

*Mail officers and DAs had benefited from HPHE before company pulled the plug*

## PWUA says NZ Post has stolen important right from employees

The PWUA believes that senior NZ Post management has stolen an important right from its employees by making a one-sided decision to abandon the HPHE Charter.

The HPHE Charter (High Performance High Engagement) was agreed to and signed off by NZ Post and the union parties in May 2018.

The obligation to enter such an agreement was in accordance with a "Term of Settlement" of the 2017-2020 Collective Agreement which was continued on into the current 2020-2022 Collective Agreement.

For employees, the most important feature of the HPHE Charter is the obligation on NZ Post to "use best endeavours to reach consensus on any proposals".

This binding obligation on NZ Post means that the company must listen to and consider the concerns of its affected employees, and try to reach a consensus solution before any decisions can be made.

Where this process has been followed it has worked successful for NZ Post and its employees because consensus solutions have been found.

Mail Centre workers and Delivery Agents were involved in HPHE Improvement Teams. The three Delivery Agent Improvement Teams and the Auckland Mail Centre Improvement Team were able to come to solutions by reaching consensus.

There were problems however in some regions where the local managements did not provide the resources for worksite based HPHE groups to function. This led to some disillusionment about HPHE by workers on those sites.

Against the warnings of the PWUA the company has now decided to disregard its obligations under the HPHE Charter.

The PWUA firmly believes that the loss of the important right for employees to have their concerns and needs taken into account will result in the employees being substantially disadvantaged.

Regardless of the outcome of any legal proceedings which may follow, employees of NZ Post can already see that the CEO's signature on the HPHE Charter is meaningless when the company decides it no longer wants to honour an agreement.

### Decision to abandon HPHE made at the top

NZ Post says the decision to abandon the HPHE Charter was made by the Chief Executive Officer on the advice of the Chief Operating Officer and the Chief People Officer.

The PWUA believes that, in effect, the senior management of NZ Post has stolen an important right from the company's employees.

### CA agreement for engagement

NZ Post and the PWUA agreed in a Letter of Settlement at the 2017 Collective Agreement negotiations to commence the development of an "engagement framework" within two weeks of the ratification.

The Terms of Settlement setting out the agreement on an engagement framework were carried over into the 2020-2022 Collective Agreement - section 2.34 on page 76.

Legal advice provided to the PWUA is that NZ Post's withdrawal from the Charter is likely to be regarded as unlawful by the courts.

## Legal letter to NZ Post seeking mediation before any PWUA filing of legal action

*"It is clear that Post has not wanted to be bound by the process of attempting to obtain consensus".* This is a message to NZ Post in a letter to senior management from the PWUA's Barrister following NZ Post's announcement that it has withdrawn from HPHE.

The letter continues: *"It is the union's view that by including the provision in the Collective Agreement, Post confirms that the HPHE Charter is a contractual document. Post is not entitled to simply withdraw from it. If Post wishes to change the Charter, it is necessary to reach agreement with the Union."*

The Barrister's letter also says the level of the company's new "Real Engagement" is not consistent with NZ Post's obligations in the HPHE Charter.

The legal action open to the Union is to seek a Compliance Application at the Employment Relations Authority which has the power to order the company to continue to honour its contractual obligations to the HPHE Charter.

The Union is willing to delay filing for legal proceedings if NZ Post agrees to mediation in the first instance.

If mediation is successful in having NZ Post return to its HPHE Charter, obligations then legal action will not be necessary.

### "Real engagement" is not consensus

NZ Post says it is replacing the HPHE Charter with a system called "Real Engagement". This system is virtually identical to the HPHE Charter except that it does not contain the obligation for the company to "use best endeavours to reach consensus" with employees.

Despite any claims that NZ Post may make, their "Real Engagement" is fundamentally different to the HPHE Charter.

The company's "Real Engagement" is about providing information and talking to employees, but it is not about how decisions are made.

## 10 days' minimum sick pay - PWUA disputes NZ Post's interpretation of the new law

A change to the law providing for a minimum of 10 days' sick leave for each year of employment came into effect on 24 July this year.

For existing employees the new entitlement starts when each employee next becomes entitled under the law to their allocation of sick leave.

NZ Post has told employees that they will get the minimum of 10 days on their next employment anniversary date, so employees will have to wait for up to a year to receive it.

However the PWUA has pointed out that this is not what the new law says.

The law says an employee's sick leave anniversary date is six months after their employment anniversary date, so an employee who has already received,

say, 5 days' sick leave in the last six months will be entitled to another 5 days' sick leave six months before their next employment anniversary.

The PWUA has also pointed out to the company that under the PWUA-NZ Post Collective Agreement the company has agreed to advance PWUA members' sick leave entitlement by six months to coincide with their employment anniversary.

So the PWUA has said to comply with both the new law and the Collective Agreement, NZ Post needs to backdate the new 10 days' sick leave entitlement to all employees who have had an employment anniversary since 24 January 2021.

NZ Post has said they are working on a response to the PWUA.

## ACC reviewing injured workers' experiences where injury management is contracted out

"Worker outcomes and experiences" is one of the subjects of ACC's review of its Accredited Employer Programme (AEP). Under AEP Gallagher Bassett manages NZ Post's employees' injuries and claims.

Earlier this month, at the invitation of the NZ Council of Trade Unions (NZCTU), the PWUA joined an on-line meeting with ACC which is seeking to make improvements to its Accredited Employer Programme.

AEP allows large companies which pay an annual work levy of over \$250,000 to ACC to reduce their work levy by up to 90% by either managing their workplace injuries in-house, or as NZ Post has done, subcontracting to a third party like Gallagher Bassett. The costs of the workplace injuries and claims are

then met directly by NZ Post.

Unions at the two on-line meetings with ACC reported many problems with companies using the AEP programme. These included low paid workers waiting months for claims to be accepted and injured workers feeling bullied by repeated phone calls and emails.

There is a strong view that the AEP should be scrapped and all workplace injuries be managed solely by ACC.

A union concern is also whether large international insurance companies with their first responsibility to overseas shareholders are best placed to manage the injury claims of New Zealand workers.

In mid August ACC will be reporting back to the unions to discuss their findings from the unions' representations.

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## More CA backpay coming soon for PWUA members

All NZ Post employees who were paid for annual holidays, public holidays, lieu days, sick and bereavement leave between 24 May and 26 September last year did not receive back pay on those payments when the company paid their Collective Agreement back pay.

The PWUA raised this with the company in October last year.

After many meetings and letters the PWUA and NZ Post have reached a verbal agreement on a method for calculating a backpay amount owing to each PWUA member which they should receive in September this year.

NZ Post has indicated it will pass on this benefit to E tū members, but not to non-union employees.

The amounts are not very large but the PWUA persisted because the money rightfully belongs to the employees.

## A LIVING WAGE FOR ALL WORKERS!

REDBACK is published by the Postal Workers Union of Aotearoa • Trades Hall, 126 Vivian St, Wellington 6011 • [pwu@tradeshall.org.nz](mailto:pwu@tradeshall.org.nz)



POSTAL WORKERS UNION OF AOTEAROA (SOUTHERN)  
Trades Hall, 126 Vivian Street, Wellington 6011

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 (Southern)

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 Southern District.

Please stop any other deductions from my pay to any other union.