



# MARITIME ALERT

Ports of Auckland dispute 14 December 2012



## Facilitation Update

Over the last week we have been involved in 2 Facilitation meetings with POAL present. These sessions have seen a lot of work done on clearly outlining our respective positions and seeking responses from each other. It is important to do this to ensure that the Facilitator is clear on the issues and knows what the differences are between the parties before he makes his recommendations. We have also made sure that your current employment agreement (the expired collective) is compared to what we are offering now to reach a settlement.

We have made a number of significant moves which have been outlined to you, while remaining firm around issues like protection from contracting out; certainty of hours of work eg start times, weekly hours and days off eg one weekend off in three and continuing to have a career path for workers at the Port eg driving done by permanent workers.

These are all important to get a fair and balanced collective agreement that provides for greater flexibility while being safe, secure and protecting your ability to have time with family.

We are working hard to reach this fair and balanced agreement without the need for industrial action.

It is now our expectation that the Facilitator's recommendations will not come out until early January.

We know the time delay is stressful and that POAL is using it to try and weaken us. This means we need to continue to stick together and stay disciplined. We recently held a leadership seminar for delegates and Executive members to ensure we are prepared to take industrial action if this is needed.

As I previously reported there is now very close scrutiny on the dispute by the Mayor and like him we want the dispute to be settled through the Facilitation process.

We have asked for a time to hold a paid stopwork meeting prior to Xmas so we can fully update you on where we are at with the Facilitation.

**Garry Parsloe**  
**National President**

# POAL fined \$40,000 for employing strike breakers

On the 12 December the Employment Relations Authority released their decision that POAL acted unlawfully and breached section 97 of the Employment Relations Act when they used a Noell technician and employees of Port Star to undertake work normally undertaken by our members. Section 97 of the Act prevents employers from employing or engaging others to perform the work of striking workers. In the case of the Noell technician he was being paid \$10,000 per week to do this work!

The Authority Member, Anna Fitzgibbon, determined that POAL deliberately and seriously breached the Act. In one part of the determination it was noted that following photos of the work being taken, MUNZ sent a letter to POAL outlining our concerns. In response POAL stacked containers around the perimeter to stop us seeing into the area to monitor this illegal work.

POAL have been fined \$40,000 of which \$10,000 will be paid to the Union as well as reimbursement of our legal costs. This is a very clear message to POAL.

The following is the media release we put out in response to the decision.

## MUNZ media statement

The Employment Relations Authority has fined the Ports of Auckland \$40,000 for illegally employing strike breaking contractors during industrial action at the Port earlier this year.

Ports of Auckland Limited (POAL) broke the law when they employed an overseas engineer at the cost of \$10,000 a week to undertake the work of MUNZ members.

In addition, local contractors were illegally used to carry out engineering work at the Port.

At the time when the multiple breaches of the Employment Relations Act took place in February and March 2012, MUNZ members were on strike and locked out in their battle to stop management contracting out their jobs.

In her decision released yesterday, Employment Relations Authority Member Anna Fitzgibbon said "It is my view that POAL was aware of s97 [editorial note: Section 97 of the Employment Relations Act regarding the Performance of duties of striking or locked out workers] but in order to keep the port operating during the strike, made calculated decisions to breach the provision."

In deciding the breach of the Act was deliberate and serious, she imposed penalties totalling \$40,000 against POAL.

Maritime Union of New Zealand National President Garry Parsloe says the ERA decision places POAL management in an untenable position.

"Instead of focussing on settling a fair collective agreement, the Port embarked on an unprincipled plan to sack their entire stevedoring workforce and replace them with contracted labour."

He says that now in addition to all the costs of the dispute, Auckland ratepayers are continuing to pay for POAL management's deliberately unlawful actions.

"Ultimately the costs of POAL's actions impact on the return to the people of Auckland."

Mr Parsloe says this week at the Auckland Council Accountability and Performance Committee, the so-called Council Controlled Organisation Auckland Council Investments Ltd (ACIL) indicated that they were not responsible for monitoring the costs of the dispute.

"Someone must hold POAL to account for the costs of this dispute. Who is responsible?"

Despite continual legal findings against them, POAL management are continuing (with the support of the Board) to try to remove employment security from port workers, including by demanding a collective agreement that removes all certainty of rostering and even the current guarantee of every third weekend off.

This dispute has gone on for too long and has cost too much it is time for POAL to settle a fair and balanced collective agreement with us, says Mr Parsloe.

He says MUNZ members at the Port simply want to have an agreement that provides job security, not sign an agreement that allows their jobs to be contracted out.

"We need an agreement that provides increased flexibility while providing security and certainty to our members to enable them to have time with their family and to work in a safe manner. It is time for the madness to stop and for the Port to be run by a management that values its workforce. Heads must roll – deliberate illegal actions by management compel a firm response from the Board and from the Council."

***If you are interested in reading a full copy of the determination you can find it on our website***

***[www.saveourport.com](http://www.saveourport.com)***

***<http://wp.me/p2aikC-fk>***

## Online

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