



M&C Workers News

JOURNAL OF THE MANUFACTURING & CONSTRUCTION WORKERS UNION

2014 GENERAL ELECTION

Union conference supports return of a Labour Green Mana government

In the next general election to be held on 20 September the union at its annual conference decided to support the return of a Labour Green Mana government.

Crucial in coming to this decision was the announcement of the Labour Party's monetary policy. This means that Labour is now joining the Greens and Mana in questioning the current policies that Labour put in place in the 1980s.

Labour's new policy is to stop the total reliance of the Reserve Bank on raising interest rates to stop rising prices. When interest rates go up everyone with a mortgage suffers while the banks and the rich profit from the increased interest rates.

Labour is now proposing that, as well as interest rates, savings rates for Kiwi Saver could also be altered. This would have the same effect on stopping rising prices but it would be to the benefit of every Kiwi Saver.

Banks will not be able to make as much profit to send

overseas and the lower interest rates will have the effect of reducing the exchange rate for the New Zealand dollar. In turn this will help employment, wages and working conditions in New Zealand manufacturing.

For the first time since the union was founded in 1988 it was decided to congratulate the Labour Party on a policy announcement.

A letter was sent to the Labour party giving congratulations, and also calling for further initiatives along the same lines:

"Manufacturing industries where New Zealand enjoys a comparative advantage are now suffering as the high dollar undermines exporting.. For example, in the pulp and paper sector, the only step left for Norske Skog to take is to close the last newsprint paper machine.

"New Zealand will then export the logs and import newsprint, a far cry from the era when New Zealand exported newsprint and was one of the most competitive producers in the world.

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Bargaining is producing a range of offers, from zero to well over 3%.

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The campaign against the TPPA is growing.



Dispute on wages and ACC resolved

A dispute about payment of wages while on light duties was taken to the Employment Relations Authority by the union on behalf of member Kane Wallace.

The dispute (reported in the December issue of M & C Workers News) was settled during the hearing. The terms of the settlement are confidential. However, the hearing revealed that there is little legal precedent about payment of wages while a worker being rehabbed is also in receipt of accident compensation.

When Kane returned to work from his injury ACC and the company agreed he would continue to get compensation as he could only

perform about 70% of his duties. The rest of his duties required a temp to assist him.

The company refused to pay any wages on top of the ACC compensation saying it did not want to pay twice for the same work. The union objected that the collective employment agreement required that the time worked had to be paid.

CEA APPLIES

The union argued that ACC and Viridian were not entitled to come to an arrangement that overrode the terms of the collective agreement without involving both Kane and the union and getting agreement.

When the union and Kane would

not accept that he work for no wages the company stopped offering light duties during the rehab programme. The union argued that the collective agreement required Viridian to support the rehab plan by offering

light duties and the company's failure to do so left it liable for the wages when no work was offered.

As part of the settlement agreement the union undertook to make a joint statement with the company along the following lines.

JOINT STATEMENT

"If an employee is injured or suffers an accident or near miss at work, the employee must report it to their Supervisor as soon as possible. The employee and the Supervisor must ensure that the incident is recorded in the accident register and both have a duty to complete an incident investigation report form, at the earliest opportunity."

One of the company's complaints was that the accident register had not been completed on the day of the injury. The accident register includes an incident report that can't be completed by the supervisor or the injured worker alone. The accident register is a legal requirement of the Health & Safety in employment Act. It makes sense to have both employee and supervisor complete the accident register together.



Drivers working alone require help while being rehabbed at work

From the work front...

Vulcan attempts to stop access to a personal grievance

An ongoing dispute between a union member and the union with Vulcan Steel in Christchurch underlines the importance of not signing any document produced by the employer without getting advice.

For two years the union had asked the company to include a drug and alcohol provision in the collective agreement. The company refused but after collective bargaining had concluded produced their own drug and alcohol policy in a new employee handbook in 2013.

All employees were asked to sign the new handbook. On asking whether this was required, the company said they had no choice. Included in the handbook was a new "zero tolerance" policy with regard to drugs and alcohol.

DRUG TEST

Two union members, one being Errol Walker, were asked to submit to a drug test under the company's new policy. There were no grounds and both union members refused.

The union members were issued with final warnings. These were disputed and the matter was resolved at Mediation. The company it seems was not happy with this challenge.

In mid-March Errol Walker was asked to do an alcohol breath test in the morning. He had drinks the night before and according to the company the alcohol could be smelled on his breath.

The test was conducted twice in the morning. The results ranged between 114 - 134 micrograms of alcohol per litre of breath, well below the current level for driving - 400 mgs - and well below the new driving standard being proposed.

The result was a surprise because the last drink had been consumed 12 hours before the test, although no food was consumed.

According to Vulcan the alcohol reading indicated impairment and was serious misconduct. Errol was suspended. The suspension lasted two weeks. There were two meetings during the suspension. At the second meeting Errol was handed a letter stating he could return to work on the proviso that he sign acknowledgment of a final warning giving up his right to challenge that warning under the provisions of the employment agreement.

ALTERNATIVE DISMISSAL

The alternative to signing the letter was dismissal.

After discussing the issues with the union Errol signed the letter and resumed work. The union commenced personal grievance proceedings on his behalf seeking



to stay the threatened dismissal at the same time.

The company's lawyer responded claiming that the personal grievance is frivolous and vexatious seeking to have the whole matter thrown out.

DON'T SIGN

This dispute could have been avoided if the company had negotiated a drug and alcohol provision for the collective agreement when asked. The union could have been assisted in doing this if no employee had signed the company's handbook.

Even non union members signed a letter of complaint about the way Vulcan sought approval for the drug and alcohol policy. However, once some had signed, it became more difficult to oppose such arbitrary management.

The company's attempt to have the matter thrown out was the subject

Continued on page 11

Collective agreement negotiations...

Bottom rates to get bigger increase at Axiam Plastic

A pleasing twist occurred at Axiam Plastics in bargaining.

Axiam Plastics and Axiam Metals are run separately but both are long established locally owned and operated businesses. Among union claims was a discussion point about moving towards the Living Wage.

PRINCIPLE AGREED

Frank Oskam, who is general manager at Axiam Plastics, agreed with the principal of the living wage including the sum stated. While Axiam could not move to such a wage in isolation from the rest of the plastics industry he undertook to look ways it might progress the company towards it. He agreed that those at the top end of the earning scale earned far too

much in relation to those at the work face.

It is fair to say that Axiam Plastics has worked hard to ensure job security and reasonable wages in a climate of change for local New Zealand manufacturers that have seen many go to the wall. The plastics custom moulding industry in particular is struggling to stay afloat and competition for the remaining work is intense. The offer to settle on the table from the first day of bargaining was a 2% increase, increased sick leave to 7 days from 5, a new acting up allowance and agreement on wage review wording. The parties were to get together again to negotiate further on outstanding claims for redundancy and to finalise the wording for the acting up allowance and reviews.

At the next day of bargaining

Frank stated that he had given some thought to the concept of the Living Wage and to the notion fast tracking increases for those at the bottom of the wage scale. So instead of an across the board percentage increase and offer of a flat rate would give those below the Living Wage figure a greater percentage increase and still keep the overall wage bill within the company's means. Accordingly he put a new offer on the table of \$15.00 per week for all members.

FLAT INCREASE

The Unions agreed with the concept of what was being proposed but advised that we were not mandated by members to negotiate in that way. After some discussion on the matter the Unions countered

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Modest pay rise for mail printers

The negotiations for a new collective agreement with Datam produced an offer for settlement that was ratified by members in April.

Datam is a subsidiary of NZ Post which prints bulk mail. With the decline of mail volumes negotiations with anything to do with Post can be anticipated to be difficult.

PAY RISE

The PWUA negotiators pushed for a decent pay rise. Initially the company's offer was 1% per year for a two year agreement. When this was rejected the union eventually

managed to get the company up to 2% for an 18 month agreement.

The new agreement will slightly improve redundancy arrangements which was important to the Petone branch which is being closed. The redundancy provision now allows for early release without loss of compensation.

Other matters agreed included one days leave on pay within 2 weeks of an employee's birthday, a special holiday of 4 weeks on completing

25 years service, a higher duties allowance of T1.15, and overtime in excess of 18 hours to be paid at double time. Between 40 and 58 hours it is at time and a half.



Datam Petone: Closing down

with 45cph across the board which would be recommended. Prior to this the offer of 2% had been considered fair and reasonable in light of other settlements within the manufacturing sector.

EXTRA FOR BOTTOM

The 2% offered had been stated as an absolute maximum the company could afford this year. Although it took the total wage bill beyond the 2% maximum offered, the company agreed with 45cph

and the extra two days sick leave in order to make an offer palatable to all that would also lift the bottom higher still percentage-wise. The increases worked out at 3.2% for those at the bottom and 2% at the top rates.

Members subsequently voted for the total terms of settlement.

It is pleasing to see an employer demonstrate the positive things they may say and in this instance Axiam Plastics and its boss Frank Oskam certainly did.

New Winstone agreement nears completion

Last year some workers employed by Winstone at a quarry in the Waikato rang the union about joining the union and getting a collective agreement.

Bargaining was initiated and has been ongoing since.

PROGRESS

Progress has been made and the number of collective agreement drafts now has got close to what advocate Lou Yukich says is the magic number, 13. By the time the thirteenth agreement is drafted everything has been agreed he says. For a new agreement a completeness and savings clause is very important as the agreement replaces many previous contractual terms

and understandings. A completeness clause is one of the items that has been agreed at Winstone and will appear in the final agreement.

PROBATION

A probationary employment provision was sought by the employer. It was pointed out that the law does not provide for the union to be a party to such an agreement. The following wording was agreed:

"New employees may at their sole discretion agree to be subject to the statutory 90 Day Probationary provision provided at s97A Employment Relations Act whilst it remains a feature of that Act. Any such agreement will not be inconsistent with this collective agreement."

Axiam metals agrees to 1.5 x 2

Members at Axiam Metals had for the past 18 months agreed to a zero increase due to what had been a down turn in work.

During that time the company has repositioned and restructured to better meet the needs of the manufacturing sector it serves and to ensure it is not as reliant on a small number of big orders.

This year's bargaining saw an initial offer of 2% amended to 1.5% from expiry and a further 1.5% in October on paid and printed rates. Sick leave was increased to 7 days, a new hazard certificate allowance introduced, flexibility by agreement to rest breaks for shift workers and agreement in principal to the Living Wage.

Members voted for the settlement.

Collective agreement briefs...

Union members employed by coachbuilder and partition manufacturer Hale Manufacturing in Wellington ratified a 2% wage increase and a one year term for their collective agreement.

MAYER & TOYE

Mayer and Toye members in Wellington were please to ratify a 3% wage increase and to renew their collective agreement for a year.

In addition to the wage rise the company agreed to one additional days sick leave.

Unused sick leave entitlement is not lost once the accumulation cap is reached. It is converted into additional annual leave entitlement.

JUST WATER

A new collective agreement has been negotiated for Just Water. It is now a New Zealand wide agreement. The collective agreement expires in 2015 and it saw wages increased by 3.6%. There was also an improvement to motor reimbursing payments.

VULCAN ENGINEERING

The collective agreement with Vulcan Engineering was renewed. The wage increase was only 1.9%. This was the lowest increase in the current round of negotiations in Christchurch. The agreement is for a one year term. It is silent on drug and alcohol policy which has become the subject of a dispute.

Silver Fern Farms imposes shop floor only wage freeze

Kiwi management's guiding rule has struck again at Silver Fern Farms: When faced with difficulty attack workers wages.

Collective agreement negotiations for the Trades Group of unions with members employed by Silver Fern Farms (SFF) have come up against a SFF "salary freeze". Negotiations with the meat workers union have reached a similar impasse.

LANGUISHED

The meat industry has languished over many years and this has taken a toll on wages and conditions. The Meat Workers Union says the hourly wage rate for meat workers has slipped behind rising prices. An extra \$100 per week would be needed to restore 1980s purchasing power.

At the same time output per worker has increased. The yearly volume of meat exported per person

employed was 23 tonnes in 1980. The current level is 43 tonnes.

The company's salary freeze was announced publicly in the news media late last year following an earlier company memo.

SFF in its last financial year reported a loss although on average over the last few years it has trad-

ed profitably. In spite of the recent performance the SFF CEO has enjoyed a 53.5% wage rise over the last 5 years, 40% more than collective agreement employees. Directors fees increased 15% in 2012 and 7.8% in 2013. Workers wages increased 2.5% and 2% for the same years.

The biggest increases out of the industry have gone to the farmers.



Silver Fern Farms: Productivity up, wages down

SFF is a farmer cooperative. Farmers profits before tax over the last 5 years have increased an average of 115% per year.

If management wages increased in line with union members wages perhaps that might improve management productivity in the creative ideas department to restore both the fortunes of SFF and the wages of its employees.

Minimum wage movement underpins new collective agreement

Recycling company Freemantle Enterprises concluded a collective agreement with the union in April which members ratified in meetings on the day and night shifts.

The members decided to delay the start of negotiations so that the impact of any change to the minimum wage could be assessed. The increase in the minimum wage from \$13.75 to \$14.25 per hour overtook the wage rates paid by the company. Wages are controlled by Carter Holt Harvey by virtue of

the fact that CHH is the sole buyer of the recycled waste product. Workers employed by Freemantle have no way of influencing what CHH decides to pay.

CLAIMS

The claims for the collective agreement included a forklift allowance, a night shift allowance, penal rates, a drug and alcohol policy, a further wage increase and a one year term.

Apart from the claim for penal rates, the union was able to get the company to agree on an offer

on of all the claims. With regard to penal rates the ability to pay these is governed by what CHH is prepared to pay Freemantle Enterprises, and that doesn't include a margin for overtime.

The drug and alcohol policy deals with the issue of impairment by requiring an employee who it is suspected may be impaired to produce a medical certificate of fitness for work. If that medical certificate is accompanied by a drug and alcohol test that is negative the employer will pay the associated costs.

4.8% minimum rise over two years

A two year collective agreement for Lyttelton Engineering was ratified by members.

The agreement was negotiated in April. It sees a 2.75% wage increase for the first year of the agreement.

For the second year of the agreement the increase is to equal the increase in the Consumer Price Index, or 2%, which ever is the greater.

DRUG AND ALCOHOL TESTING

The other major change to the agreement came in the area of drug and alcohol testing.

The drug testing provided for the agreement is an oral swab. This

avoids the demeaning collection of urine samples. It also indicates recent use and impairment. Urine tests do not detect impairment,

only historic use or exposure in the case of marijuana.

Drug or alcohol testing is only prompted if there is a reasonable cause. However, this may not apply on sites governed by the contracting company.



4.8% over two years at Lyttelton Engineering

CONTRACTING

When such a company has random drug testing provisions, to get the job, it is common to demand that random tests as they prescribe are accepted by the contractor and their employees. Some policies that are imposed in such cases can be over the top.

Union asks if Tasman is acting legally

A disagreement over an additional weeks leave after 6 years at Tasman Tanning continues to be unresolved.

Some staff chose to sell their service holiday of an additional weeks leave prior to the Union being at Tasman. The Union has had a Collective Agreement for several years which includes a service holiday of an additional weeks leave after 6 years for anyone employed prior to 11 September 2008.

Over the years there has been no discussion with the Union about the agreement with those who sold the holiday as to what would happen if such a person joined the union and became covered by the Collective Agreement. By joining the Union and Collective Agreement the law seems to say that they become entitled to it again.

Recently a small number who had previously sold the holiday have

joined. They were advised by the Union that the additional weeks leave in the CA should apply to them irrespective of what they may have agreed to previously.

In good faith the Union wrote to the company advising of the situation and asking for their view. Instead of responding to the Union and trying to reach an agreement on the issue the company it appears approached the individuals concerned directly quizzing them on how they were told about the matter by the Union and reminding them of their agreement with the company.

UNFAIR

The company then replied to the Union saying they felt it was unfair for the Union to seek this entitlement alleging the Union advised the new members of the entitlement prior to them joining. The company failed to provide

any legal basis for the entitlement not to apply. The Union last wrote to the company on the 11 February restating the union's view and reminded that the original legal question about the members' entitlement to the leave had not been replied to. To date the union has not had not had a reply setting out the company's view of the law.

The extra wages originally paid for selling the weeks leave were minimal. Ironically anyone who has such an entitlement to an extra weeks leave can now sell that leave every year as provided by the Holiday Act at a rate greater than the original deal.

Subject to any legal decision to the contrary the union's view is unchanged: Anyone who sold their leave and who was employed prior to 11 September 2008 and who is now a member of the Union is entitled to the service holiday.

2014 GENERAL ELECTION

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“Many such industries were originally started by forward thinking Governments that made substantial investments in projects that would otherwise never have developed.

“Our Conference’s view was that whilst we applauded the recent announcements economic policy needs to go further to help manufacturing recover and to stop the decline into a single commodity (dairying) manufacturing country with the associated environmental risks and potential competitive threats.

“Our union supports the introduction of a Tobin tax as is now being considered in countries such as Germany and France as this will further reduce speculation in the New Zealand dollar which contributes to its unrealistically high



Tasman mill was established in the 1950s using tax payer funds

level.

“Our union also supports a capital gains tax and controls on immigration numbers and immigrant qualifying criteria...

“Both are essential to improving living standards, the former by helping control house price driven inflation.. and the latter by end-

ing a population growth in excess of the rate of GDP growth which, when coupled with the massive export of corporate profits, can only, by design, depress remuneration, living standards and employment conditions whilst maintaining unemployment at unnecessarily high levels.”

LIFE MEMBERSHIP AWARDED

John Mahanga was given life membership of the union by the annual conference.

General Secretary Graeme Clarke told the conference that “life membership is an honour without benefits reserved for union members who have given outstanding service to the union. The officers of the Wellington District have moved that John be given this honour.

“I have particularly enjoyed working with John. He is a great devil’s advocate. He could always be relied on to put up a contrary point of view if things were getting too dull, with a twinkle in his eye.”

“John’s service to the union was mainly devoted to pulp and paper workers in Kawerau, but

he could always be relied on to assist anyone when asked,” Graeme Clarke said.

Delegates carried the motion to award life membership by acclamation.



John Mahanga is awarded a life membership medal and certificate

Leadership transition decided in union conference

Two General Secretaries were elected by the annual conference.

The conference decided that having two would assist in the change of generations in the union's leadership.

The two General Secretaries election were incumbent Graeme Clarke, and current Wellington District Secretary, George Larkins.

Graeme Clarke said that he would retire from full time work in May 2015 when he turned 65. However, he will be available to work part time as required to assist the union after that date.

Graeme Clarke *George Larkins* said to the conference that "many of the generation of trade unionists who founded the union in 1988 are now retiring, and many have passed away. With the retirement of Harold Appleton, and this being John Mahanga's last conference, it is time for me to go too. As you get older you don't handle the stress as well as you used to and we need to ensure that members are well represented."

COACHBUILDER

George Larkins joined the Coachworkers Union when he worked at Coachwork International at Palmerston North. He was a Coachbuilder. He was elected by the members as union delegate for the site. George was appointed to an Organiser role by the Coachworkers Union in 1985. He became Wellington District Secretary in 1998.

George is 56 with 4 daughters and 9 moko. He grew up in a Union house where his mother was a staunch union supporter. George says "she drummed into me the saying - an injury to one is an injury to all - which has always influenced my approach and thinking in respect to unionism."

George says he was mightily impressed with the Union's officials including ex-Presidents of the M & C Union Charlie Symes and Con Devitt. David Steele who established the M & C

Union delegates training also left a good impression. When George assumes the sole responsibility for the General Secretary's position for the time there will none of the officials at the to the founding conference of the union in February 1989 remaining,

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Greg Hopkins

although George was a delegate to that conference.

Greg Hopkins, a boilermaker from Christchurch who works for CWF Hamilton, was reelected as President.

VICE PRESIDENT

A new Vice President was elected. He is Bruce Manely from Dunedin. Bruce is the Otago Moulders President. He works for ESCO and has been a member for 10 years. Bruce is 44 years old and has been a delegate to the unions annual conference for 5 years. Bruce volunteered at the conference to assist the union by taking responsibility for up-dating the union's website.



George Larkins



Bruce Manely (centre) at the conference with Graeme Candlish and Phil Yarrall

Health & safety

Health and Safety at Work Act to strengthen worker safety rights

The Health and Safety in Employment Act 1992 (HSE Act) is being replaced with a new Health and Safety at Work Act (HSW Act).

The new law clarifies responsibilities, and increases worker participation, the scope for personal liability and penalties for breach. It is aimed at improving New Zealand's poor record of health and safety at work.

The Bill's main purpose is "to provide for a balanced framework to secure the health and safety of workers and workplaces". It is closely modeled on the Australian Model Work Health and Safety Act.

DEFINITIONS

The confusing terms of "harm" and "serious harm" under the HSE Act have been replaced with comprehensive definitions of "notifiable injury or illness", "notifiable incident" and "notifiable event".

Part 2 of the Bill, which sets out Health and Safety Duties, says the primary duty for ensuring work-

place health and safety will fall on "a person conducting a business or undertaking", a "PCBU". The concept of a PCBU is broad.

A PCBU must ensure, as far as is reasonably practicable, the health and safety of workers and others affected by the work.

PCBUS

The Bill also sets out particular duties for PCBUs who:

- Manage or control workplaces
- Manage or control fixtures, fittings or plants at workplaces
- Design, manufacture, import, supply, or install plants, structures or substances that are to be (or could reasonably be expected to be) used in a workplace.

The Bill will create a positive duty on "officers" to exercise due diligence to ensure that the PCBU complies with its duties or obligations under the Act. This is a significant change from the current law.

An "officer" is defined as:

- Where the PCBU is a company, a director of the company
- Where the PCBU is a partnership, a partner
- Any other person who makes decisions that affect the whole, or a substantial part of the business or PCBU (for example, the chief executive).

The new 'due diligence' requirement will therefore extend to directors, chief executives and some senior managers, and require officers to take reasonable steps to:

- Understand the PCBU's operations and associated hazards

- Ensure that the PCBU has, and implements, appropriate health and safety processes, and that these processes are sufficiently resourced and verified.

The Bill significantly increases penalties. The most serious offending has a maximum penalty of \$3,000,000 for a body corporate (currently \$500,000), and \$600,000 or five years imprisonment (or both) for individuals, a three year increase to the current prison term and \$100,000 increase to the maximum fine.

CONSULTATION

Part 3 of the Bill includes a duty on PCBUs to consult with workers on health and safety matters and procedures for electing health and safety representatives. It provides details as to the nature and circumstances of consultation required. For example, consultation is required when making decisions about the adequacy of facilities for the welfare of workers, and when proposing changes that may affect the health and safety of workers.

Under the Bill, all PCBUs are required to have worker participation practices that provide reasonable opportunities to participate in improving work health and safety on an on-going basis. Currently, employee participation systems are required only where there are 30 or more employees (or where it is requested by an employee or union).

The current right of employees to refuse to perform work that is likely to cause them serious harm is extended under the Bill to include



Dangerous industries like forestry need better law to reduce work injuries.

REFORM BILL SUBMISSIONS

The union has made submissions on the Health and Safety Reform Bill.

The union generally supported the Bill but sought to clarify its relationship to other laws and regulations.

The union argued that the Privacy Act should apply to historical medical information with consent specifically being required for its release to an employer.

The union said that the rights of the New Zealand Bill of Rights Act should be extended to any worker carrying out functions under the new Health and Safety law.

The union argued that NZTA break rules could constitute a minimum with regard to fatigue.

all workers (ie it includes contractors), and to allow workers to refuse to carry out work that may expose another person to a serious health and safety risk.

There are also protections for workers who are discriminated against in relation to health and safety matters. The Bill amends the Employment Relations Act to specifically allow an employee to raise a personal grievance if the employee has been dismissed or disadvantaged for a reason related to the employee's participation in workplace health and safety or performance of a health and safety function.

PENALTIES

Part 4 of the Bill deals with enforcement. Inspectors will be empowered to issue improvement, prohibition, and suspension notices. Individuals will be liable for a fine of up to \$50,000 and entities up to \$250,000 for breaching an improvement notice.

Drink driving OK for management

Vulcan Steel issued a new drug and alcohol policy.

The new policy was an astonishing example of one rule for us and a different one for them.

The policy provided that there was zero tolerance for drug or alcohol. Any evidence of either in an employees system during time at work and the company's new regime of being stood down from work springs into play.

There is, however, one important exception: "During Vulcan Steel social functions.. either on-site.. or offsite, and where alcoholic beverages are available to Employees as

part of the Function, provided an Employee is "off-duty", he/she.. may partake in the sensible consumption of alcoholic beverages.. Where the Employee is entitled to the use of a company vehicle, the Employee may leave the Function by driving the company vehicle provided that the Employee can do so within the legal driving limit." Management have access to company cars and can drive provided they are below the 400 breath test limit. A worker who has 1 microgram of alcohol per litre of breath is ordered home - in a company car if provided!

VULCAN ATTEMPTS TO STOP ACCESS TO A PERSONAL GRIEVANCE

Continued from page 3

of a Notice of Direction issued by the Employment Relations Authority member, David Appleton. This notice said "I note with concern that Ms Reid writes that the respondent considers that "by raising a personal grievance in respect to the warning.. Mr Walker.. brings into question whether Vulcan can have the requisite trust and confidence in Mr Walker going forward". There follows a declaration that the respondent intends to investigate these concerns with, I infer, the threat that this could result in the dismissal of Mr Walker...

CONCERN

"This statement causes me concern because the respondent's intended action appears to amount to the taking of disciplinary action against Mr Walker for lodging an application with the Authority... To threaten to discipline Mr Walker for having commenced proceedings in the Authority may amount

to an attempt to punish Mr Walker for exercising his statutory rights. I therefore caution the respondent to consider any such intended action carefully".

The case was directed to Mediation.



Union backing campaign to save trollies

The Wellington Regional Council is pushing for Wellington's trolley bus fleet to be scrapped by 2017 when a new round of tendering for bus routes will take place.

The push for this change is being led by ex-Labour Members of Parliament Paul Swain and Fran Wilde. Opposition to dumping trollies is being voiced by the Greens regional councilors. The union is supporting their campaign to retain the trollies.

The trolley buses use the old overhead wires that were put in place for trams. When trams were phased out in the 1960s the wires were retained and trollies put into service.

NATURAL MONOPOLY

Trolley buses are a natural monopoly and have always worked against the competitive tendering system that was put in place in the early 1990s. This tendering system awarded public passenger bus services to the cheapest tenderer. The cheapest was usually the worst employer with the worst employment agreement.

Because of the domination of trol-



Wellington's trolley buses have been important to union members in retaining conditions of employment that have been lost elsewhere.

lies in Wellington, and the fact that the union has always enjoyed 100% membership, or very close to it, the conditions of employment have been retained by Wellington drivers and maintenance staff.

Even then, to retain the work, drivers had to agree to a 10% wage rise in the early 1990s, and the loss of some conditions. Retaining the trollies and 100% membership has allowed the union over the years to recover these losses.

The overhead wiring needs sub-

stantial work if it is to be retained. This cost, estimated to be between \$30 - 50 million, is the main reason advanced for scrapping trollies. However, the advocates of more diesel buses neglected a \$20 million cost to decommission the overhead system when discussing the economic merits of their polluting cancerous "vision".

MULTI EMPLOYER AGREEMENT

As well as campaigning to keep trollies, at the next CEA negotiation in 2016 the union will have to redouble efforts to ensure that the Wellington agreement is open to every employer who may get work in Wellington. This will come up against a law change currently before Parliament giving any employer the right to opt out of multi-employer agreements.

If Wellington bus drivers and maintenance workers stick together then the new round of competitive tendering need not be the disaster that it was in 1990.

Price rises slow

Prices rose by 1.5% for the year ended March 2014.

The rate of annual increase fell from the December year level of 1.6%. The increase in the March quarter was 0.3%. In spite of the rate of price rises slowing the Reserve Bank has increased interest rates twice to control inflation impacting on those with house mortgages.

Housing and housing utilities were a major contributor to annual price rises over the last year being responsible for half the total.

Other significant contributions came from tobacco and alcohol price rises (caused mostly by increased taxes), milk, cheese and eggs, up 5.9%, dwelling insurance up 21%.

Canterbury Branch M&C WORKERS UNION AGM

29 AUGUST 2014

At Opawa Bowling
Club 81 Opawa Road

- 9.30am for members at Scotts Engineering
- 1.30pm for remaining members

Agenda

1. Minutes
2. Secretary's Report
3. Presentation of Audited Accounts
4. Elections of officers
 - President
 - Vice President
 - Secretary
 - Boilermaker Industry Rep
 - Shipwright Industry Rep
 - Engine Driver Industry Rep
 - Engineers Industry Rep
 - Two Trustees
5. General Business

Anniversary marked by 150 trade unionists

27 March 2014 saw over 150 trade unionists attend a function in Wellington Trades Hall to commemorate the 30th anniversary of the bombing.

The gathering was addressed by Peter Cranney, a Wellington lawyer and former Vice-President of the Cleaners Union. He gave his personal recollections of Ernie Abbott, his predecessor as Cleaners Union Vice-President.

Richard Wagstaff, PSA Secretary and CTU Vice President spoke on behalf of the CTU.

M & C Union General Secretary, Graeme



Graeme Clarke speaks about the Trades Hall bombing to the trade union commemoration

Clarke, addressed the meeting as Wellington Trade Hall Secretary. He said that the Trades Hall was the spiritual home of the New Zealand trade union movement and that the attacks on unions that had led up to the bombing had continued to this day.

"In the 1960s kids didn't go to school hungry. As a young union

delegate in the 1970s I recall members kids had enough to eat. Today 200,000 Kiwi kids go to school hungry. This is a direct result of the campaign against unions which the bombing of this place represents and which has weakened us," he said.

Graeme Clarke said the union members of the Trades Hall were working to see if there was a way to upgrade the building and earthquake strengthen it so that it could continue "to provide facilities for Wellington's workers and serve as a visible symbol of the struggles of workers that is the basis of social progress."



International news...

Campaign against TPPA grows

Thousands took to the street in a National Day of Action on 29 March to oppose the Trans Pacific Partnership Agreement (TPPA).

The TPPA is a free trade agreement negotiation being conducted in secret. The agreement could make huge changes to New Zealand and effectively stop Kiwis from determining our future if some proposed change in years to come is contrary to a signed TPPA deal.

OPPOSITION GROWING

Demonstrations took place in 16 parts of the country. There was a massive media coverage of the actions giving a huge education outreach about the secret TPPA negotiations. The effectiveness of the demonstrations was borne out by the protest website getting 20,000 hits in a week following the demonstrations and political parties, unions, major organisations coming out against the TPPA. Protest organisers urged supporters to strengthen and expand the networks so thousands more people are ready to take to the streets to demonstrate opposition to the TPPA at short notice.



Thousands of Kiwis demonstrated their opposition to the TPPA on 29 March

Campaign organisers said "Lots of people have asked when the next march is! It's great to have that energy around the campaign. But instead of setting a date for the sake of it, we really need people to be ready to mobilise with very little notice." Labour party members were urged to work on their local branches to get the Labour Party off the fence and to oppose the TPPA.

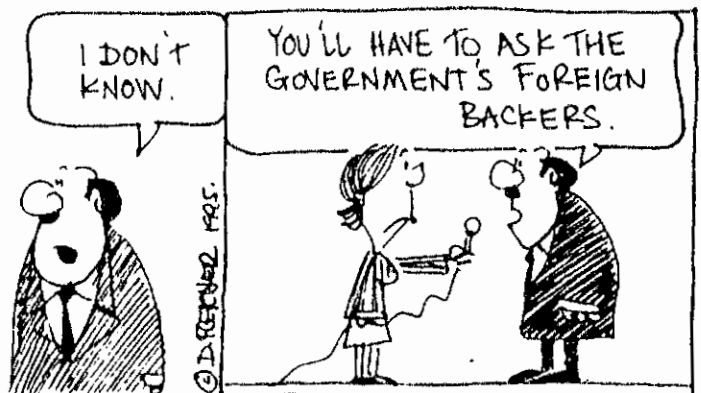
The current state of play suggests there could be a ministerial meeting in late May where the negotiators of the TPPA could try to make the big decisions. That will depend on US President Obama's visit to Japan on 23-25 April and whether they can bridge the gap between the various countries' negotiating

positions that is holding up the process of concluding the TPPA.

QUICKLY CONCLUDED

If a deal is done in late May, the NZ government will act rapidly to rubber stamp it. There will be very little advance notice. If not the deal may not be done until July at the earliest.

Local body councils are also expressing their concerns about the TPPA. On 2 April Horowhenua joined the list of councils with resolutions of concern about the TPPA. The list includes, Auckland City, Nelson City, Tasman Bay, Palmerston North and Horizons Regional Council.



APP attacks union with military

Indonesian union FSP2KI has been leading the struggle against Asia Pulp and Paper (APP) after the company illegally broke off collective bargaining talks and called in the local army and police to intimidate workers against supporting the union in West Java.

FSP2KI's Pindo Deli Paper Workers Union SPKPD began a one-month strike on 27 February to protest the breakdown of collective bargaining due to company intransigence and the escalating tension caused by deployment of local army and police to the factory.

APP EXPORTS TO NZ

APP is a market leader worldwide with a history of anti worker tactics at its PT Pindo Deli's twin mills in Karawang, West Java, one of the world's largest paper mills. FSP2KI organizes well over half the 13,000 employees there, and had to strike to win the current

collective agreement two years ago. Management has rejected all union proposals during four failed bargaining rounds, with troops intimidating workers since before the first round in December 2013.

PROTEST

IndustriALL Global Union sent a protest letter to APP management urging them to sit down at the negotiating table and stop using military forces against the participants of the strike. The company was urged to fulfill the regulations concerning the principles of negotiations in the district of Karawang, and withdraw the troops from Pindo Deli territory. IndustriALL has also protested the use of scab replacement workers brought in to undermine the strike. "IndustriALL will monitor the situation and continue to support our sisters and brothers in their fight for their just demands," said Anatoly Surin, IndustriALL pulp and paper director. The strike will continue until 28 March.

"It's the same the whole world over..."

50 metal workers unions in Japan combined for the annual spring wage offensive and secured the best deal in 15 years. Japan's prices are falling rather than rising so the minimum 2% increase achieved represented a big improvement. The annual bonus was also increased from 4.6 months salary to 5.1 months salary.

30 PER CENT

3600 Jordanian oil refinery workers achieved a new two-year collective agreement with a 30% pay increase for all workers, improvement to the retirement benefits, health and medical services for all workers and their families including pensioners. To win the deal required a strike threat which was backed by IndustriALL.

HYUNDAI WORST

Hyundai is the worst major car manufacturer in recognising worker and union rights. A network of Hyundai unions has initiated a campaign to get a global framework agreement. German union IGMetall has filed a complaint with the OECD about the company breaching workers rights at Russelsheim.

RELEASED

Korean Kim Jungwoo, arrested in 2009 for leading a 77 day sit-in by Ssangyong workers, has been released following an international union campaign. The strike was prompted by dismissals at Ssangyong. It was broken by helicopter and taser attacks.



Striking Indonesian paper workers

UNION CONFERENCE URGES MEMBERS

Ignore the polls and vote

In the last general election there was a very low turn out of voters. Many union members told union officials when discussing the election: "Look at the polls. National cant lose. I am not going to bother to vote."

Opinion polls are saying the same thing today. One poll at the end of March had National on 47%, Labour on 31% and the Greens on 11%. Clearly the same logic still applies, why bother?

INACCURATE REPORTING

However, opinion polls paraded through the news are never portrayed accurately to reflect what the total voting population may think.

The opinion poll that gave National 47% support also revealed that 18%, nearly 1 in 5 who answered the pollster, refused to say how

they would vote, or had not made up their mind.

If the 18% are included in the poll result, the National Party vote drops to under 40%.

POLL CLOSE

If a number of those who are undecided are weighing up which current opposition party to vote for suddenly the election result becomes too close to call.

The effect of political polls on the actual election result was discussed at the M & C Union conference. One concern voiced was about the increasing potential bias in the way polls are conducted.

Most opinion polls are conducted over a fixed landline phone. Increasingly poorer New Zealanders



are giving up landlines in favour of having a mobile only, often the mobile is pre-paid. In phone based opinion polling pre-paid mobiles are never included meaning that the poll result is skewed by omitting the opinions of a significant portion of the population that is less likely to vote National.

NEVER ASKED

None of the 22 delegates to the union conference had ever been asked which party they would vote for in an election.

The union conference resolved to urge members to ignore opinion polls, to ensure that they, along with eligible family members, are registered to vote, and to vote on election day in September.

ENSURE YOU ARE ENROLLED

*Are you registered to vote?
You can find out on line by
going to*

www.elections.org.nz

*At the electoral commission
website you can check your
details to make sure they*

*are correct. You can also
enroll to vote if you are not
currently on the electoral
role.*

*The union intends to make
registration forms available
for members to ensure that
all are enrolled.*

Issue number 100 of "M & C Workers News" was prepared by the National Office of the Manufacturing & Construction Workers Union.

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The articles published in M & C Workers News are not necessarily the same as the policies of the union