

*An example of why workers without a union would be at the mercy of the employer:*

## **A Collective Employment Agreement protects employees from the sole discretion that employers can use to reduce contract courier drivers' incomes**

NZ Post recognises the right of its employees to join a union and to have the union negotiate a Collective Employment Agreement (CEA) with the company.

However the relationship NZ Post has with its contract courier drivers demonstrates the weak position of an individual in 'negotiations' around the content of their contracts.

Union members are covered by a Collective Employment Agreement negotiated within the protective framework of the Employment Relations Act. The Act specifically recognises the power imbalance between individual workers and a company and provides for the right of workers to organise into a union and to bargain collectively for a CEA.

Any changes NZ Post may want to make to a CEA can only be made with the agreement of the majority of employees affected after a secret ballot. Employees "directly affected" vote in "a secret ballot carried out by the union" (Clause B7, page 15.)

By contrast, contract courier drivers at NZ Post are covered by individual Owner Driver Agreements. Such agreements sighted by the PWUA state that the company has the sole discretion at 30 days notice to set runs and rates and change runs and rates without compensation - which can cause a reduction in the incomes of contract courier drivers.

The PWUA invites employees who do not yet belong to a union to consider the power the company would have to reduce their pay rates and conditions of work if it were not for the protections provided by the Employment Relations Act, membership of a union and a Collective Employment Agreement.

The fees paid by union members every week have allowed the PWUA to take a series of successful Employment Court cases:

- Relevant Daily Pay in 2013 saw NZ Post employees paid out millions of dollars in back pay for underpaid leave.
- The "Availability" decision last year means all overtime is now voluntary unless availability compensation is paid separately.
- Guaranteed daily paid hours (also last year).

The PWUA has also recently won meal breaks and back pay for SDSs and SDCs.

Both unions have been working with the company on the process to backpay holiday pay going back to 20 May 2010.

The PWUA encourages workers not yet in a union to join up and support their colleagues by making the union stronger in its efforts to protect and advance the wages and conditions of work.

Employees who join before the CEA ratification meetings have been completed will also be entitled to backpay to 1 April 2020.

## **Ratification meetings to vote on new Collective Employment Agreement**

Meetings of union members to hear a report of the negotiations for the Collective Employment Agreement (CEA) and to vote on ratification have been delayed by the complications of complying with the requirements of the Government's Alert Levels.

Negotiations were brought to an early close in March by the increase in COVID-19 infection

rates.

The union is currently in discussions with the company about how to hold single meetings where there are rotating work rosters so that there can be full discussions with all the union members on the site. Ratification meetings are expected to begin this month. Back pay is to 1 April 2020.

**You can join the PWUA now by going to the union's website, [www.pwua.org.nz](http://www.pwua.org.nz), click on the Join Us link, and submit the form.**