

Court to hear PWUA's overtime 'availability' case

A full bench of the Employment Court will hear the dispute between NZ Post and the PWUA over whether Delivery Agents can be required to work overtime. The full bench consisting of the Chief Judge and two other judges will hear the case in Auckland on 29 and 30 January.

It appears that the Court has decided that the dispute is a test case concerning relatively recent changes in the employment law, and it is possible the outcome will impact on the legal rights of employees in many industries, not just at NZ Post.

The Court has invited the NZ Council of Trade Unions, E tu union, and Business NZ to provide their written

submissions to the Court, although only the PWUA and NZ Post will be able to provide evidence and to cross examine witnesses.

While the NZCTU and E tu have accepted the invitation to be heard it appears that Business NZ has not.

The Court is being asked by the PWUA to clarify section 67E of the Employment Relations Act which says:

"An employee is entitled to refuse to perform work in addition to any guaranteed hours specified in the employee's employment agreement if the agreement does not contain an availability provision that provides for the payment of reasonable compen-

sation to the employee for making himself or herself available to perform work under the availability provision."

The PWUA claims that since Delivery Agents are not paid compensation for being available for overtime in addition to their guaranteed rostered daily hours they can refuse to work overtime.

NZ Post disputes this, and claims that Delivery Agents have no guaranteed daily rostered hours, so section 67E does not apply to them.

It is expected that the Court will reserve its decision at the end of the hearing and release a written decision some time later.

PWUA speaks to a Select Committee at Parliament on postal voting and post box removals

The PWUA's concerns about the effect of removing roadside posting boxes on the 2016 Local Authority postal vote were contained in the Union's report to a Select Committee at Parliament in November. The Justice Select Committee which heard the Union's submission was attended by four Labour Party and four National Party Members of Parliament.

After the October 2016 postal vote the then National Party led Government called for submissions as part of a review of the election process. Following the change of Government in the 2017 general election the new Labour/NZ First/Green Government continued with the review.

The Union had presented a written report to the Select Committee in February last year and was finally able to speak to the written report in an oral submission in November.

The main points in the Union's written submission were:

- The removal of roadside post boxes before and during the 2016 Local Authority election affected the ability of an unknown number of citizens to participate in the democratic process
- NZ Post had failed to fulfil its obligations as a socially responsible organisation as required by the State Owned Enterprises Act.

The Union had reports from posties that some people did not vote because they could not find a post box.

NZ Post had consistently ignored repeated requests from the Union that there should be consultation with local communities before any removal of post boxes.

The Union asked that the Select Committee's report include instructions to NZ Post that it was the company's responsibility to maintain an infrastructure for postal voting - that the postal infrastructure during a postal ballot is the election infrastructure.

Overtime for DAs calculated daily or weekly?

A single judge in the Employment Court heard this dispute between the PWUA and NZ Post about overtime on 18 December last year.

NZ Post told the Court that Delivery Agents have only a rostered start time, and no rostered finish time, and that NZ Post can change their daily finish time without notice, therefore Delivery Agents have no rostered daily hours and their overtime can only be calculated weekly.

However the PWUA told the Court that a "roster" is defined in the Collective Agreement as having actual start and finish times each day, and that those times can only be changed by the company following consultation and two week's notice, and therefore overtime must be calculated daily.

The Judge reserved her decision and is expected to release her decision in a few weeks' time.

PWUA asks NZ Post to justify 9.00am final clearances of street receivers

NZ Post defended its widespread removal of roadside post boxes by saying they would be placed at supermarkets - locals could then post their mail as they did their supermarket shopping.

However the PWUA has asked NZ Post

to explain why the posting boxes outside many supermarkets now have a 9.00am final clearance time - most people do not do their grocery shopping before 9.00am so their mail is delayed a further day - or up to three days if they post after 9.00am on a Friday.

The Union is also waiting to hear from NZ Post about moving CBD clearances from 6.00pm to 5.00pm or 4.00pm. Those businesses mailing after the end of their business day will also face mail clearance delays of up to three days if they post their mail after 4.00pm.

Trial of two bundles for walking posties

NZ Post's intention to have two separate mail sequences - one of letters only and the other of both letters and large flats - led to a trial of walking posties carrying more than one bundle.

The trial was conducted by an independent consultant ergonomist to study "the feasibility and risks" of walking posties carrying more than one bundle. The emphasis on the first part of the trial was on measuring only the safety of each of the four methods.

Currently walking posties carry a single bundle of letters and large flats (mixed bundles) on their forearm.

Four posties at the Wellington Central Delivery Branch each trialed four methods of "multiple bundle handling".

- The cradle: mixed bundle on the forearm and letters in the hand
- Back to back: a bundle of letters and a separate mixed bundle held on the forearm, rotating the bundle at each delivery point
- The vest: as used in Norway, a chest mounted vest sloping away from the postie with pockets for mixed bundles and letters
- Bag feed: holding the mixed bundle on one forearm and pulling sequenced letters directly from the walkbag. (This method has already been ruled out as not safe.)

Continuing the current method of sorting both large flats and letters back into the case and taking out a single bundle has not been ruled out.

A more extensive trial of the safest options will be trialed early this year. Copies of the 12 slides in the Multiple Bundle Handling Assessment summary are available from the PWUA.

Cost comparison of ebikes and Paxsters

The PWUA has asked NZ Post to conduct a cost comparison of delivery on ebikes and delivery on Paxsters using Nelson and Napier as the models.

Mail delivery in Nelson is based on six day delivery on ebikes while Napier delivery is based on Paxsters using the four day rotating roster.

The Union believes NZ Post will be paying substantially more for maintenance, repairs and modifications for Paxsters operating on footpaths than does Norway Post for running its own fleet of Paxsters operating only on the roads.

Following the introduction of

Paxsters NZ Post has already made a number of significant changes to its original Paxster delivery model. Ten large towns including Cambridge, Masterton and Rangiora were taken off the list for delivery by Paxsters.

The integration of courier product with mail delivery has not been universally successful - in some areas courier vans have been reinstated.

The Union wants to see evidence of the sustainability of the current Paxster delivery model compared to other delivery models so that pressure to cut costs will not further erode delivery standards or employee income.

Collective Agreement Working Group

The PWUA has agreed to a series of two monthly meetings with both NZ Post and the E tu union to discuss the simplification of the Collective Agreement.

The Union believes the process is more democratic. It allows for more membership involvement in the consideration of Collective Agreement issues than just the series of negotiation sessions immediately before the expiry of the existing Collective Agreement in March 2020.

Matters for discussion will include:

- Simplifying the wording of the Collective Agreement
- The correct application of the Holidays Act on all employees - permanent, temporary, on-calls and casuals
- The Collective Agreement and High Performance High Engagement.

The PWUA will be using meetings and reports in the Redback to encourage input from members.

Post card proposal delay

After a number of reminders to NZ Post the PWUA is finally expecting the company to begin a business case appraisal - more than two years after a postcard sports result competition similar to one run by Thailand Post was first proposed by the Union to NZ Post. (See Redback December 2017.)

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6A Western Springs Road, Kingsland, Auckland, 1021

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..... Site.....
Department..... Position.....

Home Address.....
Suburb..... City..... Post code.....
Phone..... Email.....

Deduction Authority for Postal Workers Union of Aotearoa (Northern)
I authorise my employer to deduct:
 \$5.95 per week when I am employed for 30 or more hours per week, or
 \$2.95 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.