

## Nationwide actions Saturday 21 August and Sunday 22 August

# Protecting workers' rights needs on-going campaign

PWUA members will be among the 700,000 workers in New Zealand who change jobs each year. However workers will be strongly discouraged from changing jobs or embarking on a new career if the Government is successful in passing an extension to the 90-day trial period "fire at will" law.

The Employment Relations Act already provides for trial periods where workers have the right to challenge unfair warnings and dismissals.

However by requiring new employees to sign an 'agreement' with a trial period removing their rights to fair process, employers would be able to dismiss workers within the first 90 days without giving any reason. Workers would lose their current right to know any allegation against them and thus be able to defend themselves.

All other workers who are unfairly dismissed *after* the 90 days would no longer have the automatic right to reinstatement in their job.

Among the 20 the changes to industrial law proposed by the Government are:

- Restrictions on the rights of workers to have their union organisers visit and assist them at work.
- Employers will be able to demand a doctor's certificate for one day off work sick. (Although the employer is required to pay for the certificate, delays by employers in paying up can cause embarrassment for the worker with their doctor.)
- Employers will be able to interfere in the relationship between unions and their members during wage negotiations.

The New Zealand Council of Trade Unions is launching a nationwide campaign later this month.

Union rallies are being organised in Auckland, Wellington and Christchurch on Saturday 21 August and in Dunedin on Sunday 22 August.

PWUA members are encouraged to join any other activities organised in their local areas.

After a major demonstration in Auckland the Government has backed away from plans to mine in protected conservation areas.

Unions are aware that large numbers of union members, families and friends are needed on 21 and 22 August to begin the campaign to get the Government to make a similar backdown on its attempts to undermine workers' rights.

## **Payslip change - no "consultation with the unions"**

Post's claim to union members that it has "consulted with the unions" over the company's decision to provide payslips one day later is not correct.

The PWUA received an email from the company stating that pay slips would be posted out on Thursday nights instead of Wednesday nights to "allow more time for checking".

The consultation process is clearly defined in clause B11 of the Collective Employment Agreement (page 17).

*"The company will consult with the union by informing them of proposed*

*changes, providing the opportunity to comment, and carefully considering any such comment before a final decision is made.*

*In any discussion during the consultative process the objective of both parties will be to reach agreement on the proposal. ..."*

This is not the first occasion when Post has made a unilateral decision and then claimed to employees that it has consulted with the unions. Post did not consult with the PWUA over its decision to delay the supply of pay slips.

## **Underwear T-shirt warning "unjustified"**

The Employment Relations Authority has found that the warning issued to a Wellington postie who had a T-shirt showing above his open neck polar fleece was unjustified (Redback June 2010).

The Authority also commented that in regard to the correct wearing of uniform "any issue relating to such matters should involve consultation and inclusion of the union". (See also the adjoining story about pay slips which outlines the consultation process.)

## **Post's surprising evidence: "On-call posties not required to deliver all mail"**

PWUA representatives and on-call posties later spoken to by the union were very surprised to hear Post's sworn evidence in the Employment Relations Authority (ERA) in Auckland that:

- Unlike permanent and temporary posties, on-calls did not have to work beyond their specified hours so that all of their mail could be delivered on that day.
- Post rarely, if ever, employs an on-

call postie to do all the work of an absent permanent postie.

The PWUA had asked the ERA to determine if an on-call postie was entitled to be paid the same number of rostered hours as the permanent postie they were replacing.

The CEA states that the paid hours for an on-call must be specified before they begin work on any particular assignment – page 74 clause M8.

Post stated that on-call posties do not have to deliver all their mail if they would have to work beyond the hours specified for that day under clause M8.

The ERA has determined, based on Post's evidence, that on-calls were not entitled to be paid the rostered hours as the absent postie.

The PWUA has appealed the Authority's decision - and will challenge the accuracy of Post's evidence.



## PWUA wants solutions to fastpost failures and damaged large flats at Mail Centres

Failures in fastpost service promises, damage to mail items, and the health and safety of the workers. These are problems identified by the PWUA at the Bar Coding Machine (BCM) at the Wellington Mail Centre.

The PWUA observed the congestion of mail items flowing along a conveyor belt into the BCM.

The management has decided that only one worker is required to do the culling of mail at the BCM conveyor belt.

However even working at a fast pace the person culling is not able to remove all fastpost, overseas airmail and large flats before they are fed into the rotating BCM drum.

The result is that some fastpost items remain buried under mail running along

the conveyor. These items get into the drum of the BCM where some are missorted by the machine into standard mail trays.

Even if mail sorters later pick the fastpost letters out of the standard mail trays they have sometimes missed the fastpost despatch times.

Some of the large flats which get into the drum get damaged and staff are then required to patch them up and label them as damaged.

Later this month the PWUA will be meeting with one of Post's Engineering Services managers to discuss solutions to the fastpost mail service failures, damaged mail items and the clearly rushed and stressed pace of work occurring at the BCM.

## Legal protection for pregnant workers

"Sex, which includes pregnancy and childbirth" is one of the prohibited grounds of discrimination under the Human Rights Act.

The Human Rights Commission has advised the PWUA that employers have a legal obligation to accommodate the needs of pregnant employees - workers cannot be forced onto unpaid leave as a result of pregnancy.

Post has meaningful alternative "light" duties which are readily available at work sites for staff who have suffered work-related injuries.

It is unlawful discrimination to be treated less favourably at work than another person or to be offered less favourable terms and conditions of employment because of pregnancy.

Pregnant workers can contact the union for further information.

## C motor increase

For the use of private motor vehicles on authorised Post business the new c-motor rate is 73.5 cents per kilometre.

Following the steep increases and fluctuations in the price of petrol the PWUA was successful in getting c-motor tied to the annual rate for 2000 - 3500cc motor vehicles published by the NZ Automobile Association on 1 July each year.

This year's rate is an increase on the 1 July 2009 rate of 71.5 cpk.

## Correction:

An article in Redback issue No. 83 on Post and the Employment Relations Authority contained this sentence: "At least one manager appeared ill-informed and confused when presenting evidence." Redback apologises for mistakenly publishing this incorrect sentence.

## Postal Workers Union of Aotearoa

(Northern)

(pwa.union@ihug.co.nz)

Office: (09) 832 7982

Organiser: 021 798 244

Freephone: 0800 224 611

(Southern)

(pwa@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

## Union fees in line with pay increases

Since 2008 union fees have risen in line with wage increases.

The latest 2.5% pay increase on 1 August brings the total rise in union fees over the past 15 years to 50 cents a week for a full time employee.

The new weekly fee scale is:

- Employed 30 hours or more: \$4.50
- On call or less than 30 hours: \$2.25

## Post controls BUIP — union members lose

Union members have no control over the financial arrangements for international mail. However the substantial losses incurred in errors in international mail transactions has demonstrated a serious weakness in the selection of BUIP criteria resulting in financial disadvantage for Post employees.

To balance Post's control of BUIP, the PWUA believes the selection of BUIP criteria should become part of the negotiations of each Collective Employment Agreement.

REDBACK is published by the Postal Workers Union of Aotearoa | PO Box 6287, Marion Square, Wellington



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:

\$4.50 per week when I am employed for 30 or more hours per week, or

\$2.25 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.