard
They've killed a shunter in the yard.

– Will Lawson 1903

Published in Marjorie Pizer (ed)
Freedom on the Wallaby,
The Pinchgut Press, Wharf Lane, Sydney.



Extent of rail network in New Zealand 1925.



workers from arbitrary practices and there was an appeal board to rule on disputed classifications. A 1902 act of parliament introduced government-guaranteed superannuation, based on service, for railway workers.

In the years before the First World War, militant unions, led by the 'Red' Federation of Labor, challenged the capitalist order. This culminated in the Great Strike of 1913. It was the biggest strike in New Zealand's history in terms of the number of workers who took part, about 20 to 23 per cent of union members. However it ended in defeat. The railway unions (like the majority of unions) stood aloof, although a number of union branches donated to strike funds. They did not want to risk losing their gains like superannuation.

By 1914, the ASRS was New Zealand's largest union with over 8000 members (69 per cent of railways' wage workers). While some unionists opposed NZ's involvement in the First World War, the railway unions and their leaders supported the war. Nearly half of railway workers were on active service. Women were employed to do some jobs such as carriage cleaning. The ASRS did not welcome this but protested strongly when the Railways Department paid women less than men would receive for the same job.

The first half of the twentieth century was the golden age of



ASRS first national conference 1890.

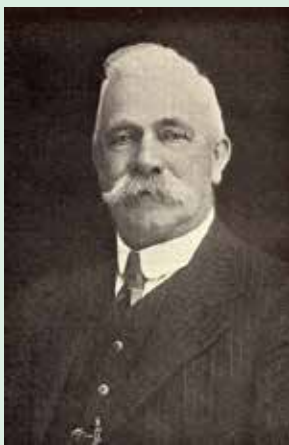
railways. In the early 1920s, when New Zealand had just over one million people, rail carried 28 million passengers a year. Although cars and buses eroded passenger numbers, freight carried by rail continued to rise, reaching 7.8 million tonnes in 1929-30.

A large workforce was needed to run the railway network. Throughout the country there were settlements of railway workers who serviced and drove the trains, built and maintained them in workshops and depots, repaired the track, handled goods and

1920 Railway strike

Inflation was rampant during the First World War. In 1919 the ASRS sought for a wage increase of two shillings and sixpence a day to catch up with the cost of living. A government-appointed board recommended a one shilling per day bonus.

Union members were outraged. Protest resolutions, some urging a strike, poured into the ASRS national office. Railway workers were particularly annoyed over the lavish expenditure on the forthcoming visit of the Prince of Wales, due to start on 21 April 1920, while their wages were held down.



Christopher Leek ASRS 1st secretary, 1886.

After talks with the government and the railways department were unsuccessful, ASRS members voted by 4391 to 1356 to strike. Locomotive engineers did so as well and stopped work from midnight on 27 April in the North Island. On 28 April the ASRS joined the strike.

The Railway Review captured the moment: 'The railwaymen of New Zealand have cut the Gordian knot – they have abandoned their time-honoured policy of peaceful negotiation, because it led nowhere, and they have brought themselves into line with other classes of labour by

adopting the strike as the last resource.'

The country's reliance on rail transport placed the strikers in a strong position. Private cars were rare and suburban commuters were forced to walk, bike or hitch to work. Many refused to use the scab trains the Railways Department attempted to run. Coal and food was soon short in many centres. Rationing was necessary in a number of towns and cities. Red Cross vans and other lorries were used to bring Wellington's milk supplies from the Hutt Valley. Rotorua, whose population was swelled by an influx of visitors for the royal visit, was particularly hard hit.

The Prince of Wales and the Cabinet were stranded in Rotorua by the stoppage. The Prince returned to Auckland while Massey came back to Wellington by car over the rough road between Taupo and Napier.

After negotiations with the unions, the government agreed to set up a tribunal with equal union and employer representation and a mutually agreed chair. There was to be no victimisation for striking and superannuation rights were to be preserved.

The outcome was bonuses of £20 to £50 for salaried division railwaymen. For general division staff a bonus of three shillings a day was to be paid from 1 April 1920, bringing the basic wage up to 15 shillings a day. Public service and post and telegraph employees' wages were also increased. Thus, by their action railwaymen secured a pay rise throughout the state service.

looked after passengers. Railways built houses for its workers and was the biggest employer and landlord in many small towns. Railway workers formed cohesive communities with a high degree of solidarity.

The highly dispersed nature of railways employment was reflected in the structure of the ASRS. In 1938 it had over 12,000 members in 52 branches.

The largest branch, at the Hutt railway workshops, had 1100 members. In contrast, over 80 per cent of the members of the

Railway Tradesmen's Association worked in the four main workshops: Otahuhu, Hutt, Addington and Hillside.

There was an economic depression in 1921 and the conservative government cut public servants' wages. By 1923, railway revenue had improved; however the government refused to restore the cuts.

The ASRS agitated for the cuts to be restored. After the government did not listen to the union's deputations and petitions, the union held a strike ballot. Members voted three to one for action. The strike began at Easter 1924.

1950 Railway Strike

At midnight on Wednesday, 20 December 1950, General Division railway workers in the Auckland area went on strike in protest at what they considered an inadequate increase in wages granted by the Government Railways Industrial Tribunal, demanding an increase more in keeping with increases in the cost of living. At midnight on Saturday, 23 December 1950, following the failure of negotiations with the Government, all members of the Amalgamated Society of Railway Servants and the Railway Tradesmen's Association came out on a strike which lasted until midnight on Sunday, 31 December 1950. Although their national leadership did not support the strike, members of the Engine-drivers, Firemen and Cleaners Association came out in support in the Auckland area.

While the immediate cause was wages, there were a number of other aggravating factors for workers. These included staff shortages – in mid-1950 Railways had over 3000 unfilled vacancies – and poor working conditions. There were shops without proper washing facilities or lunch rooms.

In 1950 the RTA claimed an increase of 1s 6d an hour and the ASRS 1s 3d. The Railways Tribunal awarded 2d an hour for tradesmen and 1d an hour for other workers. There was an indignant reaction from union branches. In Auckland a strike committee was set up and ASRS, RTA and EFCA members voted 2025 to 348 in favour of a strike.

The ASRS, RTA and EFCA executives agreed on a joint approach to the government. Negotiations with the general manager of Railways resulted in him agreeing to recommend a general allowance of 6d to the government. The unions thought the dispute was settled but cabinet rejected the settlement.

There were further lengthy discussions and the unions instructed members to withhold any action. Never before had the railway unions co-operated to such an extent; the general manager noted in a memorandum for cabinet on 20 December he believed there was a 'grave possibility of a strike.'

The Federation of Labour and Walter Nash (pictured right), acting leader of the Labour opposition, intervened to assist the unions. There was a further round of meetings with

the government on 22 December but the strike went ahead.

There was speculation the government would declare a state of emergency. The Waterside Workers Union offered immediate assistance and said it would support a general stoppage if a state of emergency was called. Watersiders probably lost more pay than railwaymen. At Lyttelton, Port Chalmers, Timaru, Oamaru, Bluff and New Plymouth waterfront work virtually ceased because these ports could only be worked by rail. Watersiders, freezing workers and dairy workers declared they would refuse to handle goods normally handled by rail while the Drivers Union instructed members not to carry goods normally transported by rail.

An emergency conference of the executives of the ASRS, RTA and EFCA was called by the FOL on 26 December with Nash present. There were further meetings with ministers. After 13½ hours of discussions, a settlement was reached on 28 December. It was ratified by the ASRS and RTA executives and branches were instructed to resume work from midnight on Sunday 31 December.

The terms of settlement provided for negotiations to commence immediately for a general wage increase in accordance with the provisions of the Railways Act on the grounds that existing rates for railway workers were 'not fair and reasonable' having regard to pay rates in the private sector and the nature of railway work.

Any increase would be based on a survey of ruling rates paid in the private sector. Ruling rate surveys subsequently become the main basis for railway wage fixing. Union officials also reached agreement with the Railways Department to allow employees to take the time lost through the strike as annual leave if they wanted.





Addington Railway Workshops workers - 1890.

The strike was opposed by the other railway unions. While almost 100 per cent of ASRS members went on strike, the engine drivers remained at work which meant that trains could continue to be run.

While the opposition Liberal and Labour parties supported the ASRS, the government rejected their demands and took a hard line against the union. It used newspaper advertisements to rouse public feeling against the strikers. 'Are the Railways to Run in the interests of the Public or for the Benefit of the Amalgamated Society of Railway Servants?' read the heading of one such advertisement. 'Are the Railwaymen Entitled to a Living Wage?' asked the ASRS in its reply.

After a week, the executive called the strike off. The union was unable to stop all trains from running and support from its members was dissolving. The government punished the ASRS for the strike. While it agreed to safeguard the strikers' superannuation, the government increased railway workers' hours from 44 to 48 a week and removed some overtime payments. The ASRS was forced to disaffiliate from the Alliance of Labour, the more radical of the competing central organisations of workers. Finally, the government gave official recognition to the Railway Tradesmen's Association. Far from regaining a restoration of the wage cuts, the railwaymen now had to work longer hours for the same wages. It was a bitter defeat and there were antagonistic relations between the railway unions for many years.

The Great Depression, which began in 1929, saw savage cuts in railway workers' wages and conditions. Control of NZ Railways was handed to a Railways Board made up of private businessmen.

The board was hated by workers because of its punitive approach and the climate of fear this created.

To deal with falling revenue, fares and tariffs were increased, poorly patronised services curtailed and nearly 400 workshop workers were laid off. The unions protested but there was little they could do. Casual workers bore the brunt of the economy measures.

Rents were increased in early 1931 and in some cases tripled. In March 1931 government employees, including railway workers, had their wages cut by 10 per cent despite strong opposition from unions and the Labour Party. Later that year, permanent employees with over 30 years' service were compulsorily retired on reduced pensions. In 1932 there were further wage cuts for state employees ranging from 5 per cent to 12.5 per cent. The unions had some victories. The government introduced a bill to reduce pensions. However the ASRS was able to kill it by showing that the superannuation funds were in credit.

The government's attack on conditions led to calls for unity among the four railway unions. Railway workers in Auckland and the Hutt workshops voted overwhelmingly for the formation of One Big Union. The ASRS leadership, which suspected Communist involvement, refused to accept the results of the ballots. It proposed a national council of railwaymen with representation from each union. However the other unions were not interested.

In 1935 the Labour Party won a landslide election victory. Railway workers were active supporters of the Labour Party from its formation in 1916 and several ASRS branches were affiliated to the party. Two railway unionists, Joe Cotterill in Whanganui and

Alexander Moncur in Rotorua, were elected to Parliament. Two railway union veterans, Jack McCullough and Michael Connelly, were appointed to the legislative council. With the exception of the ROI, the railway unions affiliated to the Labour Party and the Federation of Labour, the national organisation of unions formed in 1937.

The Labour government passed laws to encourage the formation of trade unions, including compulsory unionism, and a number of unorganised groups, including harbour board employees, formed unions. There were attempts, encouraged by management, to establish tame in-house associations. However with the support of the Waterside Workers Federation, the New Zealand Harbour Board Employees Union was formed in 1936. *The Transport Worker* commented:

'These workers have in the main been unorganised for many years, and have not, therefore, been paid the wages and allowed the conditions of employment to which they were entitled for the great service they render to the public. The Harbour Boards' employees perform a great national service. Ships come and ships go at all hours of the day and night, and the men engaged in this industry must be in attendance for twenty-four hours a day.'

The following year the Harbour Board Employees Union secured a national agreement covering all 26 harbour boards and their clerical staff, storekeepers, watchmen, launchmen and similar positions.

The Labour government abolished the Railways Board and brought the department back under control of the minister of railways. To protect railways from competition by road transport, it imposed a 48 kilometre limit on most trucking operators. One of Labour's first acts was to restore the depression wage cuts and introduce a 40 hour week. When this happened, railway workers who worked 48 hours a week had their hours reduced with no loss of pay while workshop hours were reduced from 44 to 40.

Labour introduced compulsory unionism in the private sector. The ASRS had argued for preference for unionists since 1898. In 1936 it requested compulsory membership however this was dropped after government ministers said this would cause complications with other public servants. There was pressure from union branches, some of which decided to blacklist non-members. The unions took the matter up with the government again and the Government Railways Act was amended to make membership of one of the four railway unions a condition of employment from April 1946.

The Second World War (1939-1945) put a huge strain on railways. By 1943 over 7000 workers, 26 per cent of the department's pre-war strength, had enlisted, causing serious operating problems. Petrol rationing, centralisation of shipping and movements of troops and war materials led to increased train movements and



ASRS 1936 Jubilee cover.

longer hours for existing staff. In July 1942, all railway work was declared essential and workers were directed to railway work under the manpower regulations.

Superannuitants were brought back and workers prevented from resigning or retiring. Annual leave was withheld and women taken on, usually as porters or in the stores. The number of women employed by railways rose from 600 in 1939 to 2000 in 1943. The ASRS adopted a policy of equal pay for equal work to make sure men's jobs and wages were not undermined.

One of the conditions for introducing the 40 hour week in 1936 was that no penal rates would be paid for Saturday work. After the war began, hours were extended to 10 a day Monday to Friday and eight on Saturday, a 58 hour week with 44 hours at ordinary rates. Workers at the Hutt workshops went on strike in March 1941, demanding penal rates for all Saturday work.



The first two women members of the Railway Officers Institute (l to r) J A Withington and F K Upchurch.



The strike was the first industrial challenge by railway workers to the Labour government. It was declared illegal and was not supported by the national officers of the RTA and ASRS (which blamed it on communist agitators). After the workers returned to work, the unions negotiated a rearrangement of the working hours of 11 hours per day from Monday to Friday with no Saturday work.

In May 1943 the ASRS sought a wage increase of 6d an hour. To control prices and wages during the war, the government had introduced a comprehensive economic stabilisation policy. It refused to agree to the railway workers' claim but offered a wages tribunal. In March 1944 legislation was passed setting up the Railways Industrial Tribunal with representatives of the unions and the department and an independent chair.

Since the 1890s, railway unions had negotiated directly with the government with occasional use of wages boards. The Railways Industrial Tribunal was a major change in pay fixing as it had the power to arbitrate on wages. It was the first state sector pay-fixing tribunal.

In September 1944, negotiations between the department and the railway unions broke down. The unions' claims, the main one being the 6d an hour wage rise, were referred to the tribunal. Railway workers became impatient when no decision was made and a pay rise to MPs in December 1944 was the final straw. In January 1945 ASRS members in a number of areas stopped work, starting with Auckland and the West Coast. The strike quickly spread despite instructions from the ASRS national office to stay at work. Dairy workers also went on strike at the same time.

In February 1945 the tribunal granted railway workers a 3½d an hour increase backdated to June 1944. The following month the Arbitration Court issued a standard wage pronouncement raising standard rates by the same amount. A similar increase was passed on to all state workers. While the Labour government continued its wartime stabilisation measures after the war, the railway and dairy workers' strikes ended the wartime wage freeze.

Despite occasional industrial action, constitutional methods were the predominant feature of the railway unions' activities. They were highly centralised, with ongoing negotiations between national officials and the Railways Department over issues raised by branches and members' grievances. The tribunal was an

The Midland Line



JR Hope, overseer

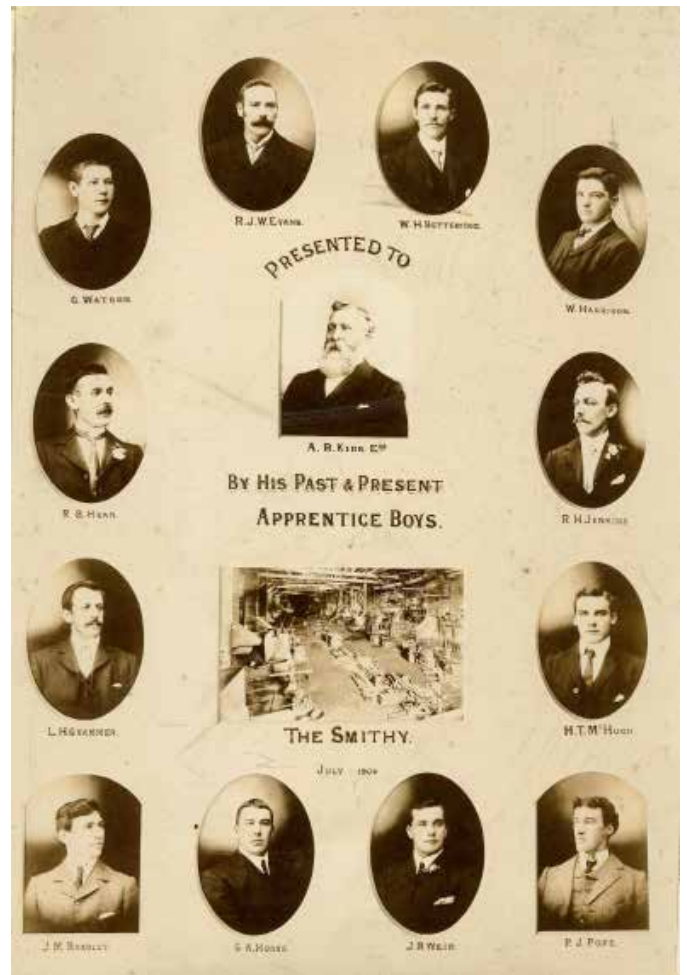
Photographs recording the construction of the Midland Line through the Southern Alps including Otira and Staircase Tunnels, viaducts and bridges.



improvement on negotiations with the government, which were often protracted. The unions submitted an annual log of claims to the department and attempted to reach agreement in conciliation. Disputed claims were then referred to the tribunal. Concessions and improved working conditions helped maintain the unions' faith in the tribunal.



Dunedin Labour Day parade, 1894. The central banner is from a railway union.



July 1904, NZR, Addington Workshops.



N.Z. RAILWAY OFFICERS' INSTITUTE

First Executive Council, Wellington, December 1895.

Back Row: C. A. MARCUS, A. W. MORGAN, J. MACDONALD, F. W. STYLES, A. H. MELLOR, I. FARIS.

Front Row: R. J. AEKINS, T. J. BROWNELL, A. DUNCAN—Vice-President, S. J. LORING—President, R. W. McVILLY—General Secretary, J. GRAY, P. A. DUNCAN.



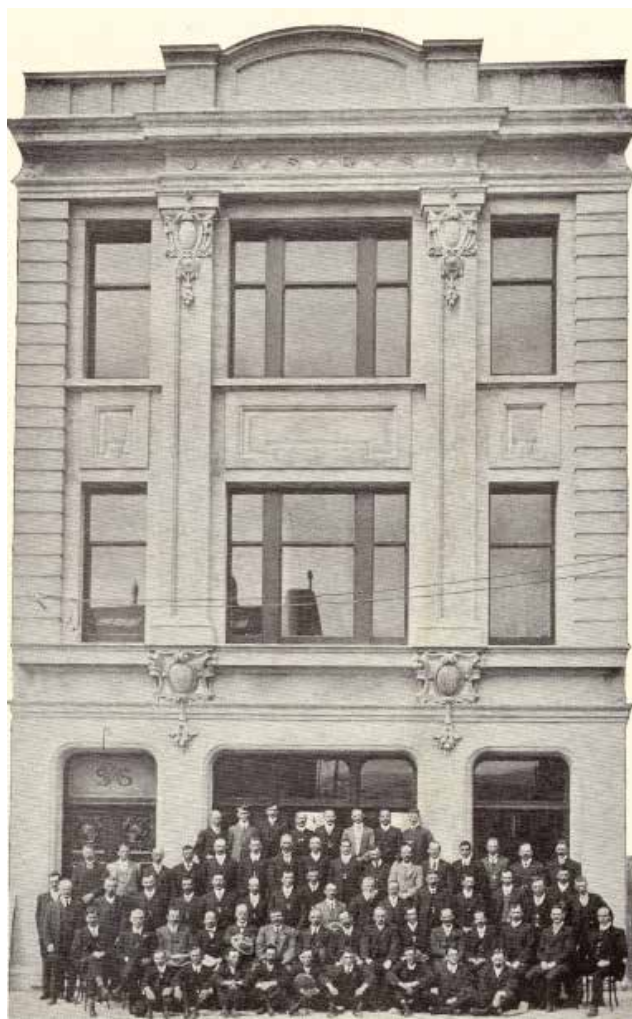
Railway track gang between Wairoa and Mobaka, 1930s.

*Railway track
workers on Main
Trunk Line between
Obakune and
Raurimu - 1905.*





And just to show that perhaps more than one of the railway bosses had a heart, one-legged Jack Hamilton, trackworker, Otira Tunnel portal.



ASRS HQ opening Aitken St, Wellington.



ASRS Conference 1902.

Chapter Two:

1951 to 1990

LESS than two months after the rail strike, the 1951 Waterfront Lockout began. The lockout was the biggest industrial dispute in New Zealand's history. Twenty-two thousand workers were involved, it lasted for nearly five months and over one million working days were lost in industrial action. The lockout ended with the complete defeat of the watersiders and their allies.

Crucially railway and harbour board workers did not support the watersiders, dashing their hopes for a national transport strike. After the Federation of Labour directed its affiliated unions to resume normal work, ASRS members voted by 7,291 to 4,139 and Harbour Board Employees Union members voted by 1,320 to 457 to do so.



Tangiwai disaster

At 2222 hours on Christmas Eve 1953 the Wellington-to-Auckland over-night express passenger train plunged into the Whangaehu River at Tangiwai in the central North Island, taking with it the first six of its 11 carriages. Of the 285 passengers and crew on board, 151 died in New Zealand's worst railway accident. They included Charlie Parker (locomotive engineer) and Lance Redman (fireman). New Zealand was stunned. The timing of the accident added to the sense of tragedy.

Most of those on the train were heading home for Christmas, armed with presents for friends and family. Each year on 24 December the RMTU Palmerston North branch commemorates this tragedy by laying wreaths on the memorial stone and also on a locomotive which travels slowly across the Whangaehu River bridge. This tradition has been carried out since the disaster in 1953 and usually involved the north-bound Northerner passenger service up to its cessation. It now utilises a freight train which crosses the Whangaehu River close to the hour that this tragedy occurred.

No one has ever been held to account for the deadly carnage and, according to documentary maker David Sims who investigated the crash and a mountaineer who warned of a potential calamity 18 months before the unstable wall of the



Mt Ruapehu crater lake burst to create a deadly lahar, the lack of accountability was no accident. The *NZ Herald* described the circumstances that led to the express tumbling into a normally sedate river during the peak of a flash flood as 'ridiculously unfortunate'. An official inquiry into the tragedy essentially pointed the finger at dumb luck.

However, that conclusion didn't sit well with a member of an intrepid group of mountaineers and canoeists who made several trips to study the crater lake in years leading up to the

disaster. What they saw were rising water levels and temperatures and increasingly dramatic glacial melt. It alarmed them. A huge lahar had tumbled down the mountainside in 1925, damaging but not destroying the Whangaehu rail bridge. The group wrote to the government volcanologist in Rotorua and the Railways Department warning a similar event was brewing. *The Wanganui Chronicle* published a story about their findings, but no action was taken. A relatively simple solution was available. A farm-drain-sized pipe through the soft crust that would eventually give way would have provided an outlet for the glacial melt that was causing the lake level to rise. Sims believes serious negligence contributed to the disaster.

This reflected the moderation and caution that characterised these unions. The largest – the ASRS – had 14,000 members in 1950. While it saw itself as the railway union, it covered mainly semi-skilled and unskilled occupations such as guards, shunters and track maintenance workers. The second largest was the Railway Officers Institute, which covered workers in the first division of Railways including clerical, administrative and managerial staff.

1967 Railway strike

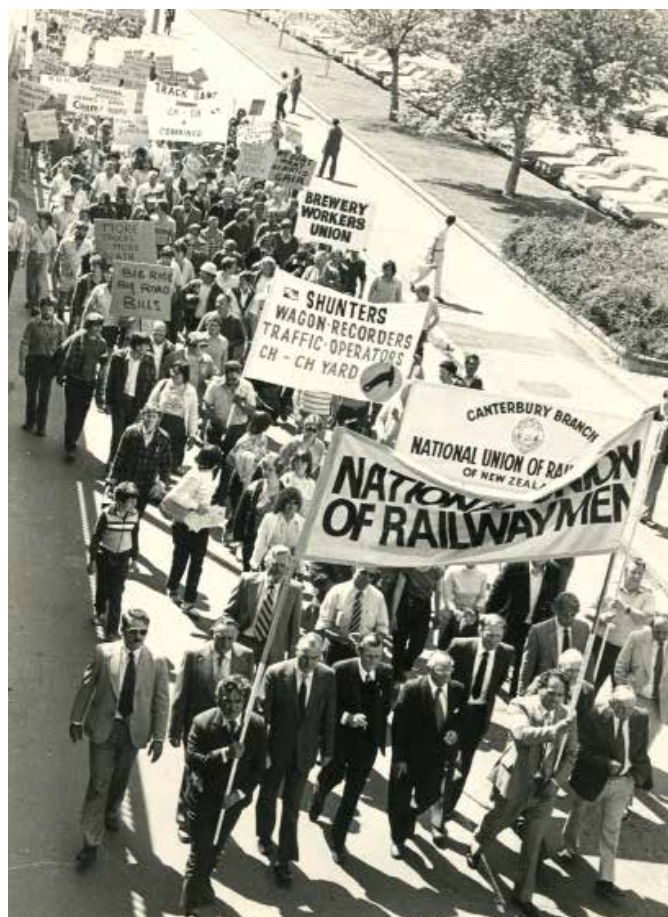
On 7 May 1967 the 2293 members of the Railway Tradesmen's Association began an indefinite strike over margins for skill for tradesmen who had completed an apprenticeship or recognised equivalent.

In 1962 the Railways Tribunal had awarded them a special allowance to recognise skill. Five years later the tribunal increased the allowance by 6d an hour. The National government attacked the decision and made it clear that it would undermine it by denying tradesmen the wage increase from the latest ruling rate survey.

The RTA stood firm, winning support from the Federation of Labour and other trade unions. Negotiations were deadlocked and the strike went ahead. It shut down the railways system, which could not function without tradesmen to maintain and service locomotives, rolling stock, buses and coaches, signals, communications, power supplies and equipment. Members of the three other railways unions – the ASRS, EFCA and ROI – refused to carry out any work normally done by RTA members.

The government denounced the union. Peter Gordon, the minister of transport, said that if the Government had to pay its skilled tradesmen something in excess of 1s an hour over the rate in outside employment it would mean absolute inflation and the economy would run wild. Unusually, for the times, the newspapers sided with the union. *The Auckland Star* asked how the government could expect workers to accept the decisions of industrial tribunals when it was trying to nullify the decision of the Railways Tribunal. 'It is not good enough and nothing Government spokesmen have said so far makes it seem good enough. The Railway Tradesmen's Association has not acted precipitately.' After 10 days some major industries were grinding to a halt because there was no rail transport. The country faced the most serious industrial upheaval since the 1951 Waterfront Lockout. The strike ended after the FOL negotiated a settlement with the government. This was that the RTA would go back to the tribunal on an undertaking that the government would accept the tribunal's decision as binding.

Following the settlement, the Railways Tribunal reaffirmed the tradesmen's margins for skill allowance. Doug Crosado, the union's president, later wrote: 'It was a sweet victory for the RTA, especially for its members who stood resolute in the face of the Government's onslaught.'



Part of 5000 strong march of rail workers from Christchurch Railway Station opposing deregulation of rail in favour of roads, 1983.

The Railway Tradesmen's Association had 2,700 members and covered many trades, including fitters, boilermakers, carpenters and painters. Most of its members worked in the five workshops that built, serviced and repaired rolling stock at Otahuhu (Auckland), East Town (Whanganui), Woburn (Hutt), Addington (Christchurch) and Hillside (Dunedin). The Engine-drivers, Firemen and Cleaners Association had 2310 members. In the era of steam locomotives, young men progressed from the dirty and taxing job of cleaning engines to serving as the firemen who stoked the engines and, if successful, became engine drivers, who were the elite of the blue collar second division of Railways. The Harbour Board Employees Union had 1,780 members. It covered the many occupations in harbour boards, including pilots, crane drivers, maintenance tradesmen and office workers.

While the five unions were conservative, there were pockets of militancy, most notably the ASRS and RTA branches at the Otahuhu workshops. Often at the instigation of these branches, the ASRS and RTA adopted policies opposing nuclear weapons and supporting world peace. They were among the first trade unions to oppose the Vietnam War and apartheid in South Africa. Harbour workers joined other port unions in going on strike against United States nuclear warship vessels. For example, their action closed the port of Wellington to the USS Truxtun in 1976 and 1980.

During the 1950s, the railway unions achieved a number of

improvements in conditions such as sick leave on full pay and the establishment of the Government Railways Welfare Society. Wage negotiations were based on ruling rate surveys of the actual wage rates paid in the private sector. This was part of the settlement of the 1950 strike.

The disadvantage was that railway wage rates had to be proved to be behind the private sector. The surveys failed to take account

of the special nature of many railway occupations such as guards and shunters where there were no similar private sector jobs.

In 1962 the National government repealed a clause in the Railways Act requiring the Railways Tribunal to pass on general wage orders to railway workers. The ASRS and RTA went on strike for 38 hours in protest, the first railways stoppage since 1950. This unhappiness with the government's policy of trying to restrict

Ports reform

When Ross Wilson was about to take up the job of national secretary of the Harbour Workers Union in 1986, he got a call from Richard Prebble. Wilson was industrial secretary of the NUR and Prebble said, you don't want to go into the Harbour Workers Union, you've been through the railways process and I'm going to do the same to the ports. Wilson told Prebble to do his worst.

Ports reform was part of the fourth Labour government's moves to deregulate the economy and reduce the public sector. It was aimed at making ports competitive and commercially focused, including increasing productivity, cutting jobs and labour costs and reducing union influence.

The Harbour Workers Union was in a very vulnerable position because part of the government's plan was to replace harbour boards with port companies. This threatened the union's traditional membership coverage, particularly as the Waterfront Workers Union made no bones about its intentions to take harbour workers' jobs.

The Harbour Workers Union decided to try to negotiate and influence change rather than simply trying to hold the line given the waves of deregulation sweeping over the economy. It recognised that many members would see redundancy as an opportunity and that it could trade off improved productivity for increased wages for the remaining members.

The union ran an intensive education campaign with delegates and members about ports reform so they knew what was coming and were prepared to fight if necessary.

It changed its membership rule to cover port companies and other bodies undertaking work previously done by employees of harbour boards.

In September 1987 Nelson harbour board workers went on strike after the board tried to make 13 of the 68 workers redundant. The dispute turned into a battle for a decent national redundancy agreement. With support from other workers around the country, the Nelson workers struck for 22 days. In early November the union negotiated a national redundancy agreement with employers. Wilson describes it as 'gold plated'



and it was one of the best redundancy agreements at the time. The union was then successful in getting the agreement included in its national award. It was also successful in incorporating hundreds of local port agreements in schedules to the award for each port. The employers were reasonably happy with the huge productivity and profitability gains for the new port companies. The new award, some 545 pages, was the largest ever registered with the Arbitration Commission. It provided a relatively smooth industrial transition to the new port companies.

The Harbour Workers Union then had to deal with the hostility of the Waterfront Workers Union and the Labour government. On 1 October 1988 the harbour boards were replaced by port companies and the harbour workers' legal right to operate cargo handling equipment was abolished. The Labour government's intended solution to the demarcation issue with the waterfront workers was to, in effect, legislate the Harbour Workers Union out of existence.

Wilson arranged a meeting with Bill Jefferies, the minister of transport, who was in charge of ports reform. 'I said, I've got something to say to you, Bill, and you probably don't want your officials in the room and he said, no, no, the officials can stay. I gave him both barrels, I gave him his pedigree and pointed out what he was doing and that it was completely unacceptable. From that point on things changed and we did secure a satisfactory legal transition.'

The Waterfront Workers Union and the Seafarers Union challenged the Harbour Workers Union's amended membership rule in the Labour Court. The Chief Judge ruled in favour of the harbour workers. When stevedoring companies employed watersiders to drive cargo handling equipment in some ports, harbour workers put up picket lines and employers took the union to court. The demarcation dispute between the Waterfront and Harbour Workers unions was about to go to the Labour Court but the two unions reached an agreement recognising that the Harbour Workers Union had exclusive coverage of all mechanical equipment owned or provided by port companies, including cranes and fork hoists.



NUR stopwork meeting over removal of guard vans, Carlyle Street Hall, Christchurch, 1986.

wage increases foreshadowed the 1967 rail strike (see box).

During the 1960s employment in railways fell from 25,000 workers to 21,000. Job losses took place because of the closure of branch lines, stations, goods sheds and maintenance, and the introduction of centralised train control and automatic signalling. Cars, buses and aeroplanes replaced railways as the main forms of passenger transport.

Pallets and containers, easily worked by forklifts, began to replace the labourious work of loading and unloading wagons. A new freight forwarding industry developed after the inter-island rail ferries were introduced in 1962. Railways claimed it lacked the staff to provide the service itself. The new rail ferries put pressure on coastal shipping. This competition, a decline in coal and the move of oil and cement to large bulk carriers led to the closing of small coastal ports.

The biggest transport revolution came in the early 1970s when shipping companies introduced container shipping. Harbour boards deepened shipping channels and reclaimed land for container storage. They bought gantry cranes, straddle cranes and powerful tugs to handle the large container ships.

Containerisation made a dramatic change in established work practices and demarcation between the two main unions on the waterfront, the Waterfront Workers Union and the Harbour Workers Union. There was a bitter history of demarcation dis-

putes between the two unions. By law harbour boards were the sole providers of cargo handling equipment (cranes and forklifts) and harbour workers had the right to operate it. Watersiders did the traditional wharf stevedoring work.

The introduction of roll on/roll off vessels complicated things but this was resolved eventually by a chalkline point of rest. Watersiders drove the stevedores' forklift down the ramp to a chalkline where the cargo was picked up and taken to a stack by a harbour worker. In container terminals, the demarcation was resolved by forming a composite workforce of six watersiders to one harbour worker over a six month rotation into the terminal.

By the late 1970s Railways was under increasing threat from road transport with the encouragement of the National government. To protect railways, the first Labour government had introduced a restriction on the length of haul for road freight. In 1977 this was extended from 48 kilometres to 150 kilometres. Railways responded by reducing services, closing 'uneconomic' branch lines, curtailing overtime and virtually ceasing recruitment.

The National Union of Railwaymen (as the ASRS had renamed itself in 1972) campaigned strongly against these measures. It stressed the detrimental effects the rundown of railways would have on employment, manufacturing and regional development. After Sunday trains on the Johnsonville line were withdrawn in February 1978, the Wellington branches of the EFCA, NUR and

RTA refused to run any trains on the line until the Sunday service was reinstated and there was a five day stoppage of all rail services in and out of Wellington.

In March 1979 the general manager of Railways issued *Time for a Change*, which outlined Railways' grave financial position which was largely blamed on unproductive social services. Con O'Leary, Otahuhu branch secretary of the NUR, described it as a blueprint to tailor rail services to suit the needs of the road transport lobby, which made no secret of its desire to see railways reduced to a single spine with a few large stations or freight centres. The policy of railways management was similar to a 'doctor examining a sick man, who has been bled for decades and covered with leeches, and deciding to cut off his arms and legs to see if that will help him get up and walk.'

In June 1979 the Wellington branch of the NUR banned handling freight consigned by freight forwarding companies after Railways withdrew the Silver Star (the overnight service between Auckland and Wellington) to convert some sleeping berths to seating cars. The Auckland, South Auckland and Canterbury branches also banned freight forwarding and the NUR called for a public investigation into railways management. The government refused and threatened the union with deregistration. Management suspended workers and by the end of June over 2000 railway workers had been laid off. A return to work was negotiated in early July and the terms of settlement included a commission of inquiry into the freight forwarding industry. While the inquiry found that the industry was financially beneficial to railways, its report gave strong support for upgrading railways goods handling facilities



Chair of Lyttelton Harbour Board addresses Harbour Workers Union members at the port building Norwich Quay, 1988.



ECA protest to Lyttelton Port Co building, Norwich Quay. (l to r) Warren Collins (WWU), Paul Corliss (HWU) and Bill Menzies.

and methods so it could compete with other forms of transport.

Ports and railways were at the forefront of the radical restructuring of the economy by National and Labour governments in the 1980s. In a sign of things to come for other public servants, National turned Railways into a corporation from 1 April 1982. In September 1982 a Ministry of Transport discussion paper proposed drastic changes to transport licensing, including complete deregulation. It predicted that 4500 railway jobs would be lost if the 150 kilometre limit was removed.

The railway unions strongly opposed deregulation. At the 1981 general election, the NUR launched a 'Save Rail' campaign. This was stepped up in 1982 with a major publicity campaign including the findings of an economic study commissioned by the union which showed there would be a loss of \$7 million a year from deregulation. The NUR pointed to the destructive impact on the environment of having more trucks on the roads and to the devastating social and economic impact on small towns and rural communities.

Union branches organised deputations to MPs and local authorities, and petitions were circulated in many areas. On 15 November 1982, 3500 railway workers marched in Christchurch. When transport minister George Gair tried to visit Christchurch railway station to address managers, NUR branch secretary Paul Corliss quickly organised a demonstration of workers which forced Gair to flee in his ministerial limousine.

The government ignored the protests and the 150 kilometre limit was removed in 1983. While the campaign to stop deregulation was unsuccessful, there were some victories. In an important marker for the future, the Auckland Regional Authority reversed a decision to exclude rail from its long-term passenger transport plan after the NUR persuaded officials that suburban rail services were competitive.

When the Railways Corporation came into being in 1982 it employed nearly 22,000 workers. The corporation commissioned American consultants Booz-Allen and Hamilton to review railways operations. Their report said railways would lose \$100 million a year unless there was radical restructuring and that 8000 workers – 40 per cent of the workforce – would have to go by 1988.

The railway unions promised to keep fighting against cuts in jobs. The NUR revived the 'Save Rail' campaign for the 1984 general election in conjunction with the Labour Party. A Z class railway wagon became the centrepiece of a whistle stop tour of the country with NUR president George Finlayson and Labour's railways spokesperson Richard Prebble on board.

Railway workers also fought industrially against the changes to their jobs. The corporation proposed new rosters for shunters in Picton that meant excessive overtime. The workers objected and were accused of a 'go slow'. The employer refused to negotiate and Lynn Papps, the corporation's chair, inflamed things by calling them 'slobs'. On the eve of the 1984 election Railways cancelled all Cook Strait ferry sailings indefinitely. Prebble promised an inquiry if Labour was elected and the shunters went back to work on the employer's terms. The inquiry, by former Labour attorney-general Martyn Finlay, was highly critical of the employer. He said that the corporation 'in its rapture with profit and in



Picket of Harbour Workers Union at CQ Lyttelton shed during Ports Reform, c1988.



Golden Jubilee of the Amalgamated Society of Railway Servants of New Zealand, 28 May 1960.

its industrial relations may seem to be a refugee from the 19th century'. The NUR and the corporation subsequently negotiated a far less draconian roster.

Labour won the 1984 election. However it soon became clear that Prebble, the new minister of railways, and the government were not going to save rail. The corporation started to carry out the Booz-Allen recommendations and redundancies continued. In 1985 Railways said it would introduce alternative train crewing which meant dropping guards' vans from trains and reducing crews from three to two. When the corporation announced it would introduce this in three parts of the country, the NUR said it would black and picket any trains with two crews. By early May 1986 rail movements up and down the North Island had ground to a halt. Prebble publicly threatened to close down the rail system. Don Goodfellow, the NUR's general secretary, replied that Prebble had 'lost his marbles' and summed up railway workers'

feelings about the government 'We feel like we have been politically rattled on'.

After long negotiations the corporation and the NUR reached agreement to introduce alternative crewing. The positions of guards and locomotive assistants were abolished and replaced by a new job of train operator covering both roles and riding with the driver at the front of the train. A voluntary redundancy package – worth at least \$20,000 (\$65,000 in today's money) for most workers – was negotiated.

The agreement on alternative crewing improved union/management relations and the redundancy agreement provided a buffer for workers who lost their jobs. However the cuts in jobs continued. Hundreds of jobs were axed in workshops, depots and stores. A third of the rail track maintenance jobs were cut. Over the five years from 1984 to 1989, 10,000 jobs were lost. There were devastating consequences in many small communities such as Whanganui and Greymouth which lost their workshops.



George Gear, Minister of Railways blocked from entering Christchurch Railway Station, 1984.



Steam trains, January 1970, maybe at Papakura. Diesel loco on the left.



John Marr, senior shunter, Christchurch yard & NUR Canterbury chairman.



Ian Wilkie Christchurch guard and vice-president of the NUR and the RMTU.



Harbour Workers Union - Lyttelton executive by No 6 Wharf, 1987.



Harbour Workers Union, Seafarers Union, late 1980s.



Ports reform 1988 up from Pacifica berth, No 7 Wharf. Lyttelton.



'Prebble' in the 'Save Rail' coffin at the Railway Social Hall, Carlyle Street, Christchurch, 1984.



Save Rail wagon, 1983, Christchurch Railway Station.

There are three good reasons why we oppose the visit of the USS Truxtun

1 We Believe in a Nuclear Free Pacific

We believe that the proliferation of nuclear weapons that has spread for the past 40 years, for too long the world has not acted to prevent the spread of nuclear weapons. It is a fact that the world is now a more dangerous place than it was 40 years ago. The world is now a more dangerous place than it was 40 years ago. The world is now a more dangerous place than it was 40 years ago.

Some Common Myths About Nuclear Warships

If New Zealand is to welcome United States Ships, it must welcome nuclear ships as they are an essential element of the Fleet.

2 We Do Not Want to See New Zealand as a Target for Nuclear Attack

The visit of the USS Truxtun will give a message to the world that New Zealand is a target for nuclear attack. This is a message that we do not want to see New Zealand as a target for nuclear attack.

3 Nuclear Power Has Not Been Proven Safe

Nuclear power has not been proven safe. The visit of the USS Truxtun will give a message to the world that nuclear power is not safe.

Don't Forget the CANWAR March Assembling Civic Square 7pm Friday



George Gair picketed at the Christchurch Town Hall by NUR and LEA, September 25, 1983.

Chapter Three:

1991 to 1995

BY the end of the 1980s, the railway unions had to face up to whether they were still viable as separate organisations. Since 1983, the Railway Tradesmen's Association had lost 66 per cent of its membership, the Railway Officers Institute 49 per cent and the Locomotive Engineers Association 25 per cent. The Labour Relations Act, passed by the Labour government in 1987, required unions to have a minimum of 1000 members and the membership of the RTA and LEA was falling towards this number.

In 1983 and 1984 there were informal discussions between officials of the three unions about some form of accommodation between them. It was agreed that it would be a good idea some day. Nothing happened but the idea stayed in the mind of Edgar Spark, who became the general secretary of the ROI in 1987.

While officials of the different rail unions worked together, relations between them had been marred by mutual antagonisms. For example, blue collar rail workers disliked the ROI because their immediate bosses – foremen and subforemen – were members, white collar workers looked down on the rest of the workforce and there was a streak of elitism among engine drivers.

Steve Grant, general secretary of the RTA, was determined to overcome these long-standing antagonisms. 'We lost more and more members and there was no way that the railway unions could stand alone,' he said.

He approached the LEA but little progress was made in discussions between them. Then Edgar Spark invited Grant to address the ROI's conference. He talked about amalgamation and said it would happen whether individual unions liked it or not. The ROI voted to set up a committee to look at amalgamation and wrote to the RTA and LEA. 'I thought that's the breakthrough,' Grant said later. The National Union of Railway workers was invited to join the committee but declined. It held to its traditional position that, as the first rail union to be formed, it was the union that other railway workers should join.

There was a lot of soul searching, particularly for the LEA which was proud of its traditions and of being the representative of train drivers and operators. However LEA president Trevor Bremner was aware that leadership demands hard choices if the union is genuinely acting on behalf of the future of the workers it represents.

As a result of the ROI's invitation, the executive officers of the LEA, RTA and ROI met on 3 May 1990. From this meeting a steering committee of two representatives from each union was set up to develop a proposal. Steve Grant and Brian Cronin represented the RTA, Wayne Butson and Dennis Burgess represented the LEA and Arthur de Maine and Edgar Spark represented the ROI.

A proposed structure was put to the executives of the three unions and they approved amalgamation in principle. The steering committee travelled the country holding seminars of members to get their involvement, feedback and support for a new union.

A discussion paper on amalgamation pointed out the big fall in membership of each union and the 1000 member rule under the Labour Relations Act. It concluded:

'The decreasing membership base will inevitably lead to increasing costs for members and/or a reduction in service to members. Therefore some attempt must be made to widen the membership base and thereby maintain or even improve the service to members without unduly increasing the subscription rate.

'It is apparent that the only viable solution in the present economic climate is amalgamation. It is fair to say that wherever possible industry-based Unions are preferable where accommodations can be arranged between those Unions in that industry. Railways provides a structural framework which has within its boundaries Unions that are solely concerned with workers in that industry.

'The proposed amalgamation of the RTA, LEA and ROI will build a membership base of between 3500 and 3800 as at June 1991 which while being less than the peak membership of the ROI at 4500 is nevertheless capable of supporting a viable organisation at a subscription rate comparable to the middle to lower end of subscriptions to other Unions.

'The election of a National Government with its stated objectives in the industrial area of introducing voluntary unionism and other changes requires that successful future Unions must be more sensitive to membership wants and provide better services. Therefore yet again a wider membership base, providing it is properly served will ensure the survival of a Union within Railways in the interests of those who work there.'

In a prophetic comment the paper added: 'It may well be that this initial amalgamation will be but the first step down the road to further rationalisation of Unions to create larger and more efficient Union structures.'

Members of the three unions voted in favour of amalgamation and the Combined Union of Railway Employees held its inaugural conference on 18 and 19 September 1991. The new union had 22 branches and its governing body was an annual conference made up of representatives from the locomotive, trades, clerical/administrative and technical/professional areas and from nine regions. Trevor Bremner was elected interim president, Jim Kelly interim vice-president and Edgar Spark interim general secretary. Warwick Armstrong, Terry Nobbs, Arthur De Maine, Bob Piper, Kim Santer and Ray Woodhouse were the first national executive

members. Shortly after the conference, Bremner resigned and Kelly was elected president.

By the time CURE was formed, the Employment Contracts Act had become law. The ECA was designed by the National gov-

ernment to undermine unions and reduce them to bargaining agents. It swept away 100 years of labour legislation that had protected workers and unions. The ECA abolished national awards and made it illegal to strike for a multi-employer col-

Nelson port poets

'This case is a product of the Employment Contracts Act and the strategy of an employer which turned one of the most motivated, flexible and productive waterfront workforces in any part of New Zealand into two factions – those who had succumbed to the pressure to sign individual contracts and those who wanted to retain the collective contract.'

Ross Wilson, national secretary of the Harbour Workers Union, made this point in the union's submissions to the Employment Tribunal for the reinstatement of Peter Macadam and Michael Renwick, the Nelson port poets. They were dismissed by Doug Green, managing director of Port Nelson Ltd, for allegedly writing a poem decrying the actions of other workers who had signed individual contracts.

After the Employment Contracts Act became law, Port Nelson told its workers they would be required to sign individual contracts. Union members voted unanimously for a collective but Green was adamant that everybody would have to sign individual contracts. In October 1991, the employer offered financial inducements of up to \$9000 to all employees who signed individual contracts and several did so.

This caused a lot of ill feeling among the rest of the workforce. However the majority of union members stuck together and negotiations began for a collective contract. A settlement was very close in December 1991 when the company served lockout notices on union members. Despite this provocation, union members continued to work until a settlement was reached in February 1992. People wanted to put the past behind them and so the sacking of Macadam and Renwick over the poem in April shocked the workforce.

In its case before the Employment Tribunal, the Harbour

Workers Union presented evidence of the long tradition of satire on the waterfront. Historian Dr. Anna Green said the poem should be seen as an 'extended metaphor' in the tradition of nicknames and lampooning among waterfront workers. The hearing wasn't without humour. Questioned about whether the poem was deviant, scurrilous and degrading, Alan Cochrane qualified his answer with the comment, 'I still think it's a bloody good poem.'

In a landmark decision the Employment Tribunal reinstated Macadam and Renwick to their jobs. The tribunal said the dismissal was 'harsh and disproportionate' and Port Nelson had committed a fundamental breach of natural justice in not



conducting its investigations fairly. The company appealed but the Employment Court upheld the tribunal's decision.

During the infamous Doug Green years, Nelson port workers had an outstanding leader in Harbour Workers Union branch secretary Peter Robertson. He was sacked by Green and finally reinstated after a case that went all the way to the Court of Appeal. Tragically Peter died after a workplace accident at Port Nelson on New Year's Eve 2001.

The Transport Worker said, 'We came to appreciate him for his whole character, his personal interests, his dry humour and his simply outstanding loyalty . . .'

lective agreement. It allowed collectives at enterprise level but promoted individual employment contracts. Union membership became voluntary.

Edgar Spark says that after the ECA became law, 'the staff in the industrial arena of Railways suddenly became Hitlers.' Warwick Armstrong says that in the 1992 wage negotiations, the first after the ECA became law, management came in all guns blazing. They proposed 'these minimal contracts that totally eliminated all our penal rates, took away meal allowances, working in the rain and all the rest of it.'

The negotiations went on and on and on. The CURE negotiators refused to agree to the clawbacks management wanted. Armstrong says, 'we ended up just wearing them down. The wage round went on for seven months.' Finally a new collective contract was agreed with minimal changes.

The National government decided to sell Railways. On 20 July 1993 New Zealand's railway system, including the track network and the inter-island ferries, was sold for \$328 million to a private consortium made up of the US investment group Berkshire Partners, the US rail company Wisconsin Central and merchant bankers Fay, Richwhite and Company. New Zealand Railways was renamed Tranz Rail in 1995.

CURE argued strongly against privatisation. Railways was a national asset of strategic importance which should remain in public ownership and be operated for the benefit of all as part of a co-ordinated transport system.

Writing in the union's magazine *Railunion*, Edgar Spark compared the advantages of rail to the costs of road transport. Railways were environmentally better and more fuel efficient. 'Railways throughout the greater majority of their length maintain a better separation between housing and the dangerous goods which all modes carry. Railways can better shift commuters from their homes to their places of work particularly during peak periods . . . It is cheaper to build a railway to handle heavy tonnage than it is to construct a road capable of bearing today's heavy road transport vehicles.'

Tranz Rail continued the attack on jobs and conditions. The company locked out workers on the inter-island ferries and a major dispute loomed. After the CTU and the whole union movement threw support behind the maritime unions a compromise was negotiated and 24-hour sailings introduced.

Reporting to the CURE conference in 1994, Jim Kelly asked what had changed in the fifteen months since railways had become a private industry. 'In that time we have made a profit and all got a bonus but at what cost? . . . It is my opinion the biggest savings that contributed to the profit was . . . labour costs. In November of last year we lost 70 people from Hillside Workshops and about 20 from Hutt Workshop. Earlier this year we lost the Te Rapa Wagon Depot and in other parts of Network Operations we lost people and of course we can't forget the cost savings from the Inter-Island line.'

One of the key issues in the 1994 wage negotiations was the non-union collective contract for workers who had joined railways since 25 October 1992. It did not contain many of the ben-



Bill Gage standing with (r to l) Edgar Spark & Jim Kelly of CURE.



Harbour Workers Union shows its opposition to the Employment Contracts Bill during a march to Cathedral Square, Christchurch, 1991.

efits of the union contract such as night rates, double time on Sundays, travel and meal allowances and redundancy provisions.

The negotiations with Tranz Rail were more difficult than the previous wage round. 'What they were offering was even less the second time round than the first time round,' Edgar Spark says. 'They wanted more of this and more of that. We said, look we're back where we were two years ago. You're asking us to accept a deal that gives our members less money in their pockets overall, irrespective of any increase so we hung in there and then they started to get really nasty . . . In the end it boiled down to the



Save Rail – Richard Prebble MP & NUR president George Finlayson look on as the cortage walks past, 1983.

fact that management through their negotiators wound up everybody, they would not back down and we would not back down so something had to be done to break that impasse.'

CURE had a ballot across all sections of railways that were in the union. A majority voted in favour of a 24 hour strike. Tranz Rail challenged the validity of the strike notice. 'We went up to the Plimmer Hotel, we had been summonsed by Richard White, Tranz Rail's chief negotiator, and his lieutenants and we went into this meeting room and Richard White said, are you ready to take the deal yet,' Wayne Butson says. 'And we said no, we're actually going to do the strike. He burst out laughing and said, my lines of communication are that you'll call your strike but none of your members are going to do it, they won't follow you. At that point the strike became unavoidable because we thought we'll show you. Up until that point in time the union had always had telephone systems that were supplied by rail. All our communication systems were based around the rail company. Our computer systems were based around rail. Basically we were an in-house union. When we gave the strike notice, they turned it all off. Sud-

denly we couldn't communicate, suddenly we couldn't do anything. I still remember going out and hiring these bricks we now call mobile phones, they were huge and they cost a fortune. We hired two of them and it almost bankrupted the place. Suddenly we thought, shit, somehow we need to hook up nationally and then rail played into our hands. They said, yes it's a 24 hour strike but what we're going to do is we're going to run a train from Invercargill to Auckland and that train is going to show that your strike is not effective. So instead of fully concentrating on stopping every location, the focus became stopping that train. Anyway they did manage to find a few scabs that would operate it but I'm very pleased to say that within thirty days of the strike being settled every one of those scabs was gone.

'They paid a hell of a price, the troops just would not tolerate what had occurred. That 1994 strike was the birth really of across the board unity around issues because all of the strikes before that had been around single issue matters. So that 1994 one was unifying around the national issue of collective bargaining and the maintenance of terms and conditions of employment.'

The strike was successful in changing the employers' attitudes. The contract was settled with the preservation of conditions for existing staff – Tier One – and reduced conditions for new workers – Tier Two. Spark says, 'the objective of that was to solve the impasse and keep those conditions and as time went by to try and extend them back to the new people.'

One of the problems for railway workers in dealing with Tranz Rail was that they were divided. During negotiations, management tried, sometimes successfully, to play the two unions – CURE and NUR – off against each other.

Amalgamation was the obvious answer but relations between CURE and the NUR were strained. Ross Wilson says Edgar Spark



Prime Minister Jim Bolger visit new crane Breastworks by No 5 Workshops, Lyttelton, 1992.



Demonstration protesting the Employment Contracts Act 1991 including, among others, the NUR & Harbour Workers banners Christchurch Cathedral Square.

came up with the solution which was a three way merger involving the Harbour Workers Union. In late 1993 talks began. Spark says the harbour workers' involvement was fortunate because 'it meant the NUR wasn't joining the enemy, they were joining something new which I quite understood was the best thing that could happen.' Eddie Dickson, who was an industrial officer for the Harbour Workers Union, says, 'we were the bride price. We could have continued to run as a very small union but not successfully . . . There was an understanding that amalgamation was needed, NUR was going broke very quickly, it wasn't saying that but it was going broke quickly. CURE was dealing with a bad bedfellow in terms of negotiations and it was equally felt the other way around so there was hostility there. Along comes Ross Wilson with some mana and some ability and experience in the NUR previously. He came along with all the credentials of a perfect new general secretary to bury old hatchets and get something new. So I think we were the bride price between the two warring factions but it suited all three parties because it certainly suited us as well.'

Discussions between the three unions progressed during 1994. On 16 September their executives met to discuss propos-

als for a new union. The meeting was chaired by former CTU secretary Ron Burgess. At the conclusion of the day, the meeting voted unanimously in favour of a resolution adopting the report of the steering committee on amalgamation and agreeing that the three executives would recommend the new union to members.

In his president's report to CURE's annual conference, Jim Kelly canvassed the reasons for amalgamation. 'When you constantly lose membership it is very difficult to run a Union as the costs do not reduce. One Union in Railways would give us a stronger more effective Union with better representation for all members. It would also achieve economies of scale and cost efficiencies, increase the range of services, better utilisation and development of resources, prevent employers playing unions off against each other, strengthen local branches without major reductions in members of branches, and give us a better ability to plan for the future.'

Spark says the amalgamation between the Harbour Workers, the NUR and CURE was easier than forming CURE. 'It seemed to happen quite easily once you put in the Harbour Workers Union as a bit of a catalyst. It was then a new union, not us joining you . . .'

Ross Wilson says, 'we just got together and made a commitment to do it. We met regularly. I organised a project-based process and we just worked our way through all of the issues and found that there was no reason not to amalgamate. CURE was pretty solvent and had good reserves, the Harbour Workers Union had reserves, nothing to write home about but we were reasonably well equipped, and so the amalgamation happened. The NUR sort of cruised across the line and hit insolvency about the same time.'

CURE members voted 71 per cent in favour of amalgamation, NUR members voted 81 per cent and Harbour Workers Union members 96 per cent. The Rail and Maritime Transport Union came into operation in March 1995. After more than a hundred years of division, railway workers were united in one union.

Why was the amalgamation achieved despite the historical antagonisms between the railway unions? 'Because the members were allowed to vote on it,' Wilson says. 'The members are usu-



*Canterbury NUR track workers protest Prebble's broken promises at Addington Workshops
5 Dec 1984.*

ally in a different place to the officials who have their vested interests. Although there are always those enmities, and they are traditional in every railway system . . . they're all railway workers and railway workers are a culture of their own. That's the predominant thing.'



Harbour Workers Union show their opposition to the Employment Contracts Bill - 1991.

Chapter Four:

1996 to 2000

THE first issue of *The Transport Worker* welcomed members to the RMTU with these words: 'In our new union we're a solid mix of rail and maritime workers. We know that our future as workers lies in standing together, working collectively. As workers we have a stake in the future directions of the transport industry. To have an impact on what happens to our jobs, our pay, our safety, our skills – our industry – we belong to the union.'

Jim Kelly was elected president, defeating Hopa Bell by 1169 votes to 619. Ross Wilson was elected general secretary, defeating Phil Bosworth by 1585 votes to 321. Warwick Armstrong, Rawiri Iti, Arthur De Maine, Hopa Bell, Ian Swift, John Murfitt and Peter Clemens were elected to the national management committee which elected Iti as vice-president.

Kelly told the union's first annual conference in November 1995 that the RMTU had already had a significant impact on bargaining. 'It wasn't long after the amalgamation that management were asking for renewed negotiations,' he told delegates. 'While we are still in the reorganising stage, the benefits are already clear to active delegates and officials and to the members as well.'

Training and education for union delegates and officials were a priority for the new union. The 1996 programme included joint Tranz Rail/RMTU workshops throughout the country for all delegates, delegate training in branches, regional two day training seminars for all branch chairs, secretaries and conference delegates, and training workshops on health and safety and accident compensation.

Te Kupenga Mahi, the rail Maori network, worked with Tranz Rail and the union to develop a whanau support programme which was successfully implemented. Iti and other RMTU members played a prominent part in Te Kupenga Mahi. In 1996 the RMTU held the first ports forum for delegates from the different ports to share experiences and work out strategies.

'One of the most enjoyable things I do in this job is delegate training,' Ross Wilson reported in *The Transport Worker*. 'We made a commitment when the RMTU was formed to be a membership-based organising union . . . The key to the organising approach are well-trained delegates so over the past year we have been running training workshops, initially for branch officers, but more recently for key delegates in each area.' By the end of 1996, the RMTU had 4394 members and nearly 300 workplace delegates.

When the RMTU was formed it was seen as the first step in forming a broader transport union. In 1998 the failure of New Zealand Stevedoring and the loss of more than 300 permanent watersiders' jobs put the spotlight on the crisis caused by waterfront deregulation. The RMTU decided to take up the issue of amalgamation with the Waterfront Workers Union.

The waterfront workers responded positively and a joint working party was established to work through the issues. In October 1998, *The Transport Worker* reported that the working party had developed 'a financially viable and representationally fair proposal for a new union to carry forward the history and strengths of both unions.' The proposal was considered by each union's con-



The RMTU contingent at the JREU conference Japan 1998. (l to r D) Dennis Berghban, Mrs Iti, John Tawhai, Rawiri Iti (with moko), Leonie Stieller & Grenville Christie.

ference. The Seafarers Union was also involved in the discussions 'but it was not possible to develop a three way amalgamation proposal which was financially viable.' The NZSU urged the two unions to proceed with amalgamation, while forming a 'close federation' with the NZSU to address common issues.

But the amalgamation did not take place and another attempt in 2005 was also unsuccessful. Ross Wilson says amalgamation didn't take place because it never went to a vote. 'The members were all supportive and I'm absolutely convinced on each of the occasions that if a vote had actually been put to the members of the Waterfront Workers Union it would have been carried resoundingly but it was never, ever put to a vote.' The waterfront and seafarers unions subsequently amalgamated to form the Maritime Union of New Zealand.

In 1999 Wilson stood down as RMTU general secretary and was elected president of the New Zealand Council of Trade Unions. Wayne Butson was elected RMTU general secretary.

In the 1990s the union negotiated in a very tough industrial environment with the Employment Contracts Act tipping the

scales in favour of the employers. In port negotiations, the union faced clawback claims from employers which were resisted strongly by members.

In Tranz Rail, the division between Tier 1 and Tier 2 conditions remained a festering sore. Writing in *The Transport Worker*, Warwick Armstrong explained why this issue was a priority.

After the Employment Contracts Act was introduced, workers lost all their penal rates and many other conditions in some industries. In October 1992, existing rail employees (Tier 1) retained most of their penal rates but the company stopped new permanent employees (Tier 2) from getting penalties for working during the night or at weekends.

In the 1995 wage round, the union claimed the same penal rates for Tier 2 as Tier 1. This was not achieved but substantial progress had been made since 'towards removing this glaring discrimination.' The 1996/97 collective contract gave Tier 2 workers time and a quarter for working between 2000 and 0600 Monday to Friday and any time over weekends.

It was very important members were aware why this was

Christine Clarke

Christine Clarke – mother, sister, daughter and wife – died on New Year's Eve 2000 after being run down on a picket line in Lyttelton. She was the second person to be killed in an industrial dispute in New Zealand. The first was Frederick Evans who was shot by police during the 1912 Waihi miners' strike.

Christine was on the picket line to support port workers who were protesting over the contracting out of their coal operation by the Lyttelton Port Company. The dispute was sparked when the company, despite assurances during contract negotiations, announced that the work would be contracted out to outside, cheaper and unorganised labour.

In a marvellous display of unity and organisation, RMTU and Waterfront Workers Union members, both permanents and casuals, were joined by local community groups, residents, the CTU and other unions, and representatives of the Labour and Alliance parties.

The picket was well planned, disciplined and effective. It held firm and the employer was compelled to start looking for a negotiated solution. The picket was peaceful until the tragedy.

Christine was an active member of her community. As Paul Corliss, spokesperson for the port unions, said, she abhorred the devastation that redundancies and subsequent poverty brought on families and particularly on children. 'She understood that to get positive political and industrial change you had to be positively politically and industrially active. Chris was a fighter for the underdog and that is why she was on our picket line giving her support.'

A port customer, Derek Powell, accelerated his 4 wheel drive vehicle and ran Christine over on 31 December 1999.



Christine Clark and husband Glen.

Nine hundred people attended her funeral at the Catholic cathedral. Hundreds of port workers and friends were there as were MPs and cabinet ministers from Labour, the Alliance and the Greens and national union officials. All workers at the port stopped work for 24 hours as a mark of respect.

Lyttelton parish priest Father Jim Consedine said Christine was a self-effacing and humble person who would have seen the irony in becoming a public figure in death. 'From an early age she showed a strong sense of justice.'

A plaque on Norwich Quay, Lyttelton records, 'This plaque was erected in the memory of Christine Clarke who gave her life on a picket line in the Port of Lyttelton on 31 December 1999. May she rest in peace.'



(l to r) Peter Harris & Dick Cbeyne LEA secretary & chairman.

such a priority, Armstrong argued. 'No union worth its salt can stand by and ignore this form of discrimination. It is completely unfair for tier 2 workers to be denied equal compensation simply because they were employed after 25 October 1992.'

Penal rates were compensation for working unsocial hours and were a protection against excessive night or weekend work. Some members claimed many tier 2 workers were former rail employees who had previously received severance payments. This was not the case. Only 5-10 per cent of them were former rail employees.

Tier 1 workers stood to benefit because the most effective way to protect working conditions is to ensure that all workers get them, Armstrong said. 'The number of Tier 2 employees . . . currently represents over 25% of workers covered by the collective employment contract. We predict that by the turn of the century Tier 2 workers will outnumber Tier 1 employees. You don't have to be a brain surgeon to realise that if Tier 1 workers ignore the discrimination practised against the Tier 2 workers . . . it would be unlikely that Tier 2 workers would be persuaded to fight to protect the perceived privileges of the minority Tier 1 group once the table have turned.'

The union's fight against the National government's unfair legislation wasn't just battled out in contract negotiations. In 1998 Max Bradford, the National minister of labour, proposed radical changes to workers' holidays, including selling them for cash and scrapping some public holidays. The CTU mounted a successful campaign against these changes. 'The power of union political activity has been clearly demonstrated with the complete backdown by Max Bradford,' *The Transport Worker* reported. 'The backdown was only achieved after months of rallies and lobbying of MPs by unionists, and RMTU delegates and officials can be very proud of our contribution to that.'

Unions campaigned hard for a change of government at the 1999 elections. National was defeated and a new Labour/Alliance coalition, led by Helen Clark, was elected. It repealed the Employment Contracts Act and replaced it with the more union and worker friendly Employment Relations Act.

One of the first issues for the new government was Tranz Rail's appalling health and safety record. Between 1995 and 2000, 11 rail workers were killed. Four died in the seven months to May 2000. The Department of Labour estimated that fatal accidents among Tranz Rail staff were the equivalent of 39.3 deaths per 100,000, eight times the New Zealand average of 4.9 deaths per 100,000.

The 11 men who died were:

Jack Neha, May 1995.

Thomas Blair, June 1996.

Murray Spence, June 1996.

Ron Higgison, September 1996.

Bernie Drader, May 1997.

Paul Kyle, June 1998.

Nigel Cooper, April 1999.

Graham White, October 1999.

Ambrose Manaia, March 2000.

Neil Faithful, April 2000.

Robert Burt, May 2000.

Most of these workers were shunters. An inherently dangerous job, the hazards of shunting were increased by restructuring and job cuts. Shunting crews were reduced from five to three and then from three to two with the locomotive controlled remotely by radio signals. Ian Wilkie and Paul Corliss explain the dangers of the job.

Wilkie said the nature of the job meant it was guaranteed there were going to be fatalities. 'The way we were taught to do the job in those days was to kick wagons off and they would freely run into whatever road you had set them for.'

Corliss explained: 'You had to chase after them and brake them and slow them down and catch them. Within two or three foot of each other you've got 14 roads or railway lines, that's your yard and there's wagons running free down each one of them. In the morning in the rain you're running across the gravel over the rail trying to slow them down or catch them on. Twenty wagons in a row coming at you.'

As Hazel Armstrong shows in *Your life for the job*, NZ Railways successfully lobbied to be exempted from the Health and Safety in Employment Act shortly before the company was privatised. Its safety system was covered by the Transport Services Licensing Act which required its safety system to be 'consistent with the nature of the service, at a reasonable cost'; a lower standard than the Health and Safety in Employment Act's requirement that employers take 'all practicable steps to ensure the safety of employees while at work.'

The RMTU campaigned forcefully for better safety for Tranz Rail workers. In an interview with *Safeguard*, Wayne Butson accused Tranz Rail of turning a blind eye to dangerous work practices such as kick shunting because managers put so much pressure on staff to get trains out on time. 'Kick shunting is still going on and they know it's going on . . . They are sending out mixed signals. They are telling men on bits of paper what they can and can't

do but by deed they're telling them to do something completely different.' Downsizing the shunting workforce meant excessive hours of work which increased the dangers of the job.

Restructuring also meant continual downsizing in the track area. Butson said, 'we have nowhere near enough people to maintain the track, let alone improve it.'

'It's like Tranz Rail is running everything on the edge. They doubled the bridge inspection margins, locos now run twice as far without inspection. The whole place is being run in the extremes all the time, yet everywhere you look the trains are bigger and they are hauling more.'

After the death of Robert Burt in May 2000, Margaret Wilson, the minister of labour, agreed to what the RMTU had long wanted, an inquiry into Tranz Rail's occupational health and safety. An editorial in the *Otago Daily Times* pointed out that, since privatisation, productivity had increased enormously – 478 per cent per freight staff member and 136 per cent in revenue per wagon. 'In short, Tranz Rail has become very efficient, but has that efficiency come at a cost in human lives?'

The ministerial inquiry, chaired by Bill Wilson QC, was a turning point for health and safety in railways. The RMTU, members and families who took part emphasised the need for change. The union's submissions weighed 6.5kg and were over 2500 pages long. The participation of family members who had lost partners and fathers reinforced why health and safety needed to be managed properly. Their submissions about their financial and emotional struggles as mothers, wives and parents were honest and without exaggeration. Wayne Butson says 'it was like picking the scab off a sore. What we found was that there were hundreds of people who'd been scarred and had never got a chance before to air their feelings and views.'

One of the important outcomes of the inquiry was that Tranz Rail would be covered by the Health and Safety in Employment Act with the safety standard of 'all practicable steps' not 'at a reasonable cost'. The inquiry supported union involvement in all aspects of workplace safety and urged the company to work collaboratively with the RMTU. Wayne Butson summed up the results in *Your Life for the job*:

'The inquiry changed health and safety practice at Tranz Rail – union and management are committed to working together. Some changes include: establishment of health and safety action teams; establishment of occupational councils to look at ways to proactively improve health and safety; occupational councils include a shunters' council which has already had some success; establishment of a joint senior management union health and

Your LIFE for the job

New Zealand
rail safety

By Hazel Armstrong



The cover of the second edition of Hazel Armstrong's book Your LIFE for the job - a sobering look at rail safety in New Zealand.

safety executive; a funded position in the union to solicit employee involvement in health and safety; Tranz Rail has taken steps to actively make amends to the families of those killed; a large reduction in the lost time injury rate per 200,000 working hours (from 11 to 5.6).'

As a result of a discussion between the RMTU and the company, Tranz Rail funded a dedicated health and safety organiser position within the union. Kirsty McNab was employed to fill this role. A tiny woman with the heart of a lion, Kirsty would go nose to nose with shunters and yard staff arguing that their style of shunting was too dangerous and they had to stop loose shunting and kicking wagons.

In the first 12 months after the inquiry, the RMTU and Tranz Rail achieved fewer operating incidents, such as derailments, a 40 percent reduction in lost-time injuries, a 30 percent reduction in injury severity, and there were no fatalities.

Chapter Five:

2001 to 2005

AT the company's annual general meeting on 10 October 2000, Tranz Rail's managing director Michael Beard announced that he intended to reduce the workforce from 4200 employees to less than 600 by outsourcing or selling off all the company's operating units with only 'core' functions remaining.

Despite the productivity gains of its early years, Tranz Rail was struggling. A recapitalisation, increased debt, and management changes combined to sap profitability and performance in the late 1990s and early 2000s. Growing levels of debt reduced the amount of capital available for investment in the network.

Tranz Rail came close to going under. Wayne Butson says: 'Every second Tuesday Michael Beard had a standing appointment with me and we would both sit by the phone waiting for the bank not to honour the payroll because both of us knew that the day that payroll never went through was the end, mainly because key workers like train drivers had options. Rail was just starting to be an international market and we were losing more and more people to Australia particularly drivers but track workers equally as well. And you can't have a railway without drivers and track workers, you just can't do it.'

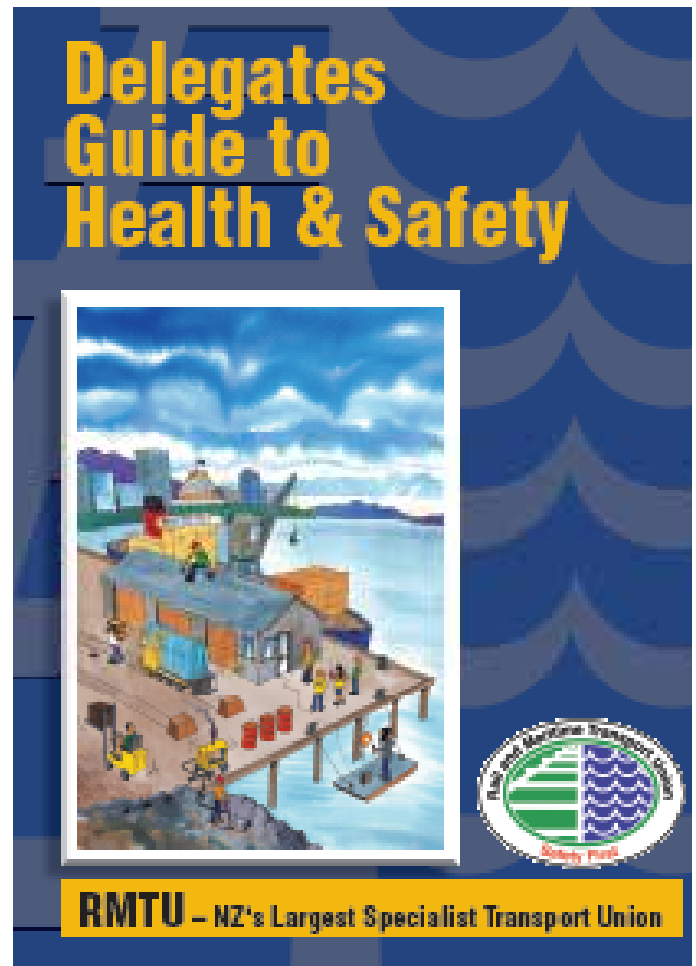
'Tranz Rail has failed this nation,' *The Transport Worker* said. 'The National government made a major mistake in 1993 when it sold off all of the nation's rail assets to private enterprise for a measly \$328 million. This after spending \$1.2 billion in writing off existing rail debt.'

The private owners then set about stripping the worth of the rail asset by insufficient investment in train protection, infrastructure maintenance, the maintenance of wagons and locomotives and safety while making huge private gains for themselves.

'Tranz Rail has now said it is willing to "sell" access rights to the Auckland region for the bargaining price of \$112 million and who knows what the infrastructure-superior Wellington operation will be worth. With these two sales alone, Tranz Rail will almost have regained its original investment and yet it will still "own" the asset. Who's the mug here?' *The Transport Worker* added.

'They also wish to "sell" off business units like long distance passenger services, workshops, depots and the infrastructure operations . . . What they will not sell, it appears, is the track itself. To get a level playing field for land transport modes, the government must "take back the track".'

The RMTU launched a determined campaign to convince the government to take back the track with the support of the Greens and the Alliance. By June 2001, the possible closure of some rail lines and passenger trains gained media attention. The majority of the union's branches, both port and rail, swung into action with teams of members decked out in the campaign apparel hitting the streets and shopping malls getting signatures on a peti-



tion to Parliament. Wayne Butson says the campaign was inspired by the British unions' successful take back the track campaign.

He says it was one of the best campaigns the RMTU has ever waged. 'It gave us an opportunity to lock in a modern form of organising as opposed to the old model of servicing members. It was around that time that I saw there was a difference between servicing organising – in other words branch officers and delegates servicing the members – to actually organising and empowering the workers to be part of the solution. That campaign did it.' An RMTU discussion paper said Tranz Rail's restructuring highlighted the possibility that New Zealand might have to face the loss of a national rail system as part of its transport infrastructure, including withdrawal from three services of strategic, social and economic importance:

- Urban passenger rail in Auckland and Wellington.
- Long distance passenger rail throughout the country.
- Freight services on some branch lines to rural centres.

The discussion paper reported that:

'It is now apparent that Tranz Rail Ltd could, if it chooses, run an "exit" strategy from the New Zealand transport scene by

running down the infrastructure assets it owns, and then closing down all rail services with associated scrap recovery programmes. It is the opinion of the RMTU that many assets purchased by the company on its establishment in 1993 are now in a much worse condition than they were at that time.

'The current level of capital expenditure is low as a proportion of fixed asset values, with problems showing up in the locomotive fleet, track and signalling renewal programmes.

'The principal shareholders have indicated that they wish to withdraw from the company. Notably, Wisconsin Central in the

The parliamentary spur

In the most stunning demonstration at Parliament for many a year the RMTU presented its Take Back The Track petition to the House of Representatives on Wednesday 17 October 2001 by the construction of NZ's newest rail branch 'The parliamentary spur'.

The petition was presented on the last day of the union's conference so delegates from every branch could attend. Members from the union's Wellington and Hutt shops were also present bringing the total to some 150 RMTU members plus members of other unions and supporters.

Marching up Kate Sheppard Place three abreast and chanting in unison 'Take Back The Track' the RMTU let everyone know that they were there to make a point. The parade made an impressive sight as it entered parliament grounds with flags and banners waving in a gentle Wellington zephyr.

The speakers were Michael Cullen, minister of finance, Jim Anderton, deputy prime minister, Jeanette Fitzsimmons, co-leader of the Green Party, Ross Wilson, CTU president and Wayne Butson, RMTU general secretary. While they were speaking, the Upper Hutt maintenance gang, under the direction of ganger Chris Sullivan, had been laying out matting, sleepers and 6 metres of rail track ready for fastening.

All eyes then turned to the track workers and the 'noise' started with track poinjar machines roaring into life to screw down the rail fastening bed plates and behind them were the rest of the gang swinging sledge hammers to bang in the pandrol clips. The whole ceremony brought tears to the eyes and fingers into ears!

When work was completed NZ had its newest branch line leading to the steps of parliament buildings. The rally moved to flank the tracks and a motorised jigger was placed on the track and loaded with the 45,137 signature petition packed into suitably decorated boxes.

The jigger was started and driven along the track by Chris Sullivan to stop at the feet of the minister of transport Mark Gosche who would receive the petition on behalf of Parliament. Chris handed the first box to Minister Gosche and said a few words exhorting the government to 'Take Back The Track'



Ganger Chris Sullivan helps assemble the parliamentary spur and then drives the petition down the track surrounded by supporters.



before it was too late.

The minister gave a short speech saying that the return of the rail asset into public ownership was something the Government was looking at and he drew everyone's attention to the recently announced Auckland deal which saw the Auckland rail corridors return to public ownership for NZ\$81m.

So ended a great day for the RMTU and its supporters throughout New Zealand who had all worked very hard to obtain a very impressive number of signatures to the petition.

United States have been bought by Canadian National Railroad, which has already stated that it wishes to divest all railroad investments outside of North America.'

The contract entered into by the government at the time of privatisation had three serious flaws:

- The ownership of all the assets on the corridor passed to Tranz Rail Ltd, with no provisions for ensuring that they would be returned in a condition suitable for the safe running of trains at normal speeds should Tranz Rail either fail financially, or voluntarily withdraw from operations.
- Tranz Rail's ownership of the track and signals effectively barred competition within the rail transport sector.
- The contract gave Tranz Rail the ability to make profits by sub-leasing the access to the rail corridor, at any conditions the company could obtain, rather than by operating rail services itself.

Rail transport was vitally important for New Zealand. Key issues were:

- The rail network was an essential part of New Zealand's economic infrastructure.
- Rail could provide economic transport solutions for long distance and bulk haulage. No developed nation in the world had abandoned its rail system, and many countries were encouraging or directly funding investments in rail services.
- Rail could provide environmentally sensible transport options for both long haul freight and urban passenger transport. Rail was both fuel-efficient and land-use efficient by comparison with road transport.
- Rail could be used as a tool for regional economic development by central government.
- New Zealand was a trading nation. It was essential to have policies that ensure that our ports have ready rail access.
- If control of the network was not returned to public ownership, there was potential for rail access to the ports at Whangarei, Napier, New Plymouth, Otago, and Bluff to be adversely affected.
- The rail network was a national asset that should be treated as a single entity, managed with the principal purpose of optimising the economic, social, and environmental benefits that could be gained from it.

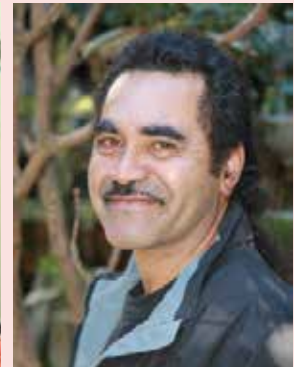
The RMTU discussion paper said that if rail transport was to have the opportunity to contribute fully to the economic, social and environmental development of New Zealand, one of two broad options must be adopted: the first, and ideal option, was that Tranz Rail should return to public ownership. The second, and lesser option, was the return of the infrastructure to public ownership.



In 25 years just two presidents & two general secretaries



Jim Kelly
1995 - 2010



Aubrey Wilkinson
2010 - present



Ross Wilson
1995 - 2000



Wayne Butson
2000 - present

The return of railways to public ownership as a state owned enterprise would offer the government maximum flexibility to achieve transport goals. The full costs of providing inland transport in New Zealand would be transparent, and investment and pricing decisions could be devised to optimise the economic, social, and environmental outcomes.

The rail SOE would ensure that correctly maintained track, rolling stock and locomotives were available to maintain essential rail services to regions in accordance with government policies.

The RMTU recognised that this would require the reversal of the privatisation carried out in 1993, with consequential costs.

The most essential element of the rail transport system was the national network of track, with associated bridges, tunnels, signals, overhead catenary systems and communications. These comprised the fixed infrastructure, and were essentially irreplaceable as an entity. If the national network was fragmented by the sale of parts of it, the opportunity to use the network to optimise national transport outcomes would be lessened or even destroyed. Governments in Australia and the United Kingdom had

recognised the importance of the rail infrastructure, and taken steps to ensure that the networks are kept intact for a mixture of rail operators.

The RMTU said that the correct structure for controlling the rail infrastructure in New Zealand (in the case where the preferred option of full rail ownership was not followed) would follow these lines:

Rail Services NZ would be an SOE charged with:

- Owning, on behalf of the Crown, the rail infrastructure.
- Management of the infrastructure assets prudently and economically to ensure their ongoing viability.
- The maintenance of the formation, track, bridges, tunnels, signals, and communications to standards that would have to be agreed with the Land Transport Safety Authority.
- Setting of technical and operating standards for all train operators using the infrastructure.
- Allocation of access times and places on the network.
- Operation of a train control centre.
- Setting qualifications and certification levels for rail occupations by the operation of a national rail training establishment.

Rail Services NZ would obtain revenue from track user charges for all trains, capital grants from the government, regional councils or private firms for the construction of new infrastructure facilities, and operating grants from TransFund to maintain track as an alternative to road expenditure.

Tranz Rail's plan of outsourcing and selling most of the business posed a major problem for the RMTU: holding on to conditions of employment and protecting members' jobs.

The union's policy was to negotiate collective agreements with new employers that had the same or more favourable conditions and this was written into the Tranz Rail collective in 2000. The following year the union achieved an historic settlement with Tier 2 conditions of employment abolished from 1 January 2002.

'I was present the day Tier 2 was created within rail and silently swore to see it abolished,' Wayne Butson wrote in *The Transport Worker*. 'It is fulfilling to see it consigned to the annals of history as a symbol of the now infamous Employment Contracts Act.'

There were two other significant parts of the settlement. Tranz Rail agreed to underwrite the redundancy entitlement for outsourcing for five years and the collective agreement was translated into Te Reo Maori. On 12 March 2002, Maori Affairs minister Parekura Horomia, members of Te Kupenga Maori, the RMTU and invited guests gathered in the Maori Affairs committee room at Parliament to celebrate this milestone.

By 2002 there had been big changes in railways with new

companies for the union to deal with: Alstom (workshops and depots), Transfield (infrastructure), Tranz Scenic (long distance passenger trains) and Goughs (forklifts). The union negotiated collective agreements with all of them.

Wayne Butson commented that many people prophesied that the RMTU would be unable to deal with the scope and magnitude of the challenges it faced with outsourcing:

'History will show that we didn't just meet the challenges – we actually made gains in the transition.'

Because the union saw outsourcing coming, over two successive bargaining rounds it changed the collective agreement to include the principle that workers transferring to another employer had to be employed on 'the same or more favourable' terms and conditions. Butson says that while this helped, 'as always it comes down to the people who are motivated and get into action and we have an abundant supply of them. As a bonus, they also knew what they were doing . . .

'There have been frustrations and trade-offs along the way. We have weaved our course through the rough waters mapped out for us by Tranz Rail and the outsource partners. For the first time we had simultaneous negotiations in rail with multiple teams which provided many challenges to ensure consistency and commonality of purpose.'

Phil Bosworth, who worked at Hutt workshops and represented workshops and depots on the RMTU national management committee, recalls how the strength of the union was tested by Alstom:

'When we first went to Alstom, they laid off 60 people. All the branch union officials except myself had gone. The manager at the time came out to me and said, and these are his exact words, "Bosworth, the union on this site is dead and I'm going to get you." That was his words. I went out of his office, I went downstairs and I walked round the Hutt workshops and went up to guys and said, you're on the committee, you're on the committee, you're on the committee, you're on the committee, I got all their names and I went back upstairs and kicked his door open literally and I put the names down and said there's the new committee and I'm going to get you. And he's gone.

'That's how good it was, I could go down and say, I need you, I need you, I need you and it was 'put my name down', 'put my name down' and I had a committee within half an hour. Then we called a stopwork meeting and we duly elected them. That was the only way I could do it at that time because I had to shut him up straightaway.'

In 2003 Tranz Rail was sold to the Melbourne-based transport company Toll Holdings.

Chapter Six:

2006 to 2010

SOLIDARITY with transport workers around the world is an important part of the RMTU's work. Through organisations like the International Transport Workers Federation (ITF) and the International Centre for Labour Solidarity (ICLS), the RMTU supports workers and unions under attack from employers and governments under the catch cry of 'Globalising Solidarity'.

'When you ask "what's in this globalising solidarity for me?" the answer lies in the international trade union movement fighting to increase the longevity of western jobs by struggling to end low wages and poor conditions in those countries to which the multinationals flee in order to build their factories and maximise their profits,' *The Transport Worker* said in March 2006. 'In addition any of those companies who may wish the RMTU harm will be aware that in attacking us they will receive a wave of protest from abroad.'

A graphic example of this was the support the RMTU received from Australian transport unions when Toll was looking to bully the union. In 2005 Australian and New Zealand transport unions with members in Toll held a joint conference in Auckland and Wayne Butson recalls Toll representatives' voices shaking as they took questions from the lively crowd. During the next round of wage negotiations there was 'absolutely no doubt' Toll's attitude had changed and it was committed to doing a deal with the RMTU.

Similarly, international solidarity was an important factor in the victory of workers at Progressive Enterprises New Zealand distribution centres in their struggle for equal pay in 2006. Over 500 workers were locked out by the company, a subsidiary of Woolworths Australia. The RMTU gave money to the National Distribution Union to assist its locked out members, RMTU members gave support on the picket lines and the RMTU worked with the ITF and Australian transport unions to get support for the Progressive workers.

International ties through the ITF and the Australian Women in Male Dominated Industries and Occupations conferences were also important in encouraging women port and rail workers to start organising within the RMTU.

While relations with Toll improved, the company's commitment to rail was uncertain. In 2006 Toll announced that the Overlander would stop its daily passenger runs between Auckland and Wellington unless the government gave it a \$1.75 million subsidy. The government refused to do so and the Green Party launched a national petition to 'Save the Overlander' with strong support from the RMTU. Support from the public was immediate and enthusiastic and the RMTU worked with other interested parties – such as North Island regional councils – to propose that Toll either hand over or sell the passenger cars to Ontrack (the state-owned enterprise which ran the track). Following the outpouring



of support for the service and the realisation of the damage axing the train would do to the Toll brand, the company decided to run the Overlander three days a week during winter and seven days a week in summer.

After buying back the track the Labour-led government became an increasingly important player in the rail industry. For example, in the 2007 budget it provided \$600 million over six years to urban rail projects in Auckland and Wellington, including electrification of Auckland's urban passenger network, \$50 million for general track improvements and \$25 million to ensure rail remained a major transport option both complementing and competing with roading.

Towards the end of its nine years in office, the Labour-led government announced its coastal shipping strategy, 'Sea Change', which aimed to double coastal shipping's share of inter-regional freight to 30 per cent by 2040 and to increase rail's share to 25 per cent. This was welcome news to the country's ports, which were increasingly at the whim of international shipping companies. As *The Transport Worker* put it in September 2008, 'an example is



RMTU industrial officer and stalwart Brian Cronin who died suddenly in 2010.

the majority ratepayer owned Primeport Timaru where Maersk announced its withdrawal from the port. The port company panicked and laid off 45 of our members and sold heavy fork lifts and container cranes . . . Primeport then, no doubt, talks to Maersk and sharpens its pencil in costs (read into costs that it will be wages and conditions slashed) and Maersk announces it will return to Timaru. Timaru must now purchase new fork hoists and container cranes and hire new workers. All at what cost to the community and the ratepayers?'

There was a growing realisation in the RMTU that it needed to be more politically engaged. The 2006 union conference decided to affiliate to the Labour Party. Supporters argued the need to be inside the organisation and to influence policy. There was no point giving financial support with no strings attached. Opponents argued it was not appropriate to be aligned with a single party under the mixed member proportional representation system and affiliated unions could find their views ignored once they were 'inside the tent'. CTU president Ross Wilson, in noting the affiliation, said it was important for the RMTU to

Keep Our Port Public

The question of who should own and operate NZ's ports – and for whose benefit – suddenly arose when Christchurch City Holdings, the city council's investment arm, announced in 2006 that it had invited an international player, Hutchison Port Holdings (HPH) into a joint venture to run the port of Lyttelton.

Shock turned to despair as port union members read the fine print. Although the city council would retain a majority shareholding of 50.1% interest in the land and infrastructure, the port operation – the actual business – would go into the control of HPH.

It seemed like a done deal. City councillors began pondering what to do with the \$41 million windfall the deal would provide and business writers began to speculate under such headlines as 'Lyttelton Unlikely To Be Sole Target', on what other ports HPH might have designs on.

But opponents of selling public assets into private hands began to join forces. Murray Horton of CAFCA (Campaign Against Foreign Control) took an immediate stand against the council's plans. The port unions, RMTU and MUNZ, announced their opposition. The RMTU Lyttelton branch unanimously opposed the move and branch members came forward to volunteer their services to the campaign. Some local shipping company reps publicly questioned the proposal. Local political grouping 2021, the Greens and other activists added their protests against the privatising of public assets.

Some of these seasoned campaigners formed a coalition that called itself KOPP (Keep Our Port Public) and began building on grassroots opposition. Protests, meetings and petitions were organised, press releases and letters to the newspapers were written. Seeing a popular cause, local politicians began

to voice their opposition. The campaign kept chipping at the foundations of the argument for privatisation.

Wasn't this a return to the asset sales failures of the 1990s? Had HPH actually promised to invest in port improvements? Wasn't the city council required to consult the ratepayers about sales of key assets. What about the regulations requiring government approval to sell to foreigners? Didn't Mayor Garry Moore campaign on the basis of retaining city assets?

Meanwhile Christchurch City Holdings began to come unstuck. They had pitched their share offer too low, and Port Otago grabbed a 10% parcel of shares. That meant the company couldn't be privatised, and without assurance of a controlling interest, HPH went off the deal. By the time the share market frenzy ended, Christchurch City Holdings had only managed to up its shareholding from 69 to 74% and Port Otago had 15%.

At a well-attended public meeting, economist Bill Rosenberg said 'the whole situation screams for ports to work together in the national interest.' Overseas shipping lines had been playing New Zealand's ports off against each other for a century or more. No one port, however strong, could prevent that. HPH would not necessarily be better than local port management at resisting the shipping companies and was likely to do deals with them to suit its own international interests.

'If Lyttelton became the South Island's only significant international port, why would we want this unregulated monopoly in the hands of Hutchison?' Rosenberg asked. He also warned of the potential dangers for the workforce in the HPH proposal. 'Internationally, privatisation of ports has been associated with large scale layoffs, the use of unskilled, non-union labour, and casualisation of jobs.'

ensure it influenced the party.

A major source of frustration for the union was the anti-union attitude it faced from Ontrack despite the fact that it was a state-owned company with a board appointed by the Labour-led government. In 2007 Wayne Butson said, 'our worst employer relationship within the rail industry is with Ontrack . . . We suspect they are following a deliberate strategy to frustrate and toy with the RMTU. We have initiated legal proceedings on a number of issues and also industrial responses to unilateral acts by the management and the Board.' One of the company's actions was to distribute to the workforce Ontrack's *Building Our Future* booklet, which Butson describes as 'one of the most flagrant anti-union attacks on this Union and its members that I have seen.' The 'blue book', as it was called, proposed taking away Ontrack workers' terms and conditions and the union quickly organised around it. Butson says: 'We instructed members not to open their envelopes and we organised for a ritual burning. So we had, from one end of New Zealand to the other, 44 gallon drums at every depot, they were poured full of accelerants and lit, and then every member went past and put their envelope into the drum and burnt it. The next day I got a phone call from the chief executive of Ontrack saying the blue book was all a mistake and a misunderstanding.'

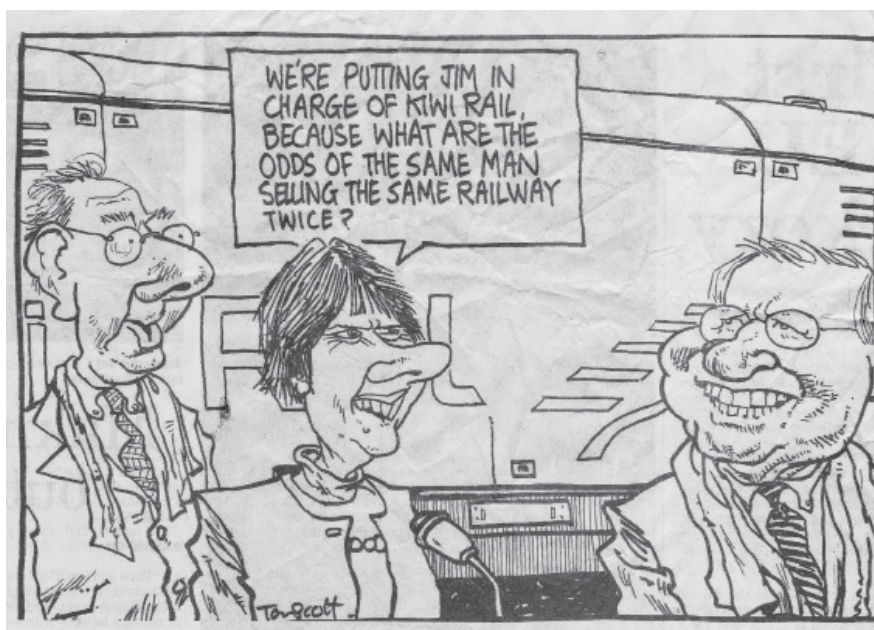
From its inception, the RMTU has had a very strong commitment to the health and safety of its members. Speaking at the union's 2018 biennial conference, Labour cabinet minister Andrew Little said the RMTU was a leading union on workplace health and safety. The RMTU has also played a wider role in the union movement in ensuring that Workers' Memorial Day is commemorated around New Zealand. The first Workers' Memorial Day was observed in Canada on 28 April 1989 to remember workers who had lost their lives through occupational injury or diseases. In June 2009, *The Transport Worker* said, 'In New Zealand work-related injuries kill at least 100 people a year – men and women who went to work and never came home. Additionally, many workers return home from work carrying hidden time bombs of occupational diseases . . . [which] kill between 700 and 1000 workers a year. Most of these deaths are due to occupational cancer, heart and respiratory diseases . . . Workers' Memorial Day is when we honour the dead and commit to fighting for the living.'

The importance of workers sticking to their convictions on health and safety was underlined by a dispute at the Port of Napier at the end of 2007. The RMTU was negotiating the collec-

tive agreement when the port company awarded its stevedoring work to a new company, threatening to throw many Maritime Union (MUNZ) members out of work. Management unilaterally requested RMTU crane drivers to train the new stevedores, giving rise to two very important concerns. The first was being told to train stevedores over a very short time without proper regard to

health and safety (and when the drivers were obviously not stevedores themselves). The second was whether the collective agreement required them to train stevedores, let alone those employed by a third party contractor.

When the RMTU crane drivers held firm, the port's response was to go to the Employment Court to ask it to order them to comply with management's demands. The court turned the employer down. In accepting the crane drivers' health and safety



The Miners' Special

The close ties between the rail and mining industries were instantly recognisable on Thursday 2 December 2010 as the 'Miners' Special' rolled into Greymouth from Christchurch carrying 100 passengers to the memorial service for the 29 miners who died at the Pike River mine in November



2010. The idea to run the train came from the RMTU, and KiwiRail immediately picked up the baton. Volunteer staff from both organisations made it happen while KiwiRail picked up all the other costs so all proceeds from ticket sales could be donated to a relief fund for the miners' families. More than \$4,500 was raised from the journey.

The train was driven by locomotive engineers Darryl Dodd and Anthony McCarthy and on board staff were train manager Brian Armstrong and attendants Kathy Tempelman and Willy Grant, while on the West Coast Chris Stoop liaised with the local authorities organising the memorial service to manage the passenger stop at Omoto racecourse – the venue for the service. KiwiRail passenger GM Deb Hume, ST&E asset performance manager Sean Moran and RMTU representatives Howard Phillips (Metro Wellington), Phil Kearns (Christchurch), Libi Carr (Lyttelton branch secretary) and Helen Kelly (CTU) were also on board.

Chief executive of KiwiRail Jim Quinn said: 'There are close historical ties between the mining and rail industries and we are doing this as an expression of our deep sympathy and support for family, friends and colleagues of the lost miners.'

General secretary of the RMTU, Wayne Butson, said many union members worked closely with the Pike River miners at the coal loadout sites, and like all others were devastated by the tragedy. First preference for seats was given to those with close ties to the Pike River mine and who might not have otherwise been able to get to the memorial service, and to KiwiRail staff and union members. Seats were then made available to the general public and a minimum donation of \$90 was requested per passenger. The service left Christchurch at 8.15am and took passengers directly to the Omoto racecourse.

Following the journey KiwiRail and the RMTU received many positive comments from travellers similar to this from Anne Sheard: 'Please pass on my personal thanks to all those who volunteered their time to organise and run the Pike River Miners' special train. As a West Coaster now living in Christchurch I am so pleased that you offered this service - it was a very precious way to get home. The service and the respect shown by the crew were fantastic - dignified, supportive and friendly. I appreciate the effort it took the volunteers to give up their precious time off and, of course, to the many people behind the scenes who put in many hours to help with the preparations.'

concerns, the court said, 'given the evidence of risk of injury or death in training a substantially inexperienced workforce over and after a relatively short period, the Court should be slow to ignore the persuasively reasoned concerns of very experienced crane driver employees . . .'

Pickets were put up at the port by MUNZ and a stand-off resulted with the port company. There was a strong show of solidarity and unity between the RMTU and MUNZ. The company successfully sought a court order to force RMTU members to cross the picket line but at the same time, the dispute quickly gained support nationally and internationally with even the shipping lines choosing to bypass Napier. After many days of mediation, a successful settlement was negotiated. *The Transport Worker* said the dispute showed the value of sticking together. 'The local port delegates were absolutely fantastic and so were the members. Together they were able to make a real difference.'

In 2008 the RMTU's long campaign on rail achieved spectacular success when the Labour-led government bought out Toll and renationalised railways. KiwiRail was born. Announcing the decision, Helen Clark said it wasn't made for financial return but because rail was needed for 'a sustainable, integrated transport network.' Supporting the decision, the *Dominion Post* said, '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 had the potential to encourage New Zealanders 'out of their cars and into carriages.'

While the RMTU was elated that rail was back in the taxpayers' hands, 'it hasn't been returned in the same condition as it left us,' Wayne Butson noted. 'After being sold to asset-stripping specialists Fay Richwhite – who lined their pockets and left the country – it was further diminished as it passed through more overseas owners. When it left public ownership in 1993 we had a workforce of around 6500 people. We now have a paltry 2428 workers. And don't forget the asset-stripping and the routes that were decommissioned.'

He added, 'The fact that there was anything left for the government to renationalise is a tribute to the union and its members who have come to work and done their job and their best despite the bullshit going on around them, and to a few passionate members of management while others were avidly at work ripping out the capital and the heart of the industry for their own ends.'

To prosper, KiwiRail needed a sympathetic government willing to invest in rail and create a



Finance minister Michael Cullen (right), chief executive of Toll Holdings David Jackson (centre) and chief executive of Ontrack William Peet signing documents for the Labour-led government's buying back of rail in 2008.

level playing field with roading. This was thrown into doubt in November 2008 when Labour was defeated and a National-led government took office. Its election coincided with the onset of the global financial crisis.

On one hand, National said it would not sell KiwiRail. The new government continued some of Labour's commitments such as building new rolling stock for Tranzscenic and purchasing 20

new locomotives. On the other hand, National strongly favoured investment in roads rather than rail and other forms of public transport. It launched a line-by-line review of rail and allowed much heavier trucks on the roads.

The RMTU slated National's 'Turnaround' plan for rail. 'It is distressing for rail workers to find themselves with an owner hell-bent on writing limitless cheques for roads and at the same time having to be dragged kicking and squealing to invest in rail,' Wayne Butson said in June 2010. 'Given the impending mothballing and/or closures of lines and a minister of transport and chief executive baldly stating they have a lack of faith in rail workers' ability to build quality EMU rolling stock for Auckland, it is little wonder that an ever-increasing number of our skilled workers are looking for opportunities across the Tasman . . . It appears National's 'Turnaround' planning means chain sawing the rail industry off at the knees. The strength of rail has always been its network and just like a tree if you remove the limbs, the trunk will soon die.'

After KiwiRail banned the Hillside and Hutt workshops from contesting the contract to build Auckland's new rolling stock, the RMTU launched a campaign to keep work in New Zealand for New Zealand workers. The campaign was supported by the Dunedin and Hutt Valley chambers of commerce and local businesses and the Council of Trade Unions.

Evidence that the workshops were capable of doing the work was outlined in a report commissioned from the economic consultancy BERL titled 'Business Case for building rolling stock in New Zealand'. The report outlined a number of key benefits to New Zealand if the bulk of the work stayed onshore, including:

- Creating up to 1300 new jobs;
- Boosting New Zealand's gross domestic product by up to \$250 million;
- Increasing the government's revenue by up to \$70 million; and



Howard Phillips (left) and Wayne Butson (right) holding the RMTU banner at a rally against the National government's attacks on accident compensation.

■ Benefiting New Zealand's trade balance by about \$122 million.

While the government and KiwiRail poured cold water on the report, the RMTU did not give up. On 8 June 2010, the Hillside branch held a stopwork meeting to support the New Zealand work for New Zealand workers campaign. Members bussed into Dunedin and marched along the main street to the Octagon to publicise their cause. There was very good support from the public and other unions.

As its first term went on, the National government's anti-worker policies became clearer. National started by attacking workers' rights and entitlements under Accident Compensation and introducing a law allowing employers to fire new workers within the first 90 days of employment. This was followed by an increase in the goods and services tax, income tax cuts that favoured higher income earners and a raft of anti-worker changes to the Employment Relations Act. In 2010 the CTU launched a 'Fairness at Work' campaign to counter the attacks on workers' rights and this was strongly supported by the RMTU.

In his reports to the union's annual conferences, RMTU president Jim Kelly emphasised that the union had to take a stand on political issues. He told the 2009 conference that the recession caused by the global financial crisis could not be used as an excuse to drive down workers' terms and conditions. 'They cannot be asked to pay the heaviest price for a crisis that was not of their making. A fairer and more equal society has to be built and efforts need to be made to develop the best possible educated workforce. This requires partnerships between government, business, unions and the voluntary sector. This is a time of great concern for trade unions.'

At the 2010 conference, Kelly said, 'We must act as unionists and this means being involved in all matters which affect our conditions of employment, including politics. Albert Einstein said: "I consider it important, indeed necessary, for workers to get together both to protect their own economic status and to secure their influence in the political field." Get involved and get others involved. That is the challenge.'

The establishment of KiwiRail saw parts of the business like workshops and depots that had been outsourced brought back into the company along with the workers who maintained the track. Outsourcing had meant some fragmentation of collec-



tive agreements. At the 2009 annual conference, the RMTU announced that it aimed to consolidate the rail multi-employer collective agreements into one collective covering all employees of KiwiRail and Veolia (which employed workers on the Auckland suburban rail network). The RMTU's goal of restoring common conditions for all rail workers was complemented by KiwiRail's vision of joining together under one brand. Following joint briefings by the RMTU and the company, union members voted in a nationwide postal ballot for a single multi-employer collective agreement for the rail industry.

'This will see us almost complete the unravelling of the privatisation and outsourcing of the last century,' Wayne Butson commented. At the end of 2010 the RMTU and KiwiRail signed the KiwiRail multi-employer collective agreement which merged four collective agreements with no loss of terms and conditions following a 'best of the best' framework. It was agreed that Veolia would be added as a subsequent party.

Butson says the 'best of the best' process resulted in big gains for workers.

'We had all these collective agreements and where they had hours of work we would pick the one with the best hours of work, we would pick the best redundancy clause and so on. So what we ended up with in KiwiRail was an exponential jump in terms of common core terms and conditions of employment. It was not reflected in the headline wage increase or anything, that was just a normal increase, but some groups got quite good pay rises as they got normalised. We had restoration of relativities and all those sorts of discussions.'

Chapter Seven:

2011 to 2015

THE National government's re-election in 2011 was bad news for workers and trade unions. For the RMTU, it sounded the death knell for the Hillside workshops in Dunedin, which had been under threat since KiwiRail rejected its bid to build new trains and wagons. In July 2011, 44 jobs were lost at Hillside. Writing in *The Transport Worker*, Gordon Camp-

bell said 'the decision to go offshore says a lot – most of it bad – about the likely future of manufacturing and skilled trades in this country. All over the developed world, other countries are re-investing in their railways. By rejecting the option of investing in the necessary new plant at Hillside and upskilling its workforce, KiwiRail is effectively closing the door and turning off the

RMTU Red Card

The 'Just say NO' card – the red card – was launched at the RMTU Canterbury branch meeting in December 2014 and then rolled out to the rest of the RMTU membership.

Following a serious incident when workers were exposed to gas in the Otira Tunnel in November 2013, the RMTU launched a safety campaign encouraging members to refuse unsafe work and to contact the union for advice. A poster was produced bearing the message: If the job's not safe, just say NO.

Wayne Butson credits former Lyttelton Port company chief executive Peter Davie with giving the union the idea of a red card. After three workers died on the Lyttelton waterfront in 12 months, Davie said he'd always listen to safety issues and in fact what he'd like the workers to do, whenever they saw anything unsafe, was to pull a virtual red card and refuse to do the work until the company had a chance to look at the problem. 'We thought we'll create a red card. So we printed it and it's been issued to every member,' Butson says.

He adds that the red card has been a game changer. 'There would not be a day somewhere in New Zealand that one of our members in a conversation with a manager or a supervisor wouldn't be saying, actually we think this could be a red card or if you don't change this we're going to red card it or something along those lines. It's just become part of the fabric.'

The card is designed to be carried in a wallet or on a



Lyttelton member Laurie Collins used his Red Card to halt unsafe work at the port during the 2015 dispute.

person. It reminds workers of their rights under Section 83 of the Health and Safety at Work Act to stop working if the job is likely to cause serious harm.

The steps are:

- If it doesn't feel right, step back.
- What is the hazard or the risk?
- If you continue, could you, or someone else, be seriously harmed?

- If the answer is 'YES' then STOP, inform your manager, health and safety representative and/or your RMTU delegate or call the RMTU on 04-499-2066.

If you are stopping work under Section 83 of the Health and Safety at Work Act you must:

- Have reasonable grounds to believe that the work is unsafe and likely to cause serious harm to yourself or to others. You don't have to be correct but you do need reasonable grounds to believe the work is unsafe;
- Inform and attempt to resolve the matter with the employer in good faith;
- Perform other safe work that an employer may reasonably request; and
- Where work is inherently risky, the risk of harm must have materially increased beyond the usual level of risk in order for a worker to stop work. For example the level of risk is not being adequately controlled.

If in doubt, reach out.

Keep Kiwis Working

The Keep Kiwis Working campaign to support workers at Hillside Engineering, whose jobs were destined to be made redundant by KiwiRail, had its origins in 2010 when the RMTU Hillside branch started working with local political activists and community groups to secure the future of the rail workshop in Dunedin.

In early June KiwiRail's formal proposal planned to cut 41 jobs at Hillside and indicated it 'intended' to slash a further 30 jobs at the Woburn workshops in Lower Hutt. Within 24 hours the Hillside branch had formed a consultation committee made up of four key delegates (the Gang of Four): Grant Donaldson, Les Ingram, David Kearns and Stu Johnstone – all veteran political and union activists.

This experience meant the committee quickly formulated its aims and objectives and put in place a four-pronged plan of attack – industrial, political, legal and media. Within 24 hours a mass meeting of the membership unanimously endorsed the RMTU's proposals to fight for every job and for the future of Hillside and Woburn.

The campaign's objectives were to:

- try and save as many jobs as possible under immediate threat at Hillside and Woburn;
- build organisation on the job and in the wider community; and
- cement political and community alliances to get the future of rail engineering on the national political agenda.

The workers soon gained the initiative over the company through a sympathetic local press and the ability to publish media releases very quickly, which set the terms of the public debate early on.

A mass public meeting attracted 400 people from across Dunedin with the Labour and Green parties, the mayor of Dunedin, the chair of the Chamber of Commerce, Greenpeace and the local Council of Trade Unions all speaking in support of the campaign.

Positive media coverage meant that members were buoyed and supporters enthused. The RMTU successfully got the consultation period extended to prepare a professional submission and to give time to build organisation and generate publicity.

This was the lead story in Dunedin for a month. The local community responded enthusiastically.

RMTU members, many of whom had not been active, rose to the challenge and, following the leadership of their delegates, gave out leaflets and collected signatures on a



Hillside workshops closure anniversary.



petition initiated by Dunedin South Labour MP Clare Curran. A Facebook group was set up which drew in more supporters and meant actions could be staged at very short notice.

A month after the announcement a public rally was held in the Octagon where 2000 people turned out to hear local and national politicians, environmental groups and unions speak out against KiwiRail and its government shareholder. The media coverage, local and national, was very positive.

On 14 July KiwiRail got three things spectacularly wrong:

- CEO Jim Quinn scheduled a 'State of the Company' address for KiwiRail employees at Carisbrooke – the

day Hillside workers were to learn their fate.

- The ship delivering the first batch of overseas-built wagons was due to unload in Tauranga, and
- KiwiRail confirmed that all the jobs at Hillside under threat would be slashed (in fact the number was increased by three).

These moves, and the union's swift response, thrust the issue to the top of the national political agenda with pickets mounted at the Port of Tauranga and at Quinn's Carisbrooke event, generating more widespread and sympathetic media coverage. KiwiRail Otago membership boycotted the Carisbrooke event, leading to a front page photo on the *Otago Daily Times* of Quinn talking to an empty room.

The RMTU had managed to ram home the message to the New Zealand public that the minister of transport bore responsibility for what was happening. From then on the focus of the campaign was not just about Hillside and Woburn but about jobs and skills in New Zealand generally. In the month of the Hillside job cuts 900 other New Zealand workers lost their jobs, with Hillside held high as a symbol of what was happening.

Clare Curran's petition condemning KiwiRail and calling on the Government to step in gathered almost 14,000 signatures – one for every four households in Dunedin. In early August, 200 people joined a demonstration at Parliament as the petition was presented with 44 faceless silhouettes, representing redundant Hillside workers, held up by the crowd – a powerful image picked up by the media. *The Transport Worker* commented, 'Although we didn't save any jobs at Hillside we have shown that a relatively small, highly organised union can be very hard hitting.'

lights on Hillside's ability to design and manufacture large scale equipment runs (locos and rolling stock) in New Zealand.'

In May 2012 KiwiRail put the workshops up for sale. Dunedin South MP Clare Curran said: 'The decision to privatise Hillside, which KiwiRail will have made in consultation with the government, is the final in a series of moves which undermines the ability of the workshops to operate effectively. The National government must be held accountable.'

Hillside workers campaigned hard, and with a great deal of local support, in defence of their jobs (see box) and won support from opposition political parties for local manufacturing and real government investment in rail. On 21 December 2012 the vast majority of RMTU members at Hillside reported for work for the last time. At 11 o'clock that morning, every train in New Zealand stopped for two minutes and rail and port workers everywhere stopped working. On the waterfront across the country cranes ceased loading, straddles stayed in the patch, security gates closed, coal loaders stopped and chippies put down their hammers. On the rails, trains everywhere ground to a halt, track workers stopped welding and doing heat runs, tradespersons put down their tools, in offices workers stopped typing and answering calls.

All out of respect for their comrades and fellow union members in Dunedin. At the same time the Hillside branch gathered at the main gate of the workshops by the memorial plaque to the workers who had given their lives in two world wars. They were joined by members of the wider rail and port membership,

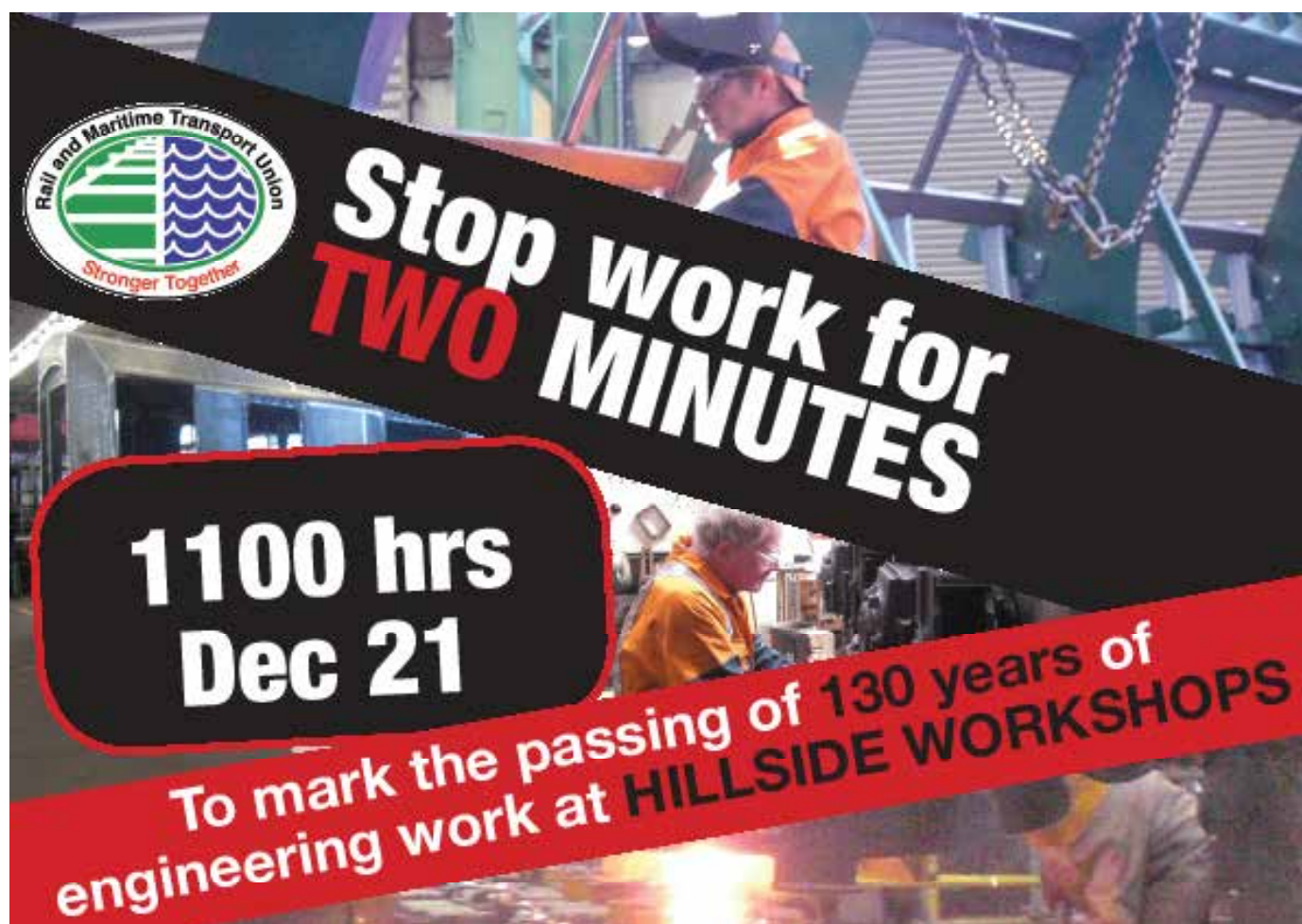
'There is no substitute for strong organisation, good communications and a clear strategy'

– RMTU organiser John Kerr

local politicians and the public. Branch chair Stu Johnstone and branch secretary Les Ingram laid a wreath and said a few words before the gathering observed two minutes' silence.

'Joyce killed Hillside'. This headline in the *Southland Times* sheeted home responsibility to the National government and transport minister Steven Joyce. Writing in *The Transport Worker*, Labour transport spokesperson Phil Twyford pointed out that the government's unrealistic 'Turnaround' plan and underinvestment in rail was putting an enormous strain on KiwiRail. He cited a long list of issues as well as closing Hillside. They included \$200 million of maintenance cuts, the 7000 rotting Peruvian sleepers, mothballing the Gisborne-Napier line following storm damage, the myriad problems with the Chinese-sourced locomotives and wagons and the uncertainty over replacing the Interislander ferries.

Wayne Butson said the fundamental problem was that there was not a level playing field between rail and other forms of transport. 'Let me be very clear, it is my strong view that the current structure and framework of rail in New Zealand can never be self-sustaining. KiwiRail will never be able to generate sufficient





Hillside Workshops closure campaign.

revenue to maintain and develop infrastructure and assets whilst it is in direct competition with a subsidised road transport industry and also undermined by foreign-flagged blue water vessels carrying domestic cargo around our coasts in contravention to – and in a deliberate flouting of – New Zealand law.

'An example of this (un)level playing field is when a natural storm occurs and rail bridges are damaged and/or tracks washed away, KiwiRail must pay the full cost of remediating the damage. If the same thing happened in our roads, the taxpayer, through the New Zealand Transport Agency, rushes in to restore the highway system . . . Until this playing field is levelled and made more neutral, then rail in this country is always going to struggle to survive.'

Economic imbalances were also an issue in ports. Butson criticised 'the massive investment of ratepayer money by publicly-owned ports into a constant war to become one of the two gateway or hub ports for the "big ships". Pretty much all the ports on the eastern seaboard are locked into a spending battle to build inland ports, dredge channels, buy cranes and straddles and reclaim more land for logs and boxes . . .

'This is ratepayer money at a time when ratepayers are being dealt over inflated rate increases and old people live in fear of growing power bills . . . How much cheaper would your rates bill be if these very profitable ports paid back higher dividends to their owners instead of spending it on an infrastructure gamble to attract Maersk and other shipping lines. Within the industry it is thought that there will be no more than two deep water big ship hubs in New Zealand in the long term. The rest will be feeder ports. It is a disgrace that there is no national ports strategy.'

In 2011 Jim Kelly stepped down as national president after 21 years at the helm of the RTA, CURE and the RMTU. Ross Wilson wrote that, 'As a president, Jim demonstrated the value of a rank

and file leader. He reflected the concerns of union members and advocated passionately on their behalf, but he was also very supportive of the paid officials and staff.' He led the union through some momentous events: the 1994 general rail strike, the 2000 ministerial inquiry into the health and safety of rail workers, the Take Back the Track campaign – when Jim symbolically handed over a \$1 coin to finance minister Michael Cullen, the renationalisation of rail and the formation of KiwiRail.

Kelly was succeeded as president by Aubrey Wilkinson, a crane driver at the Port of Tauranga. In his report to the 2011 conference, he stressed the need for branches to work together. He told the 2014 conference: 'I have recently seen a rail branch struggling with an issue that a port branch in the same town managed to resolve. By bringing our branches together and meeting more regularly we can only better represent our members . . . We didn't amalgamate so that rail and port could work exclusively within their own industries. I do hope you see this as a strategic opportunity and act on it.'

Over 10 per cent of the RMTU's members are women who are concentrated in key areas such as passenger rail in Christchurch, Wellington and Auckland. Thanks to the determination of women activists, the RMTU has a women's structure that stands out in the New Zealand union movement.

In 2013 Port Otago branch chair Ruth Blakeley came back from a Women in Male Dominated Occupations and Industries conference with a plan for establishing a women's network within the RMTU. A year later, Lyttelton branch secretary Libi Carr attended an ITF women transport workers conference and recommended women's representation at branch and national levels.

These ideas came together in a remit to the RMTU's inaugural biennial conference in 2014 which called for a women's representative on each branch committee and on the national management committee and convening a women's forum in 2015. The remit was passed. The two day forum in April 2015 was very successful and unanimously endorsed Blakeley as the first women's representative on the NMC.

In interviews for this book, Blakeley, Rebecca Hauck, the current women's representative on the NMC, and Pareana Blysterveld, Lyttelton branch assistant secretary, outlined some of the challenges they have faced as women working in the male-dominated industries of ports and rail.

Hauck's first job in rail was working in the foundry at Hillside. She was the only woman and faced very negative attitudes from her male colleagues who told her she shouldn't be doing a 'man's job'. 'They wanted to break me to the point where I would leave.' After she'd had enough she went to RMTU president Jim Kelly, who worked at Hillside. 'He was just amazing and he basically went to town on them and things changed after that.'

Blysterveld spent 25 years in the trucking industry as a driver and was used to discrimination and sexual harassment in that industry. After working as a cargo handler at the Port of Nelson, she got a job at Lyttelton where she is now a crane driver. When she started, she faced a great deal of hostility from men who wanted to know why she was there. There was a strong tradition of

fathers and sons working at the port. 'There was this lovely Maori guy there who was a stevedore. I said to him, why is that guy asking me who my father is. He said, don't you worry about it, you just tell them you're my niece. That worked.'

She had been a member of the truck drivers' union and was keen to get involved in the Maritime Union (MUNZ). She went to see the branch secretary 'and I explained to him that I would love to be an activist within the union. His reply to me was, I don't like f----- females and I definitely don't like f----- Maoris.' When she joined the RMTU, she found a big difference in attitudes. 'It was like we were being heard as workers. We came together as a group. Any gripes anybody had you brought together as a group and we all dealt with it together. Not this you do it our way or it's the highway. They just picked me up and ran with me. If I wanted to be an activist they encouraged it.'

Blakeley says that some men in the union think the women are trying to be exclusive rather than inclusive. 'The way you get around that is that I try to engage with the men and say, what would you think if your daughter or your wife was treated like this. It kind of brings them round to thinking about it in a different kind of a way. It's just about education really.'

Hauck says discrimination still exists in the rail industry. 'It doesn't just happen with women. I know it happens with men on men, women on women.' In her report on a Women in Male



The author Peter Franks & Pareana Bysterveld, Hillsborough, Christchurch, 2019.

Dominated Industries and Occupations conference in Brisbane in *The Transport Worker*, she summed up the importance of inclusiveness for the union. 'Our diversity is our strength. Our solidarity is our power. We respect and take care of each other. Prejudice and discrimination including misogyny, racism, homophobia, have no place in our movement.'

Fighting for Safer Workplaces was the theme of the RMTU's 2014 conference. Wayne Butson said it was 'a particularly urgent battle given the appalling health and safety record in New Zealand's ports and one that we are constantly engaged in, in the rail industry.'

The right of workers to refuse to do unsafe work came to the fore in a lengthy dispute between the RMTU and the Lyttelton Port company at the end of 2014.

In July that year MUNZ initiated bargaining for their collective agreement, giving the port company the chance to break up the 25 year old multi-union agreement and leaving the RMTU to bargain separately. Union members endorsed a strategy of bringing the inland port at Woolston into the collective agreement.

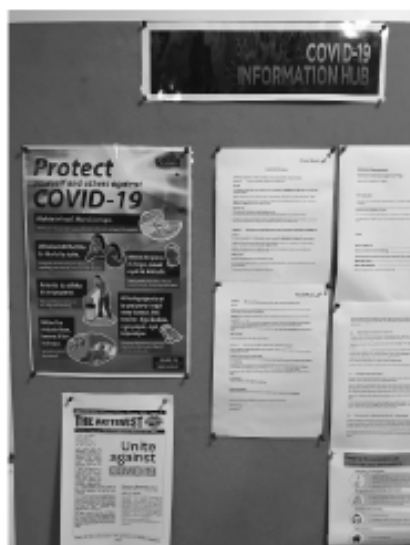
A series of events raised tensions at the port. These included the deaths of three workers due to work accidents in 12 months and a \$200,000 bonus to port company chief executive Peter Davie, taking his salary package to \$1.2 million. Local Christchurch commentator Edna Welthorpe summed up the situation: 'What's brewing on the waterfront in Lyttelton is a potent mix of righteous anger and quiet determination, coupled with a set of circumstances that makes conflict seem almost inevitable – a government bent on further pegging back workers' rights; a city council under pressure to sell off assets to fix its financial problems; a management that has raised workers' wage expectations by delivering this substantial increase to Davie; and a public that has a growing sympathy for the men who do dangerous work in all weathers around the clock to keep the waterfront working.'

In early December members voted unanimously to go on an indefinite overtime ban in support of their claims. The dispute started to attract media attention. The company's line was that the ban would have 'little impact'.

The night of Friday 19 December changed everything. The overtime ban meant there was a shortage of safety critical maintenance staff booked for duty on a Friday and Saturday night to deal with any emergencies involving heavy equipment.

Noticeboards of note

Part of the stand-out
Covid-19 sanitisation
station at Dunedin
Rail.



That night RMTU health and safety representative Laurie Collins pulled the RMTU's red card (see box). He was supported by RMTU and MUNZ members despite pressure from management. Asked by the terminal manager if they were refusing to work, Collins said that operating machinery without the workshop as the first response team was not safe.

The Lyttelton Port company filed with the Employment Court for an urgent order declaring the action unlawful and forcing the workers to return to normal work in the container terminal. What followed was a hard weekend. Members swore affidavits, the RMTU officials and legal team swung into gear and burned the midnight oil to mount the union's defence. On Sunday night Judge B.A. Corkill dismissed the company's application. He said the health and safety issues only affected two weekend shifts, which did not significantly impinge on the company's operational requirements and that health and safety should prevail.

The container terminal remained shut at night on the weekend for seven consecutive weeks as the overtime ban ran on and the RMTU tried to thrash out a deal for a new collective agreement. On 27 January 2015 at a mass RMTU meeting, Wayne Butson said, 'This issue is about being taken seriously and treated with respect by their employer and up to now, here at Lyttelton, we aren't getting much of that.' Members overwhelmingly voted to stop work and that night the RMTU began issuing 14 days' notice of consecutive 24 hour stoppages and continued doing so each day until finally – eight days later – sitting down for talks with the company on 4 February. The media interest was intense.

Davie had shrugged off the first strike notice saying the port would continue to operate. After three notices the penny dropped that these notices would keep coming indefinitely and each held an element of surprise, the option to withdraw a notice at the eleventh hour. Before long Davie was advising customers to make other arrangements as the port company could not guarantee the operation of the port.

Members were ready to take to the streets outside Christchurch City Council, Lyttelton police were asking about plans for pickets and the strike committee was discussing non-violent direct action and even civil disobedience training. Thanks to the efforts of branch secretary Heiner Benecke members were receiv-



The illustration commissioned for the front cover of The Transport Worker in election year - 2014.

ing information in real time via texts and social media. At the same time the RMTU negotiators were pressing the point that a deal could be done if the parties simply talked.

The breakthrough came at mediation on 4 February when the company gave up its previous position and rolled out a three year backdated deal delivering a 2.5 per cent increase each year. The RMTU accepted a separate collective for the inland port, which at least gave members there some improvement in their terms and conditions. On 12 February the membership overwhelmingly voted to ratify both collective agreements. 'While there are many lessons from this dispute,' said RMTU organiser John Kerr, 'what is very clear is that there is no substitute for strong organisation, good communications and a clear strategy.'

Chapter Eight:

2016 to 2020

IN 2016 KiwiRail announced that it would abandon the use of electric locomotives on the North Island Main Trunk and replace them with diesels. The RMTU campaigned strongly against this move. *The Transport Worker* refuted the company's arguments for ditching the electrics, pointing out that burning diesel instead of renewable electricity would be a further slide in New Zealand's carbon footprint and would cost jobs in communities in the central North Island. Professor Ralph Sims said in *The Transport Worker* that the replacement diesel locomotives would result in extra greenhouse gas emissions of around 12,000 tonnes of CO₂ a year, which would negate all the savings from the electric road vehicles running around the country.

The union's persistence finally paid off when the Labour-led government (elected in 2017) announced in late 2018 that it would commit \$35 million to refurbish the 15 electric engines operating between Hamilton and Palmerston North. Deputy prime minister Winston Peters said, 'By refurbishing these locomotives here, we're creating jobs in KiwiRail's Hutt workshop and supporting our local rail industry. It just makes sense.'

The Hutt workshop were the site of an important move in workplace co-operation between the RMTU and KiwiRail beginning in 2016. The workshops faced a number of challenges with earthquake-prone buildings, asbestos, the footprint of the site and the age of its infrastructure. Following a letter from the workshops' branch of the union to management, KiwiRail and the RMTU agreed to use the High Performance High Engagement (HPHE) methodology to work together on addressing issues at the workshops. In September 2016 the branch reported that the HPHE initiatives 'are in full swing' with a 10 year work plan produced in conjunction with management.

Phil Bosworth, who chaired the branch at the time, says the HPHE methodology is 'quite good because you get a consensus. Nobody is telling anybody what to do, it's just an agreement and of course when you get workers on the shop floor who can have a say in how things are run, they own it . . . It was very hard for the management side to give up the reins and to learn to talk. Learning to talk and learning to listen and it was the listening side that really helped us.'

Following the successful pilot at Hutt workshops, HPHE was rolled out across KiwiRail. By December 2017 the operations, mechanical and networks and infrastructure industrial councils all

PEOPLE HAVE THE RIGHT TO GO TO WORK AND COME HOME UNHARMED



Tim Steffert
Killed at work 26 July 2002
Stratford Rail



Jim Jacobs
Killed at work 25 January 2003
Mount Maunganui

HONOUR THE DEAD FIGHT FOR THE LIVING

WORKERS MEMORIAL DAY 28th APRIL



Rail and Maritime Transport Union

had at least three projects on the go. In another useful form of co-operation, a joint RMTU/KiwiRail Just Fair Culture programme began with training for managers, union delegates and health and safety representatives. The purpose of this was to improve the way safety incidents were responded to.

While the union was able to work constructively with KiwiRail, it faced major challenges with the operators of the Auckland (see box) and Wellington urban passenger rail services. The National government introduced the Public Transport Operating Model, which required regional councils to award contracts for services to the tenderer with the lowest bid. This inevitably meant cutting the price of labour in a race to the bottom.

In Wellington, the metro train contract was won by Transdev Australasia and Hyundai Rotem. The regional council contract

Auckland Transdev strike

Workers at Transdev Auckland went on strike on 8 December 2017. This story of the dispute, by Andrew Ward, was published in *The Transport Worker* in June 2018.

Before collective bargaining began, the RMTU was angered to find that Transdev Auckland had committed to Auckland Transport to implement the so-called security and fare evasion (SaFe) project. There were two main elements to SaFe:

- Aside from the drivers, the removal of all onboard operational staff including train managers and ticket inspectors who were Transdev staff and safety-critical members of the RMTU. They were to be replaced by transport officers employed directly by Auckland Transport with limited warranted powers and inferior terms and conditions.
- The introduction of Driver Door Operations. 'It was apparent to the RMTU from the start that this would have a dramatic impact on safety for those working on and using the trains,' *The Transport Worker* said. 'In principle your Union had no objection to the introduction of transport officers but as an addition to the current train crew not as a replacement for a number of reasons:
- The infrastructure on the Auckland rail network is not suitable for Driver Door Operations;
- The route is not fenced;
- There are curved platforms and numerous level crossings; and
- The culture of the travelling public in Auckland is not one of compliance with the rules and operation of the railway.'

A stopwork meeting on 23 August endorsed four resolutions: to keep RMTU members on the trains maintaining terms and conditions for all members; no forced redundancies; build organisation on the job; and secure public and political support for rail and railway workers.

'A sustained effort to lobby politicians and community groups followed plus the mobilisation of members around such activities as petitions, demonstrations and industrial action. One of the main challenges was building organisation amongst our members, so communication was vital. Weekly newsletters were sent out informing members of the latest developments, countering misleading information from both Transdev and Auckland Transport and encouraging members to ever greater efforts. Most importantly, we had the effective use of social media as a campaign tool.'



Union members met with politicians and lobbied local councillors, community, women's and disability groups. A strong relationship was built with the Public Transport Users Association which independently formed the opinion that the proposed changes were wrong. There was overwhelming support from the public.

From the outset of negotiations the sticking point was the union's claim for no introduction of Driver Door Operations through the currency of the collective agreement. The union wasn't opposed to exploring different ways of running the passenger services but not in the way that had been put forward as it was not safe.

The company was intransigent and bargaining broke down at the end of October. The union held a strike ballot which voted to take action.

'The strike was held on 8 December 2017. Pickets were posted outside all depots in a party atmosphere. Support from the public was overwhelming. They clearly understood our message that the dispute was about ensuring public safety. In tandem with this the union challenged any alteration to risk assessments by the company to present to the NZ Transport Agency. Our health and safety representative also presented a comprehensive dossier to the NZTA showing numerous factors that had not been covered or considered by Transdev.'

After further negotiations broke down, the union imposed an overtime ban. 'It was at this time that pressure was again increased on Auckland Transport and Transdev by building organisation and lobbying. In co-operation with the Public Transport Users Association we carried out a survey of the travelling public around safety on the trains. The results showed that 92 per cent were opposed to the SaFe project and Driver Door Operations. The overtime ban proved crucial. Transdev was proved to be operating services with less than minimum staffing levels and numerous services were cancelled.'

Following a meeting between Auckland Transport and Transdev management, the NZ Council of Trade Unions, the RMTU and the ministers of transport and workplace relations, the foundation for a settlement was reached.

The following week all parties committed to sign up to the High Performance High Engagement process outside of bargaining to find a solution to what was now called "The Challenging Issue". Auckland Transport and Transdev committed to not do anything unilaterally towards imposing the SaFe project while this process was in place.

required the 400 workers who transferred from KiwiRail to be employed on the same or more favourable terms and condition of employment. But once the new employers took charge they tried to change what had been agreed with the union.

Negotiations for a collective agreement began in May 2017 and by October members' patience had run out. A mass meeting on 16 October decided to give notice of a strike on 17 November. 'The sticking points are that the employer will not shift from wanting to take away long-standing terms and conditions of employment of members despite it only being just a year since they agreed to employ them on the same or more favourable terms and conditions of employment,' Wayne Butson said. 'The new owners show no respect nor any consideration of these established terms and conditions. Many of our workers under this collective agreement earn minimal wages. They rely on those extra pay rates when working extended hours.' He said the strike notice was 'a clear message to these foreign multinationals that we won't bend to their unfair demands and definitely won't be party to lining the pockets of foreign owners to the detriment of our members.'

The strike was the first rail strike since 1994 and completely shut down the service. Howard Phillips, RMTU vice-president, who worked for the metro service at the time, says the employers 'completely underestimated the workforce and their union. They thought the RMTU would toe the line and do what it was told.'

He says the companies' attitude 'was an absolute gift really for the RMTU. The Transdev workforce in particular has a much younger age profile than most of the rest of the rail industry and that's because you get a lot of school leavers coming in, becoming passenger operators and train managers.

'They were just absolutely fantastic, these young people just absolutely got it. It was really, really good. They understood the value of unity, of being in a union. It was marvellous. Three years later that workforce is still highly organised with really good delegates and a real consciousness and understanding of what's required to keep the terms and conditions they have. It was a great thing actually. Transdev and Rotem gave us a great gift.' The strike was successful in changing the employers' position, a further 24 hour strike was called off and a settlement was eventually reached.

In Lyttelton in 2018 the RMTU went on strike over management pressure to introduce change to hours of work in the container terminal to align the RMTU collective agreement with that of the Maritime Union. The RMTU was not prepared to sign up to changes that were potentially unsafe when the Lyttelton Port Company (LPC) had no policy for managing fatigue.

The Transport Worker reported: 'Once we had issued the legally required 14 days notice of strike action we had mediation with LPC. This was a literal waste of time. Their negotiators kept us waiting for four hours and when they finally came into the room there was no movement whatsoever in their position . . . We later learned that the CEO was on a skiing holiday in the Tyrol while this was going on. At that point members blew a collective fuse.

'Our negotiators kept trying. We withdrew strike notices in the hope that would create momentum in the discussions. LPC re-



Hutt workshops celebrates 90 years in operation.

sponded by illegally locking us out. Clearly appeasement wasn't going to work. Members were furious. A five day strike followed. We received threatening letters from LPC about picketing where management seemed to think we were going to fight using the tactics of last century. Our response was to use a range of creative techniques to further unify the members and generate positive publicity for our cause.'

Union members leafleted the leafy neighbourhoods of LPC directors thus bringing the dispute home to the people who were responsible for, but insulated from, it. Protests and rallies were organised at Christchurch City Council and Christchurch City Holdings Ltd, the shareholders of LPC. The union staged publicity pickets at Lyttelton road and rail tunnels and succeeded in making prime-time TV news. Local band The Eastern performed a gig in Lyttelton in support and the union organised co-ordinated information pickets outside key transport companies, including Toll and KiwiRail, to highlight the impact on the wider regional economy. Finally CEO Peter Davie was welcomed home from his skiing holiday with a sign at the bottom of his street. The public response was overwhelmingly positive,' *The Transport Worker* said. 'The truth about our struggle – that it was about safety and treating people fairly – resonated with the public.'

However management remained intransigent so members instructed officials to hold a further ballot. The union issued notice that marine services members – the workers responsible for berthing vessels – would be on strike. A lockout notice from

Right to flush



Among the many things we take for granted in a normal workplace is the right to use the toilet when needed. In some countries, workers have their pay docked for such outrageous behaviour. In others,

workers are denying themselves liquids while working to avoid such disruptive breaks in routine.

Being forced to endure the discomfort of 'hanging on' when there's no toilet to use at work is a widespread, but rarely discussed, issue which affects many RMTU members who do not have ready access to nearby toilets.

Port workers, rail network and infrastructure workers, loco engineers, on-board passengers, staff and yard workers have responded to the International Transport Workers Federation's 'Our Right to Flush' campaign which highlights the appalling lack of sanitation facilities for transport workers internationally. The ITF made 19 November 2019 World Toilet Day to highlight the campaign.

Despite legislative requirements to provide adequate toilets, many rail workers in New Zealand do not have a decent level of access to basic facilities.

The reasons for the lack of amenities are largely down to a lack of planning. Old infrastructure was designed to include male toilets and wash facilities but hasn't caught up to accommodate the increasing number of women and gender-diverse people entering the industry.

Organising a portable toilet for working remotely sometimes occurs but not always. Finding a bush to pee behind, digging a hole or taking a plastic bag with you have been the long-held ways of dealing with comfort stops while working remotely.

The Transport Worker said: 'Do an audit of your work environment to identify where toilets are needed. Ask your health and safety representative to make a recommendation to your manager to provide additional toilets under the Health and Safety at Work Act 2015. Talk to the union about the issue so your workmates and union staff can support you. Worksafe can be contacted to enforce the regulations.'

The Health and Safety at Work Act General Risk and Workplace Management Regulations 2016 require adequate facilities including:

- Toilets,
- Drinking water,
- Hand-washing facilities,
- Eating and break facilities, and
- A place for unwell workers to rest if it is unreasonable for them to leave the workplace.

the LPC immediately followed. The RMTU retaliated by issuing notice of a five day strike by all members. Taken together, these meant the port was facing closure for ten days. Time ticked by and minds became more focused. Senior management finally spoke directly with the RMTU for the first time since negotiations commenced in July 2017. An agreement in principle was reached and the lockout and strike notices were withdrawn.

One of the things that came out of the negotiations was an agreement between the union and LPC to work together on managing fatigue, which was an issue of growing concern to the RMTU. In the work context fatigue is a state of physical and mental exhaustion which reduces a person's ability to perform work safely. Shift work is a known source of fatigue.

Ninety per cent of port delegates who participated in an RMTU survey of fatigue in 2017 said they, or their workmates, had been fatigued at work to a point where their safety was, or could have been, compromised. The survey found that while 96 of those who responded said that fatigue was a health and safety risk, 79 per cent said the employers' management of fatigue was either dismal or poor.

An adult between the ages of 18 and 64 requires an average of seven to nine hours sleep per 24 hour period. The Worksafe New Zealand guidelines on managing shift work to minimise workplace fatigue say the length of break a person needs to ensure they get enough sleep depends on when the break begins. A 10 hour break starting at 10pm allows much more sleep than a 10 hour break starting at 10am. The length of break a person needs to get enough sleep also depends on how much time they need for travelling to and from work, eating, washing, dressing and socialising. The implication for rostering is that the minimum break times between shifts should provide enough opportunity for a person to achieve seven to nine hours sleep. In addition, the Worksafe guidelines recommend at least two consecutive full night's sleep (with a normal day between) in each week.

Safety, and in particular the workplace hazard that fatigue presents, was the theme of the RMTU's 2018 biennial conference. Many RMTU members are shift workers and are employed in safety-critical roles. The conference endorsed a comprehensive union policy to combat the rise of workplace fatigue.

An example of a proactive approach has been the work done by KiwiRail and the RMTU to develop a fatigue risk management system for its workers. A joint RMTU/KiwiRail fatigue safety action group is monitoring fatigue related data such as hours of work and making recommendations for improvement.

Port Chalmers is one of the few ports where the RMTU and the Maritime Union have successfully main-



An invigorated cohort of keen RMTU members at a delegate training session at the Woburn Training Centre pledging to fight for better conditions for everyone.

tained a multi-union collective agreement. From the start of 2019, the RMTU branch decided to tackle the issue of fatigue. In May the two unions initiated bargaining and had a clear idea what they wanted to achieve: real wage growth, no clawbacks and a co-operative risk management approach to fatigue.

Management turned up to the negotiations with over 170 claims including some significant clawbacks. They wanted to introduce ten hour shifts. By mid-August it was clear that the talks were going nowhere and that members would either have to fold or fight to get a good deal. Because management had run down staffing levels so much they were dependent on members doing overtime to run the port. A ballot for an indefinite overtime ban was passed overwhelmingly and on 7 September all overtime ceased.

'We were able to make a good case in the court of public opinion about the reasons for our action – fatigue was the issue and what better way to tackle that than with an overtime ban?' *The Transport Worker* reported. 'We enjoyed some good media coverage because we got our story out to reporters. Moreover the RMTU Otago rail branch organised a couple of excellent demonstrations outside the mediation service when we attended for talks and this bolstered the morale of port workers and generated

yet more coverage. Unions Otago, and particularly the Tramways Union, also stepped in and demonstrated their support.'

Progress was made on hours of work and fatigue and the employers dropped their claim for ten hour shifts but there was no progress on pay. Port of Otago's board then handed the union a gift by announcing a 20 per cent pay rise for the CEO. This allowed the unions to shift the focus of their public comments on to the issue of pay and the unfairness of the company's position.

As time passed, it was clear that management was under pressure. Shipping lines were redirecting freight and the cruise line season edged ever closer. Members of both unions remained united and resolute. Learning from the Transdev Auckland and Lyttelton Port disputes, the Port Chalmers branch of the RMTU had invested in the technology to set up a mass text system as well as a branch Facebook page.

By the beginning of October, as the overtime ban was due to enter its second month, the RMTU/MUNZ bargaining team received an offer that worked out to a 9.27 per cent pay increase for a three year agreement. In addition there was agreement on the port adopting a fatigue management policy and working with the unions on the issue and hours of work remained unchanged. The



CAF workers on the picket line during the 2019 dispute.

deal was ratified by an overwhelming majority.

In the lead-up to the 2018 biennial conference Wayne Butson said he was impressed by the union's successes. One example was the settlement of what was known as the Chinese workers' case. After asbestos was found in Chinese-manufactured locomotives, KiwiRail brought 40 Chinese workers to New Zealand to remove the asbestos and rebuild the locomotives. The RMTU challenged this in the Employment Relations Authority.

The settlement confirmed that all warranty work would be handed back to KiwiRail. 'In short we now have certainty instead of uncertainty,' Butson said. 'It also puts in place a requirement on KiwiRail that for future purchases they will, where practicable, provide for all warranty work to be undertaken by KiwiRail employees with full knowledge transfer.'

Another major success was the landmark wages deal the union achieved as part of the KiwiRail MECA. This was for a universal flat rate increase of \$1.63 per hour for everyone on the agreement. 'The fact that this even got over the line with our 42-member wider bargaining team is a tribute to the strong collective values and social awareness of inequality that this group of key RMTU leaders work to,' Butson said. 'Of even greater satisfaction was the overwhelming endorsement of the flat rate increase by the members who are covered by the KiwiRail MECA. This will be a lasting memory for me and a source of great satisfaction of having been a small part of this achievement.'

Another success was the dispute involving 26 unionised and underpaid migrant workers employed by the Spanish-owned Construcciones y Auxiliar de Ferrocarriles (CAF) to check Auckland's electric trains every 10,000 kilometres, including the interior, power systems, engines and brakes, as well as carrying out repairs and maintenance as required.

After pay talks broke down, the RMTU gave CAF notice of a partial strike from 11 May 2019. The company responded by suspending the workers, leaving just three non-unionised workers on the job. Almost immediately the trains showed more and more problems and it was obvious CAF was finding it increasingly difficult to maintain them.

An effective picket line, the threat of further action, over-

whelming support from fellow unionists and a series of stories in the media soon had CAF bosses changing their tune. With more strikes threatened and an unco-operative wider community, the company capitulated and offered a deal which was accepted by the workers. This included a significant jump in pay, improved allowances and a redundancy clause. RMTU organiser Rudd Hughes said that in the final analysis 'this problem sheets back to Auckland Transport, which employed CAF through a tendering process to maintain the trains. They showed support for CAF and refused to come out in support of striking workers. The tendering process that gives companies like CAF lucrative tenders is finally under review from the Labour-led coalition and hopefully this will change the current practice of always going for the cheapest option, an option which drives wages down.'

One of the RMTU's greatest successes was achieved with the election of a Labour/NZ First/Green government at the 2017 general election. As a result of the RMTU's persistence, all three parties were committed to rail. This marked the end of National's policy of keeping rail in a state of managed decline and the beginning of a policy that recognised the importance of investing in rail. Writing in *The Transport Worker*, transport minister Phil Twyford said: 'We have an expansive vision for rail as the backbone of a sustainable 21st century transport network. We recognise the huge value rail brings New Zealand by boosting growth in our regions, reducing carbon emissions, getting more heavy trucks off our roads and giving people real transport options in our cities.'

The government provided \$375 million for KiwiRail to invest in new wagons and locomotives, \$331 million for track and infrastructure upgrades and \$35 million to begin the process of replacing the interisland ferries. The Napier-Wairoa railway line was reopened and there was victory for the RMTU's campaign to reopen Hillside with the announcement of \$20 million to rejuvenate and expand the workshops' operations. In August 2020 the government announced it was investing \$1.1 billion to construct a new third main rail line in Auckland, extend track electrification from Papakura to Pukekohe, build new train stations to meet growth in Drury and for crucial upgrades across the 100-kilometre network in Auckland.



Port Otago members pledge to fight during bargaining negotiations.

Conclusion:

A strong, successful union

WITH the formation of the RMTU, 'the circle is complete. We started as one union and we are now one union.' That comment by Ian Wilkie, life member and former vice-president, sums up the historical importance of the amalgamation that took place in 1995 to bring together the railways and harbour workers unions. Life member Peter Harris says the RMTU was 'the best thing that could have ever happened. As soon as I met Ross Wilson I knew we were on the right track.'

Some unions amalgamate and shrink. The RMTU has grown steadily and now has around 5,700 members. Tim Spence, former Otago rail branch secretary and life member, says: 'I think the RMTU is one of the greatest unions in the country, to be honest. I was a member of the national management committee for a time and so got exposed to quite a few other unions at different meetings and different functions. I think we were, by far and away, the most well organised, transparent union there was.'

Ross Wilson, life member and former general secretary, says that despite the pressures against unions, the RMTU 'has continued to engage as an industry union and take an intelligent approach, it turned the Labour government around on removing electric locomotives and has been quite substantially responsible for building up support for the capital injection that railways has received. These are incredibly important achievements for a small union.'

Eddie Dickson, life member and former assistant general secretary of the International Transport Workers Federation, lists the RMTU's achievements: 'The saving of rail which was going downhill. The RMTU and its campaigns to keep rail, I think keeping that in front of the public. The ability to continue to bargain through hot and cold whatever government was there and articulate railway issues to the public has won many favours. In the ports, the union is still doing very well in most places. The RMTU is a modern union in a modern atmosphere. It's still got plenty to offer.'

Warwick Armstrong, life member, says: 'The RMTU is doing a good job from what I hear. I think it was a great thing to have an across-the-board increase, everybody at the same level, in a world where people on lower incomes have been left behind. One of the things I liked when I was involved and we got through the initial era, we could deal to the shunters one wage round and the track guys in another, then they had loco engineers leaving and going to Australia so they had to lift the loco engineers. We focused on a group each wage round and then had a general lift for everybody.'



"I think the history, the passion and people believe in each other, we're stronger together and we can achieve something."

- Rebecca Hauck (above)

Why is the RMTU a successful union? Aubrey Wilkinson, the union's president, says: 'We're membership driven, that's why we're successful. The members dictate what happens with regards to the RMTU and they have the full and final say on everything. It means they have ownership. And good leadership. The National



RMTU members of the Palmerston North electrics depot celebrate the government's decision to invest \$35 million to refurbish KiwiRail's EF locos and turn the North Island Main Trunk line away from diesel – 2018

Management Committee is very good at making sure we achieve what the members have asked us to achieve. Some are not big issues but some are, I mean health and safety is huge and that's why we have a health and safety organiser.'

Wayne Butson, the union's general secretary, says: 'I just think we've got a great little union. Our communication is good and our level of activism is good. There are significant numbers of people in this union who are union members in more ways than just paying their fees. They believe in what we do, they get involved and they certainly see us as being an advantage in the workplace. One of the other reasons for the RMTU's success is because of the talent of our leadership. We have good organisers and really good delegates.'

He says it's been interesting to see how the ports and rail workers have jelled as time has gone on. 'It's union policy that we not have rail and port branches. In a couple of places we've got branches, Marlborough and Northland, and they're just branches but other places we still have the separation.'

Asked about ports and rail helping each other, Butson gives the example of a dispute at CentrePort Wellington. 'We got sick of trucks going through the picket line so we parked two 89-tonne DX locomotives across the level crossing at the entrance to the port and no one was going anywhere whatsoever. CentrePort went nuts and said they wanted the locomotives removed but we had sufficient power and influence with railways that they wouldn't do anything about it. They just said, we can't do this for ever.'

He says the co-operation between rail and ports has got better as time has gone on. 'If you look at the Lyttelton disputes, the rail boys were there lock, stock and barrel stopping the trains going in and out. When we had the picket lines up, they wanted the

coal trains to keep running, the coal trains didn't run. We've put pickets across the railway line and rail haven't asked to have the pickets removed. The synergy between the branches is huge. I think part of our success is attributable to the fact that we've been able to get the port and the rail branches to align more in terms of their activities.'

As general secretary, Wayne Butson is responsible for leading the union's work. Ross Wilson says Butson is 'the continuity in the industry really because the chief executives and senior management come and go but they can never put one across Wayne because he's got the industry institutional knowledge.' Butson says institutional knowledge is deeply embedded in the union. 'People who come into rail tend to stay so we've got branch officers who've been doing it for thirty or forty years and they're up against a boss who is completely no match for them. They don't have the industry knowledge, they don't have any grasp or appreciation of history. We sit down with the rail bosses and they say, we're going to restructure and do this. We say, oh so you're going to put 1979 in place, are you? Well, let me just say it didn't work then and I don't think it's going to work now. So it's that history and the union is the historian, we have the historical knowledge and are able to use it.'

Howard Phillips, the union's vice-president, says: 'I think our history has helped us be successful. We represent workers in industries with high density, i.e. high levels of union membership. Density is not everything but it is huge. So you have the power, the industrial might. Of course in rail and ports there's a consciousness and understanding of the importance of unity and solidarity. You see the young people coming into the industry and not knowing anything about being a member of the union and you see older workers passing that understanding on in the smoko room and on the shop floor.'

Ruth Blakeley, Port Chalmers branch chair and former women's representative on the national management committee, agrees that 'the RMTU is strong because of union density. If you've got the density you can go out and organise. Plus of course leadership. If you've got good leadership you tend to punch above your weight. We are a powerful little union.'

Phil Bosworth, life member and former Hutt workshops branch chair, says: 'I think the RMTU, being smaller, is not as politically driven as some other unions. It is more of a big family. You've always got somebody at your back, let's put it that way, you're never without somebody at your back.'

'At the end of the day I think that rail is all the better for us.'

You have to put it down to the leadership of the union. I'm not just talking about Wayne. I'm talking about the whole leadership because it's everybody who works within rail being a leader. It's the leadership there that has enabled the company to be where it is now and the workforce to be where it is now.'

Rebecca Hauck, the current women's representative on the national management committee, says about reasons for the RMTU's success, 'I would say the passion people have and the history behind it. People believe in it, they believe they should be able to go to work and come home safely. I think the history, the passion and people believe in each other, we're stronger together and we can achieve something.'



RMTU members outside Britomart Station protesting against plans to bring in driver only operated trains.



Timeline

- 1886 Amalgamated Society of Railway Servants (ASRS) formed.
- 1894 Railway Officers Institute (ROI) formed.
- 1908 Engine-drivers, Firemen and Cleaners Association (EFCA) formed.
- 1916 Railway Tradesmen's Association (RTA) formed.
- 1936 New Zealand Harbour Board Employees Union formed.
- 1972 ASRS renamed the National Union of Railwaymen (NUR).
- 1977 EFCA renamed the Locomotive Engineers Association (LEA).
- 1982 The Railways Department became the NZ Railways Corporation.
- 1990 The LEA, ROI and RTA amalgamated to form the Combined Union of Railway Employees (CURE).
- 1993 Railways privatised and renamed Tranz Rail in 1995.
- 1995 The Harbour Workers Union, CURE and NUR amalgamated to form the Rail and Maritime Transport Union.
- 2003 Tranz Rail bought by Toll Holdings.
- 2004 The Labour-led government repurchased the rail infrastructure and vested it in a new state-owned enterprise Ontrack.
- 2008 The Labour-led government renationalised railways and renamed the company KiwiRail.

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