

Workers are entitled to act on the advice of their union

Posties' cut-up refusal "should not have attracted a disciplinary response"

Post has been criticised by the Employment Relations Authority in Christchurch for imposing disciplinary action against the StAsaph posties who refused to perform a cut-up on 9 April. (See Redback issue April 2010 for a report of the posties' original action.)

The posties in one of the StAsaph teams believed that their mail was above rostered hours for the day and that the company should have used the extra postie who was available in its "best endeavours" (CEA clause N12) to avoid a cut-up.

The Authority upheld the right of the company to use a cut-up on this particular occasion because "it became impossible for (Post) to adopt any of its informal strategies for reassuring posties that a cut-up was, in fact, *within the rules*." The company

believed (incorrectly) that it would have to immediately count all 50 rounds.

The Authority noted that:

- "This was not a situation where staff were deliberately and mischievously challenging the employer's right to manage. It was a situation where they were genuinely (but erroneously) concerned about work volumes ..."
- The instruction given (by Post) was "a lawful and reasonable instruction".
- "Post's decision to discipline members of the union who failed to perform the cut-up was not ... the decision of a fair and reasonable employer."
- The use of the word "principally" in CEA clause N12 "makes it clear that New Zealand Post has a wider discretion to employ cut-ups provided they are not used on an on-

going basis."

The PWUA wants to ensure that cut-ups are indeed not used on an on-going basis. (See the flow chart below.)

Had Post not insisted on disciplinary action against the posties, the PWUA would not have taken the matter to the Employment Relations Authority, but the PWUA did so to protect the right of union members to insist on clear procedures for handling workload issues.

The right of workers to act on the reasonable advice of their union is clearly spelt out in the Employment Relations Authority's decision - even if it is later established by the Authority or the Employment Court that the union advice was not correct on that occasion.

A full copy of the Determination is available from the union offices.

Posties' guide to cut-ups instruction

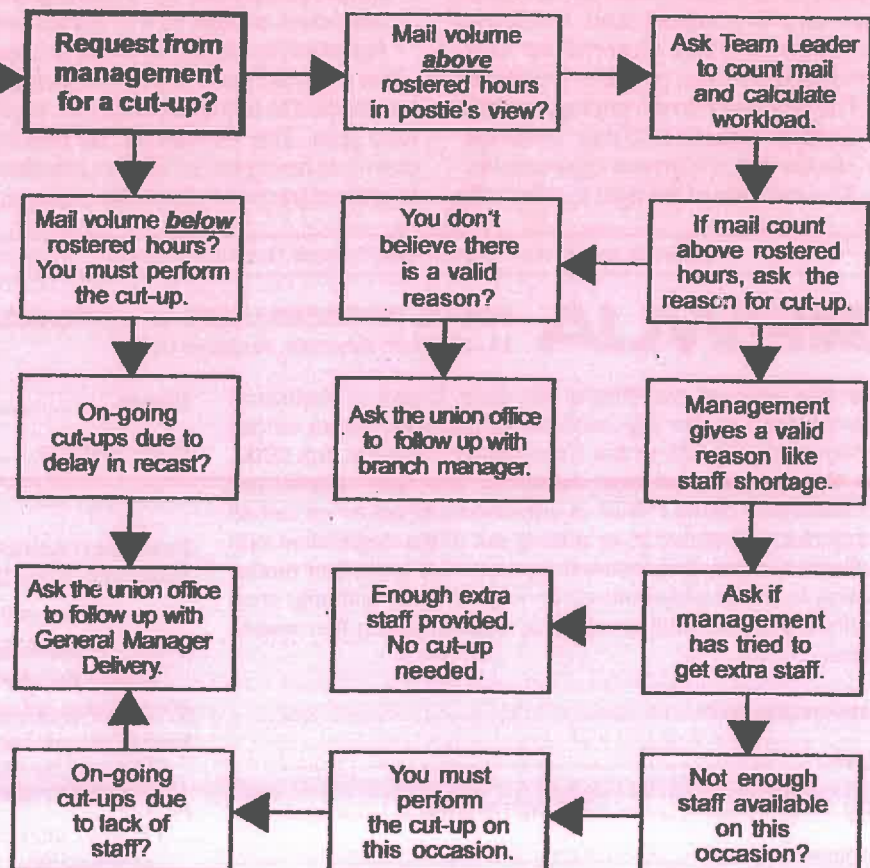
The Postal Workers Union of Aotearoa has produced the adjacent flow chart as a guide for posties asked to do cut-ups.

The guide is based on the Employment Relations Authority "Determination" (or decision) of 8 October 2010 following the St Asaph posties in Christchurch refusing to perform a cut-up on 9 April 2010.

The Determination is itself based on the Employment Relations Authority's interpretation of the provisions of clause N12 of the Collective Employment Agreement. Post has not appealed the Determination.

Posties are encouraged to attach the guide to the side of their sorting cases and to follow the flow chart when they are unsure about a cut-up.

There may be times when the union advises that a cut-up is unjustified and can be declined. However Post has already demonstrated that it can correct problems like short staffing levels when on-going cut-ups have been questioned by posties either directly, or through the PWUA.



Slow Post on fastpost

The PWUA is concerned at the slow response from Post to fastpost failure issues raised by the PWUA.

The PWUA had conducted its own survey of fastpost delivery following the repeated delays in the delivery of fastpost Redbacks. Standard post Redbacks were also being delayed, taking up to 5 days to be delivered.

Incorrect clearance time labels on street receivers and an overloaded conveyor belt at the Wellington Mail Centre are two causes of fastpost failures identified to Post by the PWUA.

A missing component inside the drum of one of the Bar Coding Machines at the Wellington Mail Centre was contributing to a bottleneck of mail on the conveyor feed preventing some fastpost items being correctly identified or re-streamed.

In the meantime Post is working on another of the PWUA suggestions for improved service - that street receivers be listed on Post's website to assist customers who have been looking unsuccessfully on the internet for the nearest street receiver.

PWUA submission to Parliamentary Committee

The PWUA was among the many unions, union members, and social justice groups which made submissions at Parliament against the proposed changes to the Employment Relations Act. (See also Redback September 2010.)

The PWUA submission to the Parliamentary Transport and Industrial Relations Select Committee concentrated on three points in particular:

- The extension to all employers of the ability to include a 90 day "fire at will" clause in employment 'agreements'.
- The removal of the right to automatic

Survey identifies some uniform problems

Although the overall response to the recent postie uniform survey was favourable, the survey has reinforced a number of problems which had already been raised by the PWUA with Post.

On more than one occasion the PWUA had raised the problem of the base layer top which replaced the thermals seeming to a number of posties to be more suited to summer cooling than winter warming.

There had also been many reports of the tops snagging and threads pulling.

The yellow high visibility panels in the new uniform are popular with posties although there is some concern at the bulkiness of the polarfleece.

A 31% response rate was a good response for this type of survey. The individual comments have also provided Post with specific issues to consider.

In the meantime the PWUA and Post are in on-going discussions about follow-up on Post's Corporate Social Responsibility obligations in relation to uniform supplier Profile manufacturing the uniforms in China.

reinstatement where a sacked worker is successful in winning an unjustified dismissal case.

- If the Government later changes the law to allow "Bargaining Agents" to represent workers, an employer could influence which organisation its employees join by allowing unrestricted access to the Bargaining Agent while restricting union access.

The new law (with any amendments) is expected to come into effect on 1 April next year. The PWUA will be making claims at next year's CEA negotiations to protect members from the changes.

Postal Workers Union of Aotearoa

(Northern)

(pwa.union@ihug.co.nz)

Office: (09) 832 7982

Organiser: 021 798 244

Freephone: 0800 224 611

(Southern)

(pwu@tradeshall.org.nz)

Wellington: (04) 385 8264

Freephone: 0800 469 798

Central North Island: (06) 952 3738

Nelson: 0800 469 798

Canterbury: (03) 366 4177

Otago: (03) 455 4823

Southland: (03) 455 4823

Claims for new CEA

Many claims for the negotiations of the new CEA have been received at the union offices from PWUA members.

Members are encouraged to discuss their ideas for claims during their breaks. Claims are being collated now, but late claims can still be sent in on the claim forms being circulated by union organisers.

Ticking off needed over ticking parcel incident?

Management cutting open a parcel which appeared to be making a ticking sound has upset mail sorters at the Christchurch Mail Centre.

The management's concern "for postal employees further down the line" who may be worried about the ticking sound was the reason given for opening the parcel which apparently revealed a wind-up item "winding down".

Mail Centre staff are worried that the "Don't cut open" safety procedure displayed on laminated wall posters was not followed, and further, the on-duty staff members trained in dangerous goods were not consulted.

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POSTAL WORKERS UNION OF AOTEAROA (NORTHERN)

14 Ahiriri 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:

\$4.39 per week when I am employed for 30 or more hours per week, or

\$2.20 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.