



# M&C Workers News

JOURNAL OF THE MANUFACTURING & CONSTRUCTION WORKERS UNION

## At last, we have a choice!

For the first time in 30 years there is a real choice in a general election.

David Cunliffe says (on page 9) the next Labour government “will close the book on neo-liberalism and restore our nation to its egalitarian values”. This brings Labour into line with the Greens and Internet Mana and holds the promise of real change.

The current government has cemented in place a “rock star economy”. This is an economy where the rock stars perform and are paid handsomely, the audience pays, and adulation is showered on the rock stars by the “critics”. The rock stars are the money people - those who move money in and out of New Zealand, like John Key used to do - to take advantage of higher interest rates and to speculate on fluctuations in the NZ dollar. 95% of money coming into and out of New Zealand is this kind of money.

A US speculator can shift money from low US interest rates into high NZ rates, and, with a small fluctuation in the NZ dollar, double

their rate of return from what they would have got if they had left their money in the US. These speculative gains are untaxed, drive up the rate of the NZ dollar and undermine the producers in New Zealand, and employment, and wages.

Other rock stars are the dairy farmers. More and more milk is being produced for export and the economy is increasingly vulnerable to commodity price fluctuations. The farmers pollute rivers and lakes in the pursuit of increased production taking away our right to enjoy our land.

In the 1980s it was our patriotic duty to buy a “bigger block of cheese” because dairy prices were so bad due to over supply on world markets. And we could afford to do it because we had reasonable paying jobs in other sectors like manufacturing. No more.

When commodity prices crash, as they do, we are again in for a very hard time, just like the

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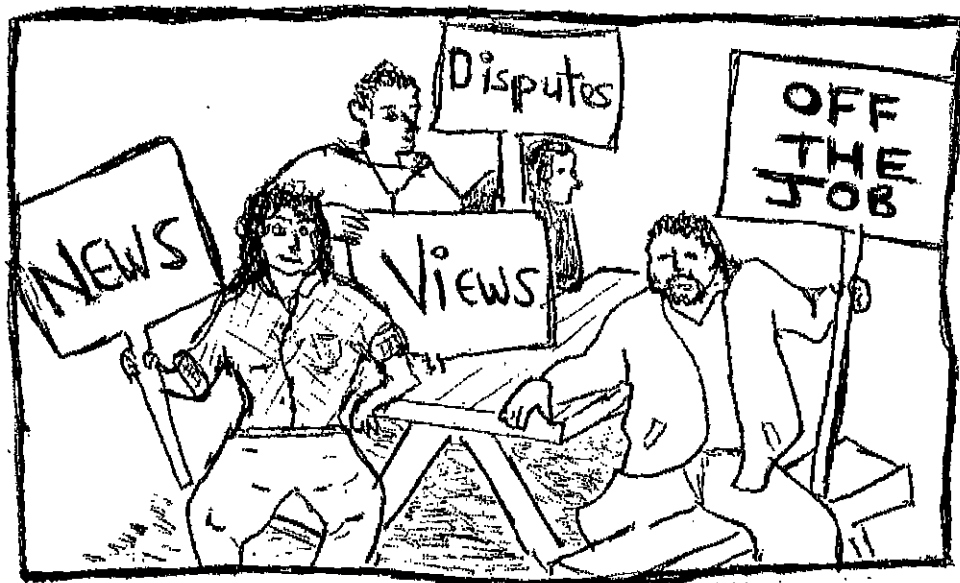
#### ***Health & Safety... page 10***

*Oral fluid drug testing is now available anywhere in New Zealand and is proven better for job safety.*

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## Access refusal resolved on union's terms

**The dispute concerning access to Go Wellington's workshop was resolved in mediation after 5 months of disruption to union activities.**

The company tried to stop access to the workshop floor in late January. They insisted on personal prior advice of a visit by a union official and that no member could discuss any issue with a union official other than in a room made available by the company for that purpose.

### 37 YEARS

When the dispute first arose Graeme Clarke pointed out that the same procedures had applied for the last 37 years he had been going to the workshop, and that he had always complied with them. He told the company "It is normal for such matters to be discussed rather than being the subject of unilateral edict."

The company insisted and so the new access rules were tested in February and March. The company stood by its new requirements

and union business had to be conducted on the side of the street.

The company claimed that the reason for refusing entry was concern about safety. They said the workshop was hazardous with a lot of traffic and pits. The union asked if it was so hazardous for a union official with 37 years experience, why was it considered safe to have anyone working there?

### NO ANSWER

No reasonable answer was forthcoming so the union commenced legal proceedings against the company for breach of the Access Rights guaranteed by the Employment Relations Act.

Mediation was arranged in March and failed to reach agreement. The company changed legal representatives and a new mediation was held at the end of May. This time the dispute was resolved.

While the full terms of the settlement were confidential, the settlement did include new protocols about union officials access to members.

The new rules give specific re-

quirements to obtain access that comply with both the provisions of the collective agreement and the Employment Relations Act.

40 minutes ahead of the visit the company will be advised by text or email of the purpose of the visit. The official will sign in the visitor book at be given a high viz vest to wear at that time.

The protocols agreed were essentially what had been suggested to the company in February in reply to the company's imposition of their illegal restrictions in January.



*From the work front...*

# Post's investigation flawed

**Murray McLennan was employed as a postie with New Zealand Post Limited (NZ Post) for 17 years, recently as a motorcycle postie.**

He was instantly dismissed for serious misconduct on 14 May 2013. David Thomson of the Postal Workers Union investigated the company case and believed that Murray had been unjustifiably dismissed.

The dismissal was taken to mediation with no resolution., then to the Employment Relations Authority (ERA).

NZ Post said Murray's dismissal was justified on the basis of his unsafe behaviour as a motorcycle postie. It said it conducted a thorough investigation concluding his actions were serious misconduct warranting dismissal.

## ERRATIC

The main thrust of Post's case against Murray was that he was seen driving erratically - weaving across the road, riding one handed in blustery conditions, tailgating and stopping abruptly. It was also alleged that he was seen using his mobile phone while riding his motorcycle.

Murray was informed that the complaint about him had come from Toby Beaglehole (General Manager Delivery) who had been following Murray as he rode along the road. This was 9 days after Murray had been suspended.

At the disciplinary investigation meeting held one day later Murray gave his explanation for both driving erratically and the mobile phone use. He said that the combination of the wind and the weight of the bike caused the bike to weave



*David Thomson*

about (this explanation was backed in the ERA by another experienced motorbike postie) and also that he had taken one hand off the handlebars to clear a bit of grit from his eye. He also noticed that there was someone riding close to him, Toby Beaglehole. He admitted that he may have been following Murray closely on one occasion. The ERA heard that Beaglehole was riding in Murray's blind spot and had therefore contributed to the riding he complained about.

## ADMITTED USE

In relation to the mobile phone Murray admitted he had taken his mobile phone out of his pocket when he had stopped at a red light. He had done this because he had been aware of his phone beeping while he was riding. He wished to check it. When the lights turned to green, the mobile phone was still in his hand and he indicated his intention to go to the side of the road to use his phone. Murray said he had been unaware the law did not permit a driver of a stationary vehicle to use a cell phone in any way.

These explanations were not accepted by NZ Post. However the

Authority found that the investigation carried out by Post was flawed in that it relied heavily on information from Toby Beaglehole about his observations of Murray's conduct. The Authority was also not satisfied that Post's investigation was sufficient to justify the conclusions it reached regarding Murray's conduct. A fair and reasonable employer would have carried out a more thorough investigation into Murray's explanations the ERA said.

## MISCONDUCT

The Authority referred to the collective agreement regarding "failure to observe safety rules" as an example of minor misconduct. The use of a cell phone while driving, including while stationary at traffic lights, is a traffic offence at the lower end of the scale, attracting a fine of \$80 and 20 demerit points. Murray's admission of such use on 29 April 2013 warranted disciplinary action. However on balance it did not justify his dismissal, the ERA found.

The ERA found that Murray's contribution that lead to his personal grievance was 30% and his remedies were reduced accordingly. In view of the level of contribution to his dismissal the ERA did not consider reinstatement to be practicable. Murray has indicated that he would like to be reinstated and has engaged a lawyer to appeal his non-reinstatement and the reduction of his compensation.

Murray was awarded the sum of \$5,110 less tax in lost wages (\$7,300 less 30%) and the sum of \$4,900 as compensation (\$7,000 less 30%).

## *Collective agreement negotiations...*

# **Record profit revealed after bargaining**

### **ENZA is now a fully owned division of Turners and Growers.**

Collective agreement bargaining saw a new Manager (the previous Commercial Manager) and an HR representative from Auckland in attendance. Turners and Growers advised that they continue to be committed to ENZA's business operating out of Hastings. However, due to a large unpredicted loss of some millions for the preceding financial year, and a fluctuating high NZ dollar, a zero increase to labour costs was sought by the business.

### **ONE PERCENT**

Following protracted and robust discussions around some counter claims by members, a 12 month term, a 1 % increase backdated to 01 Oct 2013 and an agreement to meet to discuss criteria and outcomes for wage reviews during the term was ratified in April 2014. Agreement was also reached on appropriate training for water test-

ing, a function previously contracted out.

After the negotiations concluded Turners and Growers filed accounts for the 2013 year. To paraphrase the company report, unlike the loss making year of 2012, 2013 was a record year for profits. ENZA performed strongly.

### **RECORD PROFIT**

"After two consecutive years of material write-offs due to revaluations and impairments, the Turners & Growers Group achieved a profit before income tax of \$23.4m for the financial year ended 31 December 2013. This represents a record profit since Turners & Growers' listing on the NZX (stock exchange) in 2004", the annual report said.

"ENZA's New Zealand pip-fruit export profit increased due to higher volumes and price increases in its export markets. Cost reductions, especially of the European programme, a further diversion

*ENZA's message to union members about the 2012 loss incurred by the company:*



*What will the message be about the record 2013 profit?*

# **MRP 6.1% over 3 years**

### **Collective agreement bargaining at Mighty River Power has reached the point of drafting Terms Of Settlement.**

The union has an offer on table for a three year deal. The wage increase offered is 2%+2%+2%. Most other outstanding matters have been dealt with in the course of a process of variations during the currency of the present collective agreement.

The union has gone for a three year deal in expectation of the National

Party retaining control of government and anticipated anti-union legislation signaled by Key.

### **FITNESS FOR WORK**

A provision was secured for an amendment to the fitness of work provision allowing for random drug or alcohol testing but not by

urinalysis. This means that the employer will not get historic information on drug use that is irrelevant to an employee's fitness for work.

The worker can still choose to go to their doctor to obtain evidence of fitness as an alternative to the company test.



## 4.6% over two years

The union and Viridian Glass had wage bargaining during May and June.

After a lengthy claims meeting in March with Viridian union members we were ready to initiate bargaining and approach the Viridian hierarchy. Negotiations were delayed two months, bargaining finally commenced on 22nd May 2014.

There were sixteen claims produced by Union members and eight by Viridian Glass Ltd. After a 7 hour bargaining meeting, with the Viridian hierarchy playing hardball, and a lot of debate around claims, we finally had enough information to provide to our members and ask if they were agreeable to a settlement. This was a lengthy discussion as the company claims were quite drastic.

### NOT HAPPY

A few of the newer union members spoke of industrial action as they were not happy with most of the company claims. After further bargaining, however, the union made improvements on 12 out of our 16 claims and most of the company claims were withdrawn.

The wage increase claim of 10% was rejected by Viridian (this being the main issue for unhappy members) and an offer of 4.6% over a two year term was put forward by the company. This wage offer, along with other changes, was voted on and accepted by majority decision of around 2 to 1.

The company succeeded in getting only 2 out of their 8 claims. One of these introduced a probationary period. The union hopes that this will stop the company hiring temps through temping agencies. Not meeting required work standards will provide grounds for termination during the probationary



*Michael Renata*

period.

The company also put forward a new drug and alcohol policy. This will not be introduced until all procedures are signed off between the company and the union.

Union claims agreed to by the company, in addition to the wage rise, mostly concerned factory working conditions. The current KPI bonus is also to be reviewed to ensure it operates fairly.

### FIRST

This was my first collective agreement negotiation and I was unsure of the protocols and how to negotiate claims. I had experience helping me in the form of Monica Tukaki our union organiser, and help from two other site delegates, so I was not nervous about sitting at the table with Viridian HR, Regional Manager and Viridian's lawyers.

For me the experience was exciting and new, and now I have basic knowledge of how bargaining works. I look forward to the next agreement negotiations for our union and ensuring an equal, fair and respectful work environment for all union members employed at Viridian Glass Ltd.

*Michael Renata*

## Collective agreement briefs...

Bargaining has started at City Care in Tauranga. Claims were exchanged and the union is waiting on a response from the employer. The claims are modest given this collective is quite attractive compared to others in Tauranga.

### WINSTONE

Winstone engaged a new manager which prompted resignations from membership. However, the senior manager offered to finalise an agreement on the basis of an IEA and to commute that agreement to a collective agreement when membership increases.

### DOWNER "IEA CLUSTER"

Downer settled a 2 year deal with the union for an individual employment agreement cluster in response to the union's initiation of collective bargaining.

The IEAs cover members in Tauranga who now perform some of the work previously done by City Care. The IEA includes treating a portion of the salary as non-taxable meal allowances. The offer was unanimously supported by a happy bunch of members. However, some difficulties still remain with management.

Wage adjustments were variable to provide some sense to the relative salary figures based on skills, qualifications and experience.

# Norske temp breach

**The Pulp and Paper Industry Council of the M&C Union challenged Norske Skog's employment of one previously redundant member on a fixed term agreement.**

The company also wanted to employ another person on a fixed term agreement where a vacancy existed in the ERS Department.

## CEA BREACH

The Union argued that the fixed term agreements were in breach of the staffing levels covered by the CEA. The manning levels for the paper machine are set out in the CEA and can only be altered by agreement. One vacancy arose due to a promotion in the Paper Machine. The other vacancy in the ERS Department was the result of someone leaving the Company. Without agreement with the Union,

the Company stated that those positions would be filled on a fixed term basis.

## REHIRING

Tane Phillips, on behalf of the Union approached the Company and asked them to adhere to the CEA and the policies which stated those forced redundant from asset closures will be considered for employment as was the case with Dave Nuku.

After lengthy discussions, it was agreed the workers could be employed in fixed term roles without prejudice to allow a legal challenge. The case went to the Employment Relations Authority where the Union requested that both be offered permanent positions as per the manning level requirements contained within the CA.

The Union also argued that the company was in breach of section

66 of the ERA in that it did not have genuine reason for a fixed term position. The Authority found that the employer had breached the terms and conditions of the CA in respect to manning levels and both members were subsequently employed into permanent positions. A further intended fixed term position yet to be filled at the time of the case was also challenged and also found to be in breach of the CA. The employer was ordered to fill that role as a permanent position.

## PENALTY

Norske Skog were found to have deliberately breached the CA, however, once the grievance was raised the employer acted in good faith by allowing the affected employees to accept fixed term employment without prejudice to court proceedings. Accordingly a penalty of \$2000.00 was awarded to the Union.

# Rimaati "Rima" Ravenga

On the 18<sup>th</sup> July 2014, Rima passed away peacefully in Dunedin as a result of a sudden illness.

At the time of his passing Rima was aged 70 years and was comforted by his wife Joy, his children and extended family.

Rima was the loved son of the late Tangata Noomutu, and was born and bred on Mitiaro Island in the Cook group.

Aged 26 years Rima traveled to New Zealand in 1967 after being "placed" on a freighter by his Uncle and relations.

Rima met his wife Joy in Dunedin in 1971 and moved there soon afterwards. He is survived by Joy, his daughter Melanie, sons Rima Jr and Anthony.

He became an after-cast operator beginning work at Wilkinson Callen and was employed there

for many years and afterwards at Farra Brothers.

He was a man who could and would, produce awesome product without any fuss or complaint. He soon became a master of his work constantly producing near perfect castings and high output.

Rima was an early migrant and five years later he was often an unpaid employment agent helping his family and others coming to New Zealand for work. His recommendation carried a lot of weight with his employer.

Rima was a keen fisherman and often took quinnets from the Dunedin harbour, before and after work, as well as

other successful expeditions in the south with his workmates.

Brother Rima was elected to life membership of the Manufacturing & Construction Workers Union in early 2014 after a long and supportive dedicated Union membership. Stephen Scandrett offered eulogies on behalf of the M&C Union at his funeral.



*Rima (centre) presented with life membership by Bruce Manely and Calvin Fisher*

**CON DEVITT:**

## A kind, generous man

I first met Con Devitt in 1975 when I had just been elected as the union delegate at Todd Motors. We had banned overtime and Con came out to lend a hand. I struggled to understand a word that he said. My problem was what Con described as his "impeccable BBC English". But I did remember one piece of advice which has stayed with me always. Con said "Graeme, always get the facts."

Over the years I got to know Con quite well so I wanted to share some facts about him.

You always knew which side Con was on. He was unambiguously on the side of workers. He worked hard for any workers in dispute. Con always had time to take up issues that many others would want to bypass or ignore - if there was an injustice Con said it needed fighting.

Con started off with the Wellington Metal Workers Assistants Union. I am not sure of the exact dates, but it was at least the early 1960s. He showed me a picture of himself sitting next to "Chip" Bailey of the Drivers Union with FoL President Fintan Patrick Walsh speaking at a lectern. It was clear Con had been around a long time.

The Metal Workers Assistants amalgamated with the Boilermakers Union and Con became its Wellington Secretary and also Secretary of the Boilermakers Federation.

The Boilermakers developed into a militant union under the leadership of Con and his close mates John Findlay and Alex Maclean. The Boilermakers were involved in many disputes trying to establish conditions of



employment that today are considered normal.

Redundancy compensation was fought for by Boilermakers in the 1960s. Boilermakers established the principle in agreements that prior to dismissal a union member must be represented by the union at disciplinary meetings.

The Boilermakers, particularly in Wellington and Auckland, put emphasis on direct bargaining with individual companies rather than negotiating industry awards. Industry awards tended to be settled on what the worst employer would pay. Company by company bargaining pushed wages up.

Not renewing awards left the Boilermakers open to other union "predators" hoping to nibble away membership. This gathered pace when Wellington Boilermakers were deregistered in 1978.

Speaking about the deregistration of the Wellington union Con said at the time the union was deregistered "no Boilermaker was on strike, three were locked out in breach of the provisions of the award." Con, with that jovial twinkle in his eye, liked to add "I think

## Loved by his members, feared by the boss.

*I would like to send my heartfelt condolences to family and friends of Con Devitt.*

*Con Devitt was a true trade union militant who fought hard for his members and the class struggle. He will be remembered for advancing the interests of boiler makers and the trade union movement for decent pay and conditions. He was a passionate campaigner for political and community issues. The trade union movement has lost a great trade unionist. We have all been lucky to have known you.*

*R.I.P. Comrade.*

*Mick Williams, former secretary Seafarers Union*

it would be fair to say, no honest employer ever had anything to fear from the Boilermakers Union."

Con was instrumental in forming the Manufacturing & Construction Workers Union and was its inaugural President.

Con worked hard for many years for little pay. He gave his time generously to any worker down on his luck, and any union in a dispute. When the union members on the Bank job struck a weekly levy to try and pay Con properly they recognised if the money went to Con he would use it to help anyone he judged to be in greater need. So the levy was struck for his wife Joyce. This good turn, as occurred frequently throughout Con's life, was used to vilify him in the pages of the local *Evening Post*. These kinds of slurs could not mask the truth. Con Devitt was a kind, generous man and a great trade unionist and is sadly missed.

*Graeme Clarke*

**MANA:**

# Raising workers living standards

A key priority of MANA is to raise the standard of living for low income workers and their whanau: a decent house, a livable income, and a job with good work conditions.

MANA will build 10,000 new homes per year for low income people and families to rent or rent-to-buy until the crisis in rental affordability is over. We will develop new low-interest Home Ownership Schemes to assist those on low incomes into home ownership, and ensure whanau are better able to afford a home by raising the minimum wage to a living level (currently calculated at \$18.80 per hour).

A living wage will be set at 2/3 of the average wage to ensure it remains a living wage. MANA will guarantee workers' security of hours by requiring employers to offer extra hours to existing

staff, up to 40 hours per week, before hiring new staff. Work in excess of 40 hours per week or 8 hours per day will be paid at time and a half, and those working public holidays would also be paid at time and a half plus a day in lieu. In terms of work conditions, MANA will repeal the 90 day law, increase sick leave to a minimum of 10 days per year, and increase redundancy payments to a minimum of six weeks pay for the first year of employment, and two weeks for each year following.

MANA supports unions to represent workers' collective interests and advocates for changes to employment relations laws to give



workers' greater bargaining power to negotiate wages and conditions with their employers - including the right to strike.

MANA will impose significant penalties on employers who discourage workers from joining unions, and ensure unions have the right to refer matters to an arbitration body should employers refuse to conclude collective agreements.

**GREEN PARTY:**

# We will support workers

In the last few decades, workers have lost the fair sharing of productivity gains. People are working harder and smarter than ever before – but the rewards are going elsewhere.

Many workers have little say over what happens in their workplace. They have little control over their health and safety, the hours they work, or company-wide decisions that affect them profoundly. Their jobs can be dangerous to their health, or so insecure that they make planning a good life impossible. This is especially true for Maori, Pacific Island, women and disabled workers, who are over represented in the ranks of low-



paid, casual and precarious workers.

To recreate fair workplaces for the

21st century, the Green Party will restore the balance - beginning a shift from a low-wage, low-trust environment to a world in which people get the rewards they have earned.

This election we have a Workers Package that will introduce policies in six key areas: lifting low wages, boosting bargaining power, making the 21st century worker-friendly, democratising work, a just transition from carbon intensive jobs, and bringing top pay back into line

The Green Party will give workers more control over issues like health and safety, and encourage

*Continued right on page 9*



**LABOUR PARTY:****For a better New Zealand**

New Zealand is a nation founded on the idea that everyone, no matter where they came from, poor or rich, city or country, older or younger, new New Zealander or Kiwi of many generations, that each and every one of us would have the opportunities to get ahead and make the most of our lives.

Labour's vision for New Zealand is that we regain that sense of who we are. That we work together to put people first.

That means supporting New Zealand businesses to create decent secure jobs, and changing labour law to ensure that workers can get a fair go.

We'll lower the dollar with our monetary policy to help support our exporters, and we'll make sure government buys Kiwi made.

We'll reverse National's attacks on workers' rights in our first hundred

more co-operatives and social enterprises. The Green Party will put a halt to the unacceptable parts of casualised work, while reforming the welfare state to provide more support for those who want or need to work flexibly.

As a basic principle of fairness, the economic growth New Zealand generates should be shared evenly. To that end, the Green Party will create greater transparency and oversight around the way high pay is set and will also take major steps to encourage pay ratios that link top and bottom salaries in an organisation – so that the rewards of everyone's hard work are fairly shared.

Full details of the Green Party's workers package will be available on our website 19 August. [www.greens.org.nz](http://www.greens.org.nz)

**Denise Roche**

**Greens Industrial Relations**

days, and we'll start the process to overhaul employment law to drive industry bargaining – agreements that cover whole industries. Not just single sites.

We'll do this because unions are a critical part of a strong democracy. They're the collective voice of New Zealand workers on the national stage, but the current law leaves too many unions stuck on the bargaining treadmill.

Without jobs the progressive vision is just that – a vision. But there is more to a fair society than just jobs. Labour knows we have a housing crisis. We will build 100,000 properly affordable homes in our first ten years in government. And we will stop offshore speculators bidding the price of our houses up.

We will also extend Paid Parental Leave, provide a \$60 child



allowance for most new parents, increase free early childhood education hours, and stop school donation demands by increasing funding for our schools.

The next Labour government will be transformative. It will close the book on neoliberalism and restore our nation to its egalitarian values.

**David Cunliffe**  
**Labour Leader**

**AT LAST WE HAVE A CHOICE**

*Continued from page 1*

great depression of the 1930s. For the current government commodity producers despoiling our country, like oil companies fracking for oil, are the rock stars. We are meant to stand back and clap their performance while paying the cost for their businesses.

If we want a more sensible balanced approach to life in

New Zealand we need to get rid of this government. Ignore the doom-sayers who will tell you the result of this election is a foregone conclusion. It isn't. A 2.5% swing to Labour/Green/Internet Mana on some recent polls would see National have less seats than the opposition parties combined.

We can make a difference if we vote.

*Health & safety...*

# Oral fluid testing detects impairment

**Impairment at work caused by the use of drugs or alcohol is a serious health and safety issue at work that has been neglected by many employers in their drug and alcohol policies.**

Evidence for a court has been elevated to the paramount consideration rather than detecting if an employee is fit for work or is impaired by drug or alcohol use. Most employer drug and alcohol policies rely on analysis of urine samples.

## 2 HOURS NEEDED

A urine sample given within two hours of the use of any drug will not detect its presence. The drug has to be metabolized first before it can be detected in urine. It may not be able to be detected in a urine sample for up to 5 hours after use. Once metabolized a drug remains able to be detected in urine for as little as one day in the case of Ecstasy, to as long as 30 days in the case of marijuana.

At the point when the employee



*The sample collector is wiped over the tongue, returned to the cassette, an ampoule is broken and 8 minutes later a test result can be read.*

is most impaired the urine drug test may be ineffective in establishing that fact. At the point where the employee is fit for work the historic use of a drug, however, can be detected.

## ALTERNATIVE

Is there a ready alternative to urine testing?

Oral fluid swab tests have been available for 15 years. One example in use by the Australian police has a scientifically documented accuracy of 100%.

Oral fluid tests are able to test for the presence of drugs within 5 minutes of use, except for opiates which can be detected one

hour after use. Drugs disappear from oral fluids generally after 24 hours. In the case of marijuana it disappears from oral fluids after 4 to 6 hours.

Oral fluid testing can conclusively establish impairment or fitness for work at the time of taking the sample, urine testing can not.

Oral fluid testing has many other advantages

- it is cheaper than urine testing
- kits are available that can be used by anyone who can read a brochure
- it is not invasive
- it can be carried out privately
- getting the



*“Stoned? Lick it and see.”*

result of the test takes 10 minutes and does not require laboratory analysis.

## LIFESTYLE

Urine samples are actually testing for an employee’s lifestyle. That may be relevant prior to hiring. But what an employee chooses to do in their own time is nothing to do with an employer if that employee presents themselves to work in a fit state not impaired by drugs.



# Funding changes hit jobs at YMCA

## Membership at the YMCA has dwindled over the past several months as layoffs occur due to a restructure.

The restructure was forced on the YMCA due to changing the criteria and required outcomes for funding by Government. The YMCA, which has always operated on a community needs basis with a holistic approach, is now funded as if they are like any other educational organisation such as a UCOL.

## INFORMATION GAP

The change is ongoing causing gaps in the required information to meet funding criteria and or outcomes. If certain criteria or outcomes are not met, as judged by the Ministry, and the criteria and

outcomes may change after the fact, then a significant portion of funding already received must be repaid. This seems to be a system where providers are set up to fail rather than succeed in improving the lot of the community through education.

## SUCCESSSES

Over the years the Union has been on site a number of successes have occurred. When first arriving the Union and Management clashed. This is not unusual. It took some years of dealing with each other in good faith to secure a good relationship based on mutual understanding, respect and honesty.

Key to the success of the Union on site in Wanganui has been our delegate Sallyanne Comrie. Sallyanne

worked tirelessly for members and was instrumental in growing and maintaining current membership. Unfortunately Sallyanne was a victim of the restructure and she along with others was made redundant. The Union raised a grievance on hers and others behalf which has since been settled by agreement. New delegates are now in place and membership will be the priority for the next several months.

A collective agreement has been in place for a number of years based on the YMCA's Human Resources Manual. All employees are engaged under its terms and conditions. The historical practice of the YMCA for pay rates and increases was to review staff and give an increase based on that review.

## AGREEMENT RATES

Over the years the Union has been attempting to have rates contained within the CA for all occupations. This year agreement was reached on rates for occupations. Each occupation now has a rate range, which will move each time negotiations occur by the agreed percentage. A review will determine where within the range each individual sits. Rate ranges do not restrict the ability of any individual to negotiate a rate that is higher than the range for the role. All increases negotiated and agreed in bargaining apply to printed and paid rates.

The Union has also represented a number of individuals through disciplinary matters and grievances all of which have been settled by agreement. The ability to readily settle matters by agreement has been made more viable through the relationship building work of both parties.

# Support for broadening paid parental leave

## The union has made a submission to the Ministry of Business Innovation and Employment's review of paid parental leave entitlement.

Currently paid parental leave is available for 14 weeks. It was proposed to increase the entitlement to paid leave to 18 weeks by 2016 in this years budget. The MBIE review was triggered by this announcement. At present paid parental leave is \$475.16 per week before tax.

## BROADENING

The union in its submission supported the broadening the entitlement to paid parental leave so that men have access to paid parental leave as a primary carer.

At present only two unpaid weeks

of parental leave is available to be father or partner of a new mother at around the time of birth.

If a mother dies in childbirth (10 did in 2012) the father or partner has no access to parental leave to guarantee their employment at present.

## SPLIT ENTITLEMENT

The union also suggested that the ability should exist to split the entitlement between a couple. This could see a couple both sharing the caring for a new born baby on pay, and both working part time during the period of paid parental leave.

The increase to 18 weeks paid leave is a difference between the parties in the election. The Government has vowed to block a bill currently before Parliament that extends paid parental leave to 26 weeks.

**Wellington Branch  
Manufacturing & Construction  
Workers Union**

**ANNUAL GENERAL MEETING**

**WEDNESDAY 24 SEPTEMBER 2014**

**1.00pm**

**At Trades Hall 126 Vivian Street  
Wellington**

***Business***

- *Minutes of last AGM*
- *Matters arising*
- *Secretary's Report*
- *Financial Report*
- *Branch Committee elections*
- *General business*

*Nominations are open for the following positions:*

*President, Vice-President, Secretary, 4 Committee members. Nominations will close at the AGM.*

**Furniture  
Manufacturing  
& Associated  
Workers Union**

**ANNUAL  
GENERAL  
MEETING**

**Wednesday 24  
September 2014**

**1.00pm**

**At Trades Hall 126  
Vivian Street  
Wellington**

***Business***

- *Minutes for 2013 AGM*
- *Matters arising*
- *Secretary's Report*
- *Financial Report*
- *Elections*
- *General Business*

*Nominations are open for the following positions:*

*President, Vice President, 2  
Committee members.*

*Nominations will close at the  
AGM.*

**THE  
UNION STARTS  
WITH  
YOU!**



**ATTEND!**

**CPI lower  
than fore-  
cast**

CPI rose just 0.3 percent in the June quarter and 1.6 percent for the year to June. Food price rises were equivalent to over half of the increase in the last three months, and similarly for electricity prices. Housing cost rises were equivalent to a sixth of the rise. Car and petrol prices over the same period fell. Over the year, food, housing, electricity and transport accounted for almost 80 percent of the price rises.

Housing and energy costs rose 1.2 percent in the three months compared to the 0.3 percent in-

crease in the CPI, and 3.4 percent over the year. By itself, household energy – mainly electricity – shot up 3.7 percent in the quarter and 4.1 percent over the year.

The Reserve Bank is expected to increase interest rates again which will hit those paying mortgages and make it more difficult for manufacturing by holding up the overvalued exchange rate.

# In memory of Melvin Booth

Melvin Booth was born in Wanganui in 1952 he attended Tawhero primary school then Rutherford Intermediate School followed by Wanganui Boys College. Melvin completed his Fitter and Turner/ Toolmaker apprenticeship in 1972 at Blake engineering. After his apprenticeship he went to work for Oskam industries (now known as Axiam) as their first employee. He turned down foreman positions over the years as his motto was “work to live don’t live to work”. He continued to work for Axiam for the next 42 years first at Axiam plastics and later at Axiam die-casting and more recently at Axiam Engineering.

Melvin was an EPMU member for 35 years but came to be disappointed in them and told his sons he noticed the EPMU organizers over the years were not in his view representing the workers. Melvin believed that Union was more interested in its relationship with the bosses and at times it felt like the Union was there to promote the bosses views and concerns, not the members. He finally quit the EPMU in disgust when he saw his work mates, some with 30 plus years service, get made redundant and the EPMU stood by and did nothing.

Melvin continued to be concerned



at the erosion of the workers’ rights and was dismayed to see the younger workers coming in and working weekends for the company for no pay as they were told the company was in bad shape. He heard about the M&C Union, was impressed by what he was hearing and determined that this Union should be bought on site to benefit all. He realized by then that whoever you were, you were just a number to the company which was proved correct as when he passed away after 42 years’ service on Thursday 29 May, he didn’t even get paid for the Friday!

Melvin was married with two sons. He loved the outdoors with a huge passion for fishing and hunting something he did regularly with

## UNION DELEGATE

*Melvin was voted in as a delegate and remained one up until his recent sudden passing. Melvin was a bloody good bloke, who had concern for others and was always there to do whatever task the Union may have required of him. People like Melvin are the backbone of any good Union, ensuring the Union remains on task for members. It was evident at his Tangi that Melvin had a vast amount of Mana not only among his colleagues at work but within the Whanganui community. He will be sadly missed.*

**George Larkins**

his sons. He loved all sorts of music especially the Rolling Stones and Pink Floyd and often had noise complaints from the neighbours. Melvin and his family developed a 2 acre lifestyle block into native bush and gardens where he use to hand feed native birds.

Melvin was always proud of his sons and gained two daughters when both boys decided to marry on the property. He had loads of fun with his 5 grandchildren, hunting for bugs and bird watching. He used his unique and specialised engineering skills to build many features on his property including a 3 meter round brick wishing well that is a BBQ inside.

**Simon Booth**



*International news...*

## Secret treaty to destroy public services

**The Trans Pacific Partnership Agreement is not the only treaty being cooked up secretly.**

A news report from the Public Services International exposes the threat to public services in the secret negotiations around the proposed Trade in Services Agreement



*Supachai Panitchpakdi warns of privatisation*

(TISA)

TISA is driven by a group of countries calling themselves “The really good friends of services”. The rich core of this group includes the US, EU, Japan, Canada, Australia, New Zealand, Switzerland and South Korea.

### PRIVATISATION

TISA, the report shows, would build on the work of the World Trade Organisation and bilateral trade and investment agreements. It is aimed to open for wider privatization and deregulation such essential services as education, health, water and transport. The TISA would make it impossible for governments to reverse privat-

izations and restore these services to public control even when private ownership has failed.

TISA would impose new obstacles to public interest regulation to protect workers, consumers and the environment and block initiatives to regulate global finance.

According to a recent speech delivered and published in Auckland by former WTO Secretary General, Supachai Panitchpakdi, state owned enterprises would not be permitted to compete with the private sector with the TPPA and TISA in place. This would dictate further privatisation in a wide range of state owned enterprises, from electricity, to postal services, banking to air

*Continued at top of page 15*

## Australia to cut postal delivery days

**The service cuts and job cuts that NZ Post are putting in place are being mirrored by Australia Post which has just announced an immediate 900 job losses and the expected loss of its current 5 day home delivery standard.**

The job losses which are expected to save the company \$90 million a year in salaries are being touted as being necessary due to the continuing decline in revenues from its letters service.

Australia Post have long lobbied the government to change the standard mail delivery from 5 days a week to 2 or 3 a days a week. It has been estimated that Australia Post will lose \$7.1 billion through to

2022-23 if the business continues on its present path and that losses in its letters delivery business are forecast to be \$12 billion over the same period.

### PRIVATISE

While the Australian government considered the Commission of Audit recommendation to privatise Australia Post, it didn't think the time was right. “I'm not going

to rule out what may or may not happen in the future, but right now we've made a decision that it's not sensible to proceed with a possible sale of Australia Post” Senator Cormann said.

However since corporatisation in 1989 Australia Post has consistently returned dividends to the government's coffers. The last financial year's dividend was \$142 million. And with Chief Executive Amhed Fahour being paid \$4.8 million a year it would appear that some at Australia Post are doing rather nicely.



travel.

US trade negotiator Michael Froman made similar remarks about the TISA in June. He said the ex-



US trade representative Michael Froman

## Employers attack right to strike

**Throughout its history the International Labour Organisation has carried out the important work of supervising the application of conventions on workers' rights.**

Since 2012, however, the Employers' Group has embarked on a sustained and deliberate attack on this system. It started as a challenge to the existence of a right to strike protected by Convention 87, a right that had been recognised to exist by all ILO constituents for decades.

### CHALLENGE

The Employers' Group has challenged the prevailing views on a number of other conventions. The Employers' Group now believe it is they who determine what the conventions mean. Since 1926, a Committee of Experts has been mandated by the ILO to provide independent observations on the implementation of conventions. The right to strike is protected by ILO Convention 87. The Committee of Experts relied upon

existence of state owned enterprises were a challenge that "distorts the level playing field" for privately owned business.

"Public services", says International Union of Food Workers General Secretary Ron Oswald, "are workers' unique form of accumulated wealth - unique because it is public - in an increasingly unequal world, and must be staunchly defended."

well-established methods of treaty interpretation to arrive at this conclusion over 50 years ago.

The ILO Committee on Application of Standards has repeatedly broken down. However, the Employers' Group has made clear that it is will continue to disrupt the ILO over their ideas about the right to strike.

### ACTION

The ILO Governing Body must take decisive action immediately if fundamental union rights, such as the right to strike, are to be protected. The only means now available is to refer the dispute to the International Court of Justice as provided in the ILO Constitution. A referral can be made to the ICJ on the basis of a simple majority vote. A decision by the ICJ should be definitive and put to rest any further question on the existence of the right to strike.

The global union organisation ICFTU has urged all governments to join the Workers Group in supporting this decision at the forthcoming session of the Governing Body in November 2014.

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

Since the start of the year unprecedented levels of intimidation and violence have been directed at Cambodian clothing workers.

Industrial is pressing the Cambodian government to respect workers' rights.

In the past few months, striking garment workers have been forced back to work by the military, killed by police, workers have been dismissed and garment factories have launched numerous lawsuits against union leaders.

### HUNGER STRIKE

Paraguayan union leader Hugo Chirico went on a hunger strike on 22 May for an indefinite duration to highlight the refusal of steel company ACEPAR to comply with 2009 court rulings on the legality of a collective agreement. The company dismissed 325 workers and ignored Paraguay's courts.

### 6000 STRIKE

A strike started on 20 June of 6000 workers employed by glass maker Sisecam, the worlds largest, in Turkey. The employer had offered an 11.8% pay rise, the union's claim was for 23.1%.

### 220,000 STRIKE

A strike of indefinite duration by 220,000 South African metal workers started on 1 July. The union NUMSA is seeking a 12% wage increase and an end to labour brokers and short time provisions.

# Campaign to keep wages and conditions on going

A stop work meeting of union members - bus drivers and maintenance staff - was held the day before Wellington Regional Council decided the fate of the trolley buses.

The meeting carried two resolutions (see box) which were conveyed to the Council and the Minister of Labour in the current government.

## REPRESENTED

The Regional Council was represented at the stop work meeting by Paul Swain, former trade unionist and MP, who supported the axing. When challenged about competitive tendering lowering wages of drivers because it favoured the company that paid the least, he said that cost was only one factor in awarding routes. The question of reliability of service was also important he said, and industrial relations between company and staff was an important factor in deciding which company tendering would be successful.

The unions have continued to lobby about the decision to axe the trollies. A positive public com-

ment was made by New Zealand First. They labeled the axing of trollies as a backward step, laying the blame for the decision on the failure of Wellington Electricity, owned by Hong Kong company Cheung Kong, to maintain the electric substations that supply the overhead wires.

“This Chinese company has no interest in investing in the future of the city’s transport system, it’s here to buy and

sell, make money and take it back overseas,” NZ First said.

As well as lobbying to try and reverse the decision on trollies, the unions are planning for the next collective agreement negotiations in late 2015 early 2016.

## SUBSEQUENT PARTY

In 2005 negotiations, 2008, 2011 and 2013, the unions have put forward a subsequent parties provision as a claim for the collective agreements.

On each occasion this claim has been rejected by the company. The reason given is that it is not legally enforceable. The idea behind the claim, to have all employers

competing for work bound to pay the same wages and conditions has always been accepted as a good one.

## UP TO US

If a subsequent parties provision is included in collective agreements it will be up to the unions to organise drivers employed by any new operators. Those drivers will be entitled to seek the same wages and conditions that already apply. Drivers working for NZ Bus companies will be able to support any actions they decide to take.

NZ Bus can assist by agreeing to the subsequent parties provision. If we are determined we can hold Mr Swain to his promise that only reliable operators with happy drivers at work will be favoured by the Regional Council.

## MEETING RESOLUTIONS

*This meeting urges the Wellington Regional Council :*

- *to defer a decision on scrapping the trolley bus system until a firm requirement is in place that replacement buses must not be diesel powered and any replacement type is proven to suit Wellington conditions; and*
- *to put in place a tendering system for routes that requires all bidders to pay the current wages and conditions of the existing service provider.*

*This meeting calls on the Government to drop from proposed legislation currently before Parliament the right for an employer to refuse to bargain for a multi-employer agreement.*



Issue number 101 of “M & C Workers News” was prepared by the National Office of the Manufacturing & Construction Workers Union.

The union may be contacted at PO Box 6287 Wellington New Zealand. Phone (04) 3858264, Fax (04) 3848007, email to [m.c.union@TradesHall.org.nz](mailto:m.c.union@TradesHall.org.nz)

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