



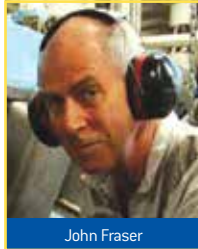
AVIATION & MARINE ENGINEERS ASSOCIATION

Newsletter - March 2015

AMEA CONFERENCE

The AMEA Biannual Conference was held on 05-06 November 2014 in Auckland. Fifty AMEA union representatives attended.

The following commentary is provided by John Fraser who is the Chairman of the Maritime Division and Executive member. He is employed by Interislander on the Cook Strait ferries.



John Fraser

DAY ONE:

First on the agenda after the preliminary ice-breaking was the celebrity speaker Ken Johnson who took us through AMEA's history as its membership responded to the shifting political landscape. Unions have been demonised by politicians, he asserted. The Labour Relations Act in 1987 required that a union had to have a membership of at least 1000 to be recognised, and the Employment Contracts Act of 1991 raised the bar further and resulted in competition between unions in the workplace. The Government has been methodically kneecapping unions and new legislation has dissolved 'The Movement' and reduced unions to toothless bargaining agents. New Zealand has coincidentally the most repressive laws in the developed world against organised unionism. As a result perhaps, only 20% of New Zealand workers are unionised and 9% of them are in the private sector.

I will relate Ken's biscuit story here for a bit of cheer:

- The employer entered the room with a plate with ten biscuits on it, and set it down in front of the representatives of the two unions on site who were there to bargain. They took a biscuit each, but the employer took the remaining eight, and biting into one, put the rest in his pocket. Swallowing, he leaned toward the nearest of the two reps and murmured "Keep an eye on him. He'll be after your biscuit next".

Ken posed the question of how to stand up to the new legislation allowing the employer to legally walk away from bargaining. Action by the workers would bring condemnation from the public who elected this government. He warned that anyone testing the legislation's validity would find it very expensive in the courts. And he left us with a quote of Chairman Mao's; "Know your enemy and you know your strength."

Stan led an open floor discussion next. He began with the statement that we ought not be ashamed to be unionised. It provides a balance, he said.

But look back at what we have given away over the years. We work up to 50 hour weeks, for instance. The employer is motivated while we sleep. We gave up the unionised workplace and are now being channelled into not standing up for ourselves and opposing the employer. The same conditions, the same arguments as existed in the 1800's are still here, society is just more sophisticated now. We have to get political. We need to stand up and be counted when new legislation threatens things such as rest breaks instead of watching it happen and whingeing. This legislation is a testing of the waters. There is more to come. Lively debate broke out which lasted until it threatened the Conference tea break, and was concluded.



Stan Renwick



Alison Maelzer

Next up was Alison Maelzer from Hesketh Henry, solicitors to the gentry, who took us through the Health and Safety Amendment Bill. New Zealand has a poor safety record compared to other OECD countries and the focus is mainly on the employer to ensure workers are not injured on the job. The new legislation is based on Australian "model law" which is an expression for a set of rules

designed to achieve a near-perfect result. It defines the responsible person as "a person conducting a business or undertaking", the PCBU. It is a broad definition covering employers, suppliers, people in charge of a workplace, in fact almost anyone except home occupiers and those engaged in residential work, and volunteers with no employees. The content of the changes is guaranteed to glaze you over reading about it here. Simplest-put, it is "A Good Thing".

After lunch Chris Mills from Air New Zealand spoke on High Performance Engagement. Had you attended AMEA's last conference, you would remember Chris as the Christian who was fed to the lions when he spoke the very day after the bitter court case between AMEA and Air New Zealand wound up for a ruling from the judge. The guy's got guts. Now High Performance Engagement is the buzzword for a system where employees and employer meet as equals to make considered and wise decisions



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General Meetings - Auckland

Held the first Tuesday in the month (except Jan)

Tuesday 7th April 2015

Tuesday 5th May 2015

Tuesday 2nd June 2015



on the future of their employment. The sort of meetings and decision-making that involves those closest to the problem in finding a solution. At Air New Zealand it appears to be working. And a version of it may well work at other workplaces if a climate for it to grow could be established. How many times have we said of the employer; 'you never listen'? HPE is a way to establish that dialogue.

The after-smoko speaker was John Whittaker also of Air New Zealand, who outlined the processes they follow in setting up, working through, and actioning results of meetings regarding the Airport areas. In summary, for them it works. And both sides appear to be committed to that continuing.

THE SECOND DAY



Jim Roberts

Jim Roberts spoke eloquently about that bogey the Employment Relations Act. National promised in 2011 to amend it and although it was deferred after John Banks' resignation it was still on the books ready for National's re-election this year and will pass into law this month.

There are small changes in the good faith area that pertains to disclosure of information around, for instance, why you might not have got a particular job, which brings it into line with the Privacy Act.

Changes to the law on flexible working arrangements mean that only those who have care responsibilities can ask, after six months' employment, and make but one request per twelve months.

Rest and Meal Breaks: The new law does not remove breaks. However it no longer specifies a number or duration. An employer must provide a reasonable opportunity for rest, refreshment, and attention to personal matters (like going to the bank). These must be of "appropriate duration", it says. But if agreement between employer and employee can be had or if a break cannot be provided then "compensatory measures" are allowed. (Leaving early or starting late or time off in lieu). But other enactments take precedent. Truck drivers for instance must still have statutory breaks.

The 30 Day Rule: Employers are no longer required to employ for the first 30 days on the ruling collective, but must advise new employees that

such a collective exists where it does, that it covers their work, that they are free to join it, and put them in touch with the Union.

Collective Bargaining: The requirement to conclude a collective agreement unless there is a genuine reason not to goes, but an employer cannot in Good Faith refuse to enter a collective on principle. Both employers and employees now may initiate bargaining 60 days before expiry.

Strikes and Lock-outs: Where-as the Union was not required to give notice of a strike under previous legislation unless in an essential industry, it must now provide full detail of all stoppages 14 days prior to the activity. A partial strike is now defined under the Act and essentially is not doing any activity normally undertaken. The employer now has the right to define what it feels isn't being done satisfactorily and deduct from the worker's wage an amount or a flat 10%. The employer then continues to get work done and harvests potentially 10% of the workforce's remuneration as well. He posed the question would workers be better served by a full strike?

Harassment: This now has a definition under both the ERA and the Human Rights Act. The aggrieved can elect which one to pursue and the employer needs to deal with its occurrence. It has broadened to cover harassment by colleagues, customers, and clients.

Bullying: There is a move to define this under Worksafe Best Practice Guideline but a textbook definition remains elusive. There is a seeming disparity between common law and the Guideline. It may be some time before case law is sufficiently advanced to be able to spot bullies and stop them. But at this stage the definition is "Repeated and unreasonable behaviour directed towards a worker or a group of workers that creates a risk to health and safety". Note that it is to be repeated, and does not have to demonstrate an intent. What to do? Document it. Assess it. The Worksafe site has a tool to do this. Get help. Consider low-key remedies, or proceed to a complaint. But be aware that due to the difficulty in defining bullying what the victim perceives can be denied and explained away. More work to be done here.

The Conference moved on to election of officers and a full list appearing below. The obligatory Where's Wally photo followed and with closing addresses we headed off to catch planes. The End.

Cheers, John.



AMEA EXECUTIVE COMMITTEE

The following union representatives were elected as Chair and Vice Chair of the AMEA Divisional Committees and hence now hold a seat on the AMEA Executive Committee;

AED	Murray Painton	Air NZ	Marine	John Fraser	Interislander
	Trevor Williamson	Airways		Dave Rowe	Silver Fern Shipping
Admin	Sandra Henderson	Air NZ	Managers	Tony Tronson	Air NZ
	Lisa Prinsloo	Air NZ		Ian Cox	Air NZ
ATA	Tim Rogers	Air NZ	Flight Engineers	Ross Gosling	Air NZ
	Jason Lilley	Air NZ	Flight Planners	David Bainbridge-Smith	Air NZ
Industrial	Tom Duncan	Fonterra		Mohammed Suliman	Air NZ
	John Robinson	Watercare			

NEWS BRIEFS

MARINE NEWS BRIEFS



PACIFICA (CHINA NAVIGATION)

A new ship had been sourced for the New Zealand coast and presently is in dry dock. It will commence servicing New Zealand Ports in late March. Agreement has been reached on new terms and conditions and will be presented to membership for ratification once the crews on the new ship have returned to New Zealand.

NIWA

Agreement has been reached in principle for settlement of the Collective Agreement. Unions to ratify upon receipt of the terms of settlement and the draft of the new Agreement.

KIWIRAIL (INTERISLANDER)

Bargaining has been initiated and claims are currently being collated.

STRAIT SHIPPING

New Collective Agreement ratified by members. Salary increases are year one 2.5% year two 2.5%.

PORT OF TAURANGA

Agreement has been reached on a wage increase, December CPI plus 2.0%.

PORT OF TARANAKI

Bargaining has been initiated, claims have been received, awaiting dates to begin bargaining from the employer.

GOLDEN BAY

Bargaining Initiated.

OTHER MARINE NEWS

There have been two requests from the Ministry of Business - Innovation and Employment seeking dispensation to bring in off shore engineers to crew vessels in the Fishing Industry. One of the Companies is Independent Fisheries Ltd, a joint venture company, who is seeking to crew a factory ship with marine and maintenance engineers. In total they are looking to fill 52 vacancies. I've requested information on rates of pay and other conditions of employment. When I get the information I will circulate to the marine engineers.

The other company is Sanford's. To date we haven't received any further information.

It is not only the AMEA who is receiving requests for dispensations to employ off shore crews. It's also the Guild and MUNZ. To date the AMEA hasn't granted dispensation. We have argued that there are beached New Zealand engineers and that these vessels should in the first instance be crewed by out of work New Zealanders. These arguments cannot be sustained indefinitely. At some stage the Ministry will grant dispensation if there are no takers from New Zealand.

INDUSTRIAL NEWS BRIEFS



ALLIANCE

Bargaining has been initiated.

RAVENS DOWN

Drug and Alcohol an issue. Random testing to be enforced but the test will be an oral rather than a urine test.

WATERCARE TRADES AGREEMENT

Agreement ratified. Term 2 years, Increases 2.25% for each year back dated. Major sticking point was the employers wish to insert new clauses into the existing Drug and Alcohol Policy. In the end it was agreed that Watercare's Drug and Alcohol Policy would apply.

WATERCARE PROCESS SHIFT SUPERVISORS AND PROCESS OPERATORS

Agreement ratified. The key issues agreed are; a term of two years (come March the 31st one year will have been run), an increase of 2.25% has been agreed for each year, backdated to the expiry date and resolution of a long running argument on holidays.

AFFCO

Agreement has been reached in principle; however, the EPMU's members have refused to endorse the settlement. As the offer for settlement was a low settlement, long standing Shift Engineers have elected to leave the Company.

FONTERRA

As a result of alleged Health and Safety violations two of our members have been dismissed. Grievances have been lodged on behalf of both members.

BALLANCE MOUNT MAUNGANUI

Initiated bargaining. The EPMU and the AMEA are about to embark on a membership drive. At least half of the shift engineers and one sparky are not in the union and at present there are no maintenance fitters in the union. Those not in the union tend to undermine Collective Agreement because they can negate the threat of collective industrial action resulting in the employer playing both groups against each other. In surveys undertaken by the CTU they have shown that unionised work sites are generally better of both condition and wage wise.

SILVER FERN FARMS

Finally settled the Pareora and Finegand Salaried Collective Agreements. Both are 2 year deals with 0% year 1 and 2% for year 2.

The Shift Engineers and Pareora Trade Guild Collective Agreements have also been settled. They received 3 year deals with 1.5%, 2.5% and 3%.

CHRISTCHURCH CITY COUNCIL

6% over 30 months. An average of 2.4%.

AVIATION NEWS BRIEFS



EMIRATES ENGINEERING

There has been ongoing discussion regarding the introduction of a biometric time machine. This has raised a number of concerns around the ensuring consistency across ports and business units.

CHRISTCHURCH ENGINE CENTRE

The Salaried Collective Agreement is due to expire on the 28th February 2015 and we initiated bargaining just prior to the New Year. Having done a major over-haul of the agreement 2 years ago there was little to adjust and the focus is on securing a fair GWI increase on all rates and allowances. With 2 new employee representatives agreeing to take part in the bargaining, Jayne O'Connor and Bryan McCormack we have met with the company and are currently awaiting a signed copy of the Terms of Settlement to present to the membership. A big thank you to Jayne and Bryan for their support during this process.

There have been a number of other issues around the application of the secondment clause and higher duties, and without a delegate on the floor these have been hard to address. We are therefore pleased to announce that Bryan will take up the role as the official Salaried Delegate.

AIRWAYS

There is an interpretation issue in the Collective Agreement regarding the non-payment/removal of the Sharing and Performance bonus. Also Collective Agreement bargaining is coming up this year.

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AIR NEW ZEALAND

High Performance Engagement (HPE) – The HPE Charter has been agreed by the unions' and Air NZ management however it has not been signed off yet. The AMEA Executive has agreed to proceed down the HPE path and intend to sign the charter next month.

Engineering and Maintenance (formerly Technical Operations)

E&M have committed to launching HPE this year. Training for delegates and management will kick off in March.

Line Maintenance

The AMEA has received our costs settlement from Air NZ for our legal case.

Auckland Mechanical Days and Nights have ratified their shift pattern variation. There is now a dispute over whether or not members should get paid a meal if they start a shift prior to 0600.

Wide Body Heavy Maintenance (WBHM)

- ➔ The Company is still progressing towards redundancies at the end of the year and possibly in June.
- ➔ The company is outsourcing 6 wide body heavy checks this year because the "resource levels across the business will be insufficient to do this inhouse."
- ➔ There have been a couple of "dumping session" to discuss all of the outstanding issues from last year. To be addressed this year for the ATA are; Voluntary redundancies, TOIL and the Attendance committee

Airports

Our members and delegates continue to be actively engaged in the many HPE initiatives at Airports as they continue to explore and develop initiatives that could improve the efficiency and productivity.

Ramp Team Trials at Auckland International– this initiative has identified a number of ways to improve efficiency as well as the operational culture as the members look to work in teams as they manage the high volume of work.

The Airports Collective Agreement expires 30 June 2015 so it will be interesting to see how we approach bargaining in light of the HPE culture.

Operations

Our membership continues to grow in this area supported by a great group of delegates in PAXCO, Load Control, Crew Control and Planning and Ops Controllers so it was rewarding to see nearly 100% achievement in all KPI metrics applicable to these groups. OTP was the only metric not fully achieved and the members are reporting this was the highest payment received they can recall.

Using HPE as the foundation for tackling a number of issues in the PAXCO and Crew Control areas progress has started as the employees closest to the problem look to solve it.

Flight Planners

With the first 6 months of the KPI for last year guaranteed it was great to receive a near on 100% payment and again on missing a portion of the OTP component. Great work.