

*Thousands of non-members also benefit from PWUA win*

## Relevant Daily Pay – 10 years of backpay

It is more than 10 years ago that the PWUA first advised Post - in May 2004 - that we believed our union's members were being underpaid for public holidays, lieu days, sick leave and bereavement leave.

Now, after nine years of legal battles, the dispute had come to an end and the PWUA was found to be right.

Post is now contacting up to 20,000 present and current Post employees to tell them they may be entitled to back pay.

In 2004 Post disagreed with the PWUA and said that the Relevant Daily Pay its employees received from the company for these types of leave was correct.

Unable to reach agreement with Post, the PWUA filed legal proceedings so the courts could decide who was right.

At the first hurdle there was no agreement at mediation. At the next hurdle the PWUA lost the case at the Employment Relations Authority.

The PWUA then appealed to the Employment Court.

Again the PWUA lost the case.

However, careful analysis of the Court's decision by the PWUA and its lawyers convinced the union that the Court's reasoning was wrong.

The PWUA then went to the Court of Appeal and asked if they would hear

an appeal from the PWUA.

On 30 October 2012 the Court of Appeal issued its historic judgement that the lower courts were both wrong - and that the PWUA had been right all along. However Post did not accept the decision of the Court of Appeal and asked the Supreme Court, the highest court in the land, if it would hear an appeal from Post.

After careful consideration the Supreme Court said "no" to Post and confirmed the Court of Appeal's judgement in favour of the PWUA.

Post then spent the following year on the huge task of gathering the information from all their payroll systems for every employee who has worked at Post or one of Post's subsidiary companies since 1 April 2004.

Post now appears to be confident that its current payroll systems are programmed to pay its employees correctly in future. Post is now preparing to begin paying the backpay owed first its current employees, then to its past employees.

The PWUA is pleased that the many hours of work performed by PWUA officials on this case, and the many thousands of dollars of union funds spent on the legal costs, are going to benefit so many hard-working Post employees.

## Post advised that not making replacement posties permanent is a breach of the CEA

The PWUA has advised Post senior management that replacing PPM posties who leave the job with temporary workers is a breach of the Collective Employment Agreement.

Clause N8 on page 76 was put up as a claim by the PWUA during wage negotiations and is now written into the Collective Employment Agreement.

For the first time posties have some control of the minimum staffing levels in their delivery branch. This is a very important provision introduced by the PWUA for PPM posties so that staffing levels are not run down and posties forced to do large amounts of

compulsory cut-ups.

The clause provides that the number of permanent employees is maintained to ensure roster cover for the average calculated mail volumes; include cover for annual leave relief; and allow for any extra hours that posties expect to be able to work under PPM.

The breach of the CEA also reduces Post's potential redundancy costs and the opportunity for some employees to take voluntary redundancy.

The PWUA awaits Post's response before considering its next step to ensure that the requirement in the CEA on staffing levels is honoured.

## Getting your RDP

Within the next month or two current Post employees should have had any back pay due to them for Relevant Daily Pay put into their bank the same as their weekly pay. They will also get a detailed printout of the calculations for every day of their RDP entitlements.

For ex-employees, Post has sent 14,000 letters to their last known addresses.

Current employees can advise ex-employees who may not have received a notification letter that they can register themselves for a possible back pay entitlement at one of the contacts below:

- [www.nzpost.co.nz/rdpclaim](http://www.nzpost.co.nz/rdpclaim)
- 0800 149 199
- +64 41 830 0654 (from overseas).

## RDP Court case an example of benefits of union membership

One of the objectives stated in rules of the Postal Workers Union of Aotearoa is to promote the economic interests of workers generally. This objective has been fulfilled by the winning of up to 10 years of backpay for thousands of workers.

However it was members of the PWUA paying their weekly union fees who provided the money needed to challenge Post from mediation to the Court of Appeal.

It is not only PWUA members and ex-members who will receive this backpay. Rather, all employees and ex-employees of Post regardless of union membership, will receive their backpay entitlement as a result of the PWUA's legal victory.

The PWUA invites those who are not yet union members and who will benefit from the successful relevant daily pay back pay won by the PWUA to consider joining the union.

# Hazards on cycling delivery

## — advice on “lost time” from PWUA

The PWUA is advising cycling posties that they should write “lost time for H & S” on their docket every day if the postie assesses that they spend a total of 3 minutes or more each day either slowing or stopping to ensure they do not collide with vehicles or pedestrians while on delivery.

At the February meeting of the Work Measurement Forum (WMF) it was agreed between Post and the unions that a cycling round with a significant number of hazards (uncontrolled road crossings, blind corners, blind driveways) would be treated as a “local exception” and have extra time added.

### detailed hazard information

The PWUA then submitted detailed hazard information and photographs of a hazardous Auckland delivery round to the company so that the additional time could be calculated and added. However the company declined to add any extra time locally, referring it to the National Work Measurement Forum.

At the next WMF meeting in May the company stated that it now held the view that hazards could not be dealt with as “local exceptions”. Instead, the whole “speed of travel” time studies would need to be re-done with the impact of hazards on each round taken into account.

### keeping themselves safe

However Post has no plans at present to re-do the cycling “speed of travel”. So, under Post’s scenario, cycling posties would continue to perform the task of keeping themselves safe every day, but the company would not pay them for it in the meantime.

The PWUA pointed out that the contractual rules for PPM state that

where the necessary performance of a task adds 3 minutes or more per day to a postie’s workload then this extra time must be assessed and added to the postie’s calculated time and paid.

### no intention of honouring

Post responded by saying they would seek to change this contractual provision at the next Collective Employment Agreement negotiations in mid 2015.

In the meantime, it appears to the PWUA that Post has no intention of honouring this contractual commitment to PPM posties.

PWUA representatives on the Work Measurement Forum were shocked and disappointed to hear the company’s position on hazards on cycling delivery, especially since it related to the safety of posties on delivery.

### “lost time” claims

In estimating the amount of “lost time” to claim each day posties should consider that the current “speed of travel” assumes there are only up to 10 hazards that would slow them down on the round. For the rest of the round it is assumed the postie can ride unhindered between all points without any need to pause for hazards.

If each uncontrolled road crossing, blind driveway or blind corner slowed the postie’s journey by 3 seconds then 60 of these over and above the 10 already allowed for would add 3 minutes of lost time to the round each day.

The Auckland round assessed by the PWUA had 213 hazard points over and above the first 10 identified which, at 3 seconds each, would equate to a little over 11 minutes per day (66 minutes per week) of lost time.

## 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) 942 8370  
Otago: (03) 455 4823  
Southland: (03) 455 4823

## Accuracy of dp times for biking posties

Work continues on making outside delivery times for biking posties more accurate by examining Delivery Point times.

DPs currently classified as type 1A include delivery points where a postie must stop to deliver because of the nature of the letter box, or its location.

However 1A DPs also include all those where delivery can be done without stopping. Too many “must stops” on a particular round will make its outside time longer than measured.

Type 2B DPs require a dismount and delivery to business premises. These are currently given under 9 seconds. It is now accepted that this time is wrong and needs to be remeasured.

The must stop type 1A DP is to be reflected in round sizes by an allowance. Rounds with lower numbers of ‘must stop’ DPs will remain unchanged.

If a round has a high proportion of such DPs a loading will be added to the DP calculated time.

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

### 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.