

PWUA challenges Post's attempts to restrict union access to Mail Centre

A Post manager ripping up Redbacks, abuse of PWUA organisers by a management representative, and Post's attempts to restrict PWUA recruiting.

These were among the list of management actions against the PWUA and the union's rights of access to the workplace that were put before the Employment Relations Authority (ERA) by the PWUA at a hearing in Wellington on 13 May.

Some years ago Post had invited the PWUA to provide recruitment information for its new employee packs, and then refused to provide that PWUA information to new employees. The PWUA Redback with its enrolment form on every issue then became the most common method of recruitment. The manager who tore up Redbacks was obstructing the PWUA's lawful right of entry to a workplace for recruitment purposes.

During last month's ERA hearing Post retracted an earlier warning given to the PWUA site delegate for using his swipe card to allow access for union officials to the Wellington Mail Centre. The management's refusal to allow the delegate to distribute Redback in the workplace was also an obstruction of the union's right to distribute union recruitment forms and information.

The current union access problems

originated in a letter from Post last October when the company wanted to introduce a new more restrictive policy on union access to its Mail Centres.

The restrictions appeared to coincide with an increase in the PWUA's Mail Centre membership, especially at the new Highbrook Mail Centre in Auckland.

So far the company appears to be trying to enforce its new policy only at the Auckland and Wellington Mail Centres.

Post appeared to completely relax most union access restrictions briefly at the time of the recent Mail Centre redundancy consultation processes, only to reimpose the restrictions once individual redundancies were confirmed.

The PWUA is also concerned that once again the company had failed to comply with its own agreement with the ERA to file documents on a mutually agreed date. Post would be able to gain an unfair advantage by having access to the PWUA documents before filing its own documents with the ERA.

A decision from the ERA on Post's new union access policy is expected later this month. In the meantime the PWUA will continue to challenge what it believes to be illegal restrictions placed by Post on the PWUA and the rights of Post employees.

On-calls: Post breaches CEA

On-calls at some delivery branches may not be having their hours of work specified before each engagement as provided for in M8 of the Collective Employment Agreement. This may result in these on-calls being underpaid.

The PWUA encourages on-calls to join the union. Permanent workers can also assist in ensuring that their on-call workmates are being paid correctly.

On-calls at the Rotorua and Tokoroa Postal Delivery Branches were being paid only the exact hours they worked - often less than their full-time workmates, and the fastest on-calls

were paid the least of all.

The PWUA has filed in the Employment Relations Authority for Post to pay Rotorua and Tokoroa on-calls the same way on-calls are paid in other parts of the country.

The PWUA is concerned that budget pressures may encourage managers to save money by not paying on-calls correctly.

Any on-calls concerned that they may not have had their work hours specified or have not been paid correctly can speak to their branch PWUA delegate or call the nearest union office.

Mediation on posties' claim for Grade 3 review

Progress on a review of the decision of Post's Job Evaluation Committee (JEC) not to move posties up from Grade 2 to Grade 3 has followed Mediation between Post and the PWUA earlier this month.

Last February the PWUA had sent a petition to Post signed more than 850 posties seeking to regrade posties from Grade 2 to Grade 3. At that time posties were rated at 260 points. To move to Grade 3 the posties' job would need to be rated at 280 points or higher.

In April last year Post's Job Evaluation Committee considered the PWUA application for an upgrading and decided to add a further 10 points to the postie's job. However the decision still left one more 10 point step before posties could move up to the higher grade.

The PWUA then read in the JEC report that there were four dissenting views in its reasons not to keep the score below 280.

The PWUA sought a review by the General Manager Human Resources (GMHR) of the JEC decision, as provided for in clause L71 of the PWUA Collective Employment Agreement.

After several unsuccessful attempts by the PWUA to get an answer from Post, the PWUA filed in the Employment Relations Authority for Post to comply with the CEA and conduct a review of the JEC decision.

The PWUA then received a response from the GMHR which Post now says "was not as well worded as it could have been".

Because there has not before been a request for a review of the JEC decisions, Post has now invited the PWUA (and also the EPMU) to assist the company in developing a process for conducting the JEC review requested by the PWUA and any such reviews in the future.

Know your CEA

"Lost time injuries"

In some cases Post has been pressuring injured workers who have been put off work to come in to the office to fill out the relevant paperwork. This brief "work" can effectively be used by Post to reduce the total of "lost time injuries" (LTIs) recorded by the company.

An injury only becomes an LTI when the worker is not at work for the whole of their next rostered shift.

Earlier this month Post made a public statement about having a significant reduction in LTIs.

However on a number of occasions the PWUA has challenged the way Post uses injury statistics that are not an accurate reflection of injuries incurred. Actual injuries could in fact be increasing, but the statistics can show a reduction by having an increased number of workers return on light duties - or even coming in for five minutes to compete the injury paperwork.

Injured workers with a medical certificate which does not provide for a return to work on light duties should follow the doctor's instructions and if appropriate stay home.

Clause F16 of the CEA provides that "When an agreed rehabilitation plan is in place, then the individual employee and the company are obliged to participate". In the absence of any other "agreed rehabilitation plan" injured employees should not feel obliged to come to work just to fill out paperwork.

PWUA appeals decision on Relevant Daily Pay

The PWUA has filed an appeal in the Employment Court against a determination of the Employment Relations Authority in Auckland over "relevant daily pay". The union believes that the Authority has made an error in law.

The Holidays Act 2003 says that for sick and bereavement leave, public holidays and alternative holidays, the "relevant daily pay" that workers receive must include overtime payments, if those payments would have otherwise been received.

If it is not possible to determine how much overtime payment would have been received then a special formula must be used to calculate the appropriate payment to be made for overtime. The formula averages payments over the last four weeks.

The PWUA case is that it is *not* possible to know in advance how much overtime a postie would work on a particular day, so the averaging formula must be used.

However Post argued to the Authority that it *is* possible to say that posties would not work any overtime on a particular day, so Post believed the company was entitled to exclude overtime from posties' relevant daily pay calculations.

The Authority accepted Post's arguments, finding that it is possible to say what a postie would earn on any particular day (and exclude any overtime).

The Court has now asked the PWUA for its view on a recent request from the EPMU to appear in the PWUA's appeal proceedings. The PWUA will tell the Court that it welcomes the participation of the EPMU, since its members may be equally affected by the outcome of the PWUA appeal.

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Kiwibank benefits for all Post employees

All Post employees who are also Kiwibank customers are entitled to a number of benefits from the bank:

- "Free Up" online accounts - no ATM or maintenance fees and no fee for overdraft applications.
- "NowAccounts" - free EFTPOS and no online AP set up or maintenance fees.
- Mastercard Gold and Low Rate Mastercard credit cards - 3% p.a. discount on the carded interest rate.
- Insurance - special staff group rates for House Contents and Vehicle insurance.
- Mortgages - 0.1% off the carded fixed term rate.

Other benefits available to all Kiwibank customers include no fees for depositing cash or transferring money between Kiwibank accounts (except to Kiwibank credit cards).

Any Post employees who are Kiwibank customers and who are not already getting these benefits can take a payslip for identification to a Kiwibank or call 0800 11 33 55.

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POSTAL WORKERS UNION OF AOTEAROA (NORTHERN)

14 Ahirri Ave, Avondale, Auckland 0600

I hereby appoint the Postal Workers Union of Aotearoa incorporated to be my authorised representative under Sections 18 and 236 of the Employment Relations Act 2000. For the purpose of this authority any duly appointed representative of the PWUA is empowered to act on my behalf in any matters related to or arising out of the negotiation and application of any Employment Agreement or any other matter relating to my employment at my request. This authority shall continue in force until revoked by myself, giving two weeks notice.

Name (PLEASE PRINT)

Signed

Date Appointment No.

Employer

Branch

Home Address

Home Phone

Deduction Authority for Postal Workers Union of Aotearoa (Northern)

I authorise my employer to deduct:

\$4.26 per week when I am employed for 30 or more hours per week, or

\$2.13 per week when I am on-call, or employed for less than 30 hours per week from my pay and credit the Postal Workers Union of Aotearoa Northern District.

Please stop any other deductions from my pay to any other union.