

PWUA concerned that fewer workers may have to work faster:

Redundancies at Mail Centres

"Last on first off" across the Mail Centres - and not just selection for compulsory redundancies on a team by team basis. This is a principle the PWUA will be advocating in the upcoming round of redundancies at Mail Centres. The PWUA was responding to Post's "Principles and Process" document prepared prior to the new round of Mail Centre redundancies.

The company is required to consult with the PWUA under Section G "Management of Change" in the Collective Employment Agreement.

The PWUA has made submissions to Post's Principles and Process document on two main points:

- That the selection process for any compulsory redundancies should not be solely team by team, but must be based on seniority across the whole Mail Centre.
- That every individual who may be affected by a change of shift hours must have the opportunity to be consulted with by the company individually. (Following the 2006

redundancies at the Wellington Mail Centre the PWUA successfully took legal action against Post for failing to consult where personal circumstances were ignored by their union. Post had not complied with Roster Changes in Hours of Work clause C7 of the CEA).

In any selection for compulsory redundancies the PWUA accepts that the company may depart from "last on first off" selection to maintain a balance of skills and staffing requirements. This is provided for by the CEA in clause G21. However the PWUA believes that longer serving employees in teams where there will be redundancies should not be automatically selected for compulsory redundancy ahead of shorter serving employees in teams with few or no redundancies.

In the case of the company changing the working hours of any of the shifts the company cannot simply impose new shift hours on any employee. Some employees may have genuine reasons for not being able to work the

new hours. Employees offered new hours which they are not able to work for family reasons or other genuine commitments may be redundant and entitled to redundancy compensation.

The company does not have to accept any particular individual's offer to take voluntary redundancy. However those employees who volunteer to take redundancy - and whose offers are then accepted by the company - are also entitled to redundancy compensation.

The PWUA will be studying the pattern of Post's planned redundancies to guard against any work intensification or work speed-up for the remaining employees.

The PWUA is concerned that Mail Centres do not have any work measurement system similar to the internationally recognised "British Standard Effort Rating 75" for posties.

Without a work measurement system in Mail Centres there is currently no system to monitor Post's control of the speed of work.

Post fails in unlawful attempt to use trespass law against organiser

Rotorua posties stood solidly in support of their local PWUA organiser Paul Blair when Post tried to use an unlawful trespass order to block his access to their delivery branch.

Post's trespass order against Paul Blair appears to have been Post's unsuccessful 'tit for tat' response after Paul Blair had earlier obtained a trespass notice against a manager who had been found unlawfully visiting the property of one of the posties.

When the posties became aware that the company intended to issue a trespass order against organiser Paul Blair they demonstrated their support for him by meeting outside the delivery branch in full view of the public.

Unfortunately for Post, union organiser and law graduate Paul Blair knew more about the Trespass Act than Post's own legal advisers.

Post was clearly not aware that when the company issued its trespass order

against Paul Blair, that it would have no legal effect because a union organiser has specific rights under the Employment Relations Act to have access to the workplace.

Where a person is lawfully exercising their rights - for example a union organiser entering a workplace under the Employment Relations Act or a factory inspector under the Health and Safety in Employment Act - the employer cannot use a trespass order to prevent their entry to a workplace.

Post was also unsuccessful in attempting to "no longer recognise" Paul Blair as a representative of the PWUA.

The PWUA has had to endure other attempts at bullying from Post at a national level. For example prior to the 2008 CEA negotiations reaching a settlement Post had prepared a document claiming to quote clauses from the CEA to give posties a series of instructions to follow during any

industrial action. The company wanted to threaten posties with disciplinary action if they did not follow the company's instructions.

The PWUA gave Post a legal opinion that the company's document:

- Misled employees over the meaning of clauses in the CEA.
- Gave instructions that had no justification in law.
- Threatened disciplinary action for workers exercising their legal rights.
- Breached the "good faith" requirement to not mislead or deceive its employees.

The only response came from Post's advocate: "Breach of good faith is hackneyed - if that's all you've got it doesn't worry us too much".

The PWUA will continue to stand up for the rights of employees at Post to exercise their lawful rights without fear of bullying, intimidation or unlawful threats from any level of management.

Know your CEA

Storm in a tea cup

Whangarei posties were not happy when the milk supply for their morning breaks dried up. The local management claimed that the milk they supplied to posties was being used by others using the tea room, including courier drivers.

However clause L57 of the Collective Employment Agreement requires the company to provide milk along with tea, coffee, Milo and sugar - or an allowance "where this is not practicable".

In cases where the company does not supply milk, etc, the weekly allowance to be paid is:

- For employees working more than 20 hours a week \$2.04.
- For employees working between 10 and 20 hours a week 98 cents.

(For employees working 10 hours or less a week the company is not required to pay an allowance.)

The PWUA took the case to the Mediation Service of the Department of Labour and is pleased that the company agreed to settle the dispute.

A two week agreement to "not publish" the matter has now expired.

Relevant Daily Pay hearing on 31 March

The PWUA case against Post on the correct payment for sick and bereavement leave and public holidays - Relevant Daily Pay - was held in the Employment Relations Authority in Auckland on 31 March.

The hearing had been delayed twice because of family bereavements.

Take home pay changes from 1 April

From 1 April take home pay for PWUA members will change because of changes to tax rates and the 2.5% increase in wages and union fees:

- A pay increase of 2.5% and a corresponding increase in union fees - between 5 and 10 cents a week.
- The National Government's changes to the tax rates - tax cuts for higher earners or extra tax to be paid by low income earners depending on family income.

- A \$10 tax cut for those eligible under the new tax codes ME or ME SL.

To be eligible for a tax cut of up to \$10 per week wage earners must:

- Earn between \$24,000 and \$48,000 a year.
- Not receive any benefits.
- Not receive NZ Super.
- Not receive a veteran's pension.
- Fill out the new tax form IR330 with the new code ME or ME SL and give it to team leaders or managers.

The IR330 forms are available from:

- Team leaders.
- PWUA organisers.
- www.ird.govt.nz/ietc.
- Inland Revenue Department phone number 0800 257 700.

"Serious harm" injuries

Under changes to regulations late last year employees with work related injuries who become "unable to perform their normal duties for a period of seven or more calendar days" are deemed to have suffered "serious harm".

Serious harm injuries must be reported to the Labour Department. Employers will no longer be able to avoid notifying the Labour Department of some workplace injuries when workers are brought back to work on "light duties".

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Postie uniforms made in China

For more than two years the PWUA has been challenging Post that the company has been avoiding its responsibilities under its Code of Social Responsibility for the overseas manufacture of postie uniforms.

However last year Post finally entered into discussions with the PWUA about the union's concerns for the working conditions and rights of the workers in China making uniforms for Post.

The PWUA acknowledges the genuine attempts Post is now making to share information the PWUA has been seeking. The PWUA wishes to have further discussions with Post about its contract with the new New Zealand based supplier and the requirements placed on the supplier to report back to Post on its contractor's operations in China.

The PWUA and Post are currently in discussions on the terms of a confidentiality agreement before Post releases more detailed information to the PWUA.

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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:

\$4.26 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.