



Posties forced to work excessive overtime — PWUA initiates legal action against Post

Efforts by the PWUA to protect the health and safety of posties by advising them of their rights to refuse excessive workloads have been met by threats from Post.

The company, while ignoring the health and safety concerns of posties, had stated that the PWUA advice to its members about workloads was inciting a breach of the Collective Employment Agreement and that posties who refused excessive workloads could be regarded as participating in an illegal strike.

However the PWUA says Post's statement is not correct - workers are entitled to refuse unsafe work.

Post had ignored repeated requests from the PWUA to specify what it considers to be reasonable overtime.

In response to the company's threats the PWUA has initiated legal action to protect posties in some branches who are being required to work excessive hours (some over 50 hours) because of a shortage of posties.

Despite requests from the PWUA Post had failed to provide information about staff shortages at regular intervals.

The PWUA has filed in the Employment Relations Authority alleging multiple breaches of the Collective Employment Agreement by Post concerning health and safety and also the requirement of

PWUA develops policy on unsafe workloads

In May Post expressed no objection to advice that the PWUA has since provided to its Wellington membership:

- That no postie be required to deliver mail after 4.30pm under any circumstances.
- No postie be required to exceed 43 hours of actual work time in a week (including rest breaks).
- No postie required to perform more than 45 hours of calculated work

volume in a week regardless of the time worked. (The PWUA recognised that some posties may choose to work up to 50 hours of calculated hours or may willingly agree to do so).

The PWUA had also advised union members that any instruction by Post for posties to exceed the limits in the three bullet points above would not be a lawful instruction.

"good faith" conduct by Post as an employer:

- Post is required to "make every reasonable effort to prevent accidents and protect employees from injuries". (Clause A8, page 76).
- Post is required to consult with the union "on a regular basis to ensure that there are comprehensive injury prevention and health protection programmes in place" (Clause F4 page 33).
- Post is required to maintain permanent staffing levels "equal to the average calculated mail volumes ... consistent with the employee's expectations of additional hours". (Clause N8, page 76).
- 50 hours of calculated workload is identified as a limit which is "based

on health and safety considerations". (Clause N11, page 76).

Significantly posties are required under the Postie Pay Model to "use their best endeavours to complete duties no later than 4.00pm" (Clause N41 page 80).

Despite three further requests in October and November Post again would not advise the PWUA or posties about the amount of mail they could be required to deliver saying only that if requested they must deliver more than 45 hours of calculated volume.

Although the PWUA will seek urgency at the Employment Relations Authority the union will as a first step attempt to settle the matter in mediation.

Any posties being pressured to work in excess of the union's advice above should contact one of the union offices.

PWUA wants saliva drug testing — not "invasive and offensive" urine testing

The PWUA had been challenging Post's drug and alcohol policy as invasive, offensive and not suitable to accurately measure whether or not workers are fit for work.

The PWUA wants the company to change from taking urine samples to instead taking saliva samples.

An Australian court has ruled that urine testing for drug testing is invasive and offensive.

The graph shows how unreliable Post's current policy of urine testing is for measuring impairment.

The union's concerns include:

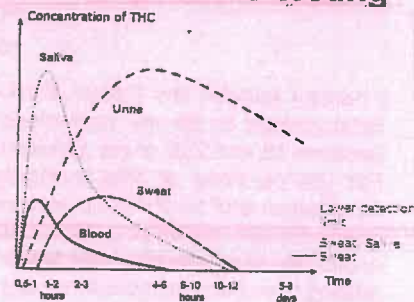
- Saliva testing is much more appropriate for testing "fit for work", while urine testing is more a case of "testing for lifestyle".
- The PWUA notes that employees who take up to one year on special leave

without pay are not required to provide urine tests on their return to work. However Post requires workers who resign (for example to collect their pension) and then seek immediate re-employment to undergo a urine test for drugs - even after many years working for Post.

Post has said the company will continue to use urine testing because there is no New Zealand Standard for saliva testing.

Standards New Zealand is currently creating a standard for saliva testing and the PWUA has nominated an expert to the Standard's committee.

The PWUA will continue to challenge Post to join other New Zealand employers who are already using saliva testing as a more reliable, appropriate and acceptable test for workplace impairment.



The first sharp peak shows that saliva testing reveals the use of most drugs after 1 to 5 minutes and then after 4 to 6 hours is not able to detect drug use.

However urine testing (the second peak from the left) can detect drugs which may not have been taken anytime in the previous three to four weeks. The PWUA says urine testing is not suitable for measuring drug impairment at work.

Walking to the toilet in the wee hours - through the rain and in personal danger

The PWUA has negotiated a temporary allowance for night shift sorters who have been working in unpleasant and potentially unsafe conditions during renovations of Post House in Wellington.

Sorting to the post boxes in the Wellington CBD Box Lobby has been temporarily moved from the ground floor of Post House to the basement.

The problems the workers faced included cramped conditions, inadequate heating during the winter nights - and a lack of toilet facilities.

For use of toilets the women night sorters were instructed to go in pairs up a ramp from the basement to the road level, go out into the street (including during the early hours of the morning), and walk around the outside the building to get access to a toilet on the 8th floor of the large dark empty building.

A particular hazard for the women workers were the late night and early morning "revellers" heading home along Waterloo Quay either to the railway station or to catch a taxi.

The sorters were also exposed to rain and wind while outside.

The PWUA relied on clause L30 on page 60 of the Collective Employment Agreement to negotiate an allowance to recognise the womens' work which was *"more unpleasant than which could reasonably be expected in the performance of their normal daily duties"*.

Post has already provided more heating during the winter and has now agreed to a temporary "unpleasant duties" allowance for the Box Lobby workers while they work in the basement.

The allowance will be backdated to the date of the temporary move to the basement.

Orthotics and podiatrists

Posties who have been medically diagnosed as requiring orthotics to manage the effects of a work related injury and having problems getting payment for podiatrist visits or for orthotics should contact the union office.

The PWUA is currently in discussion with Post about the company's responsibility to pay for podiatrist visits and for the supply of orthotics and replacements.

Service leave and reduced work hours

Employees may not be aware that service leave is paid on the standard (contracted) hours at the time they actually use the service leave entitlement (CEA clause E38 page 31).

Employees who are thinking of reducing their contracted weekly working hours may first want to take any outstanding service leave entitlement.

Parental Leave and union fees

Post has agreed that a form for employees taking Parental Leave needs to be changed and that two tick boxes about union membership be removed.

One tick box asks Post to suspend union fees during the employee's unpaid absence. However when PWUA members take any form of unpaid leave their membership fees stop automatically until they return to work.

Union members remain entitled to union representation even while they are on unpaid leave and not paying union fees.

Post has also agreed to remove a second tick box where employees are asked if they want to cease union membership altogether.

Whatever the reason for these two tick boxes about union membership having been included in the Parental Leave form, Post has readily agreed that they should be removed.

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International "trade" agreement a threat to State Owned Enterprises

Earlier this month representatives of the PWUA and the New Zealand Council of Trade Unions met with the Ministry of Foreign Affairs and Trade (MFAT) to express concern about the potential impact of so-called "trade" agreements like the Trans Pacific Partnership Agreement (TPPA) on State Owned Enterprises like NZPost.

There appear to be high risks that SOEs may be limited by the TPPA in what they can do in the public interest.

Provisions in the competition chapter may place yet to be defined constraints on State Owned Enterprises from acting with "commercial intent" but in a non commercial way such as by getting government subsidies or low interest loans.

Earlier this month many thousands turned out in 17 centres protesting about the TPPA - including the potential undermining of government sovereignty in the making of appropriate laws and regulations - like wanting plain packaging of cigarettes, or protecting water quality by restrictions on fracking.

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POSTAL WORKERS UNION OF AOTEAROA (NORTHERN)

PO Box 95211 Swanson Auckland 0653

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

Phone

Deduction Authority for

Postal Workers Union of Aotearoa (Northern)

I authorise my employer to deduct:

\$4.95 per week when I am employed for 30 or more hours per week, or

\$2.50 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.