

Union deceived by Post over "Relevant Daily Pay"

The PWUA, and employees at NZPost, have been deceived by undertakings given by Post to address a backpay issue going back over four years. Depending on the amount of overtime worked, the union believes that many PWUA members are owed backpay ranging from a few dollars up to \$1000 - estimated by the company at a total of \$1.2million.

During the CEA negotiations earlier this year PWUA representatives were given an assurance by Post that the company would go to mediation to establish a formula for calculating Relevant Daily Pay backpay.

Relevant Daily Pay is the pay employees must be paid for public holidays, sick leave, bereavement leave, and alternative holidays (lieu days). The company has not been including all overtime or the delivery of overflow bag payments in the calculations.

During the 2004 CEA negotiations the PWUA advised Post that the law had changed in April 2004 and Post would need to start calculating RDP according to the new formula in the Holidays Act.

Because the provisions of the Holidays Act take precedence over any lesser provisions in the CEA, it was not necessary to include any reference to Relevant Daily Pay in the CEA.

However, the company went ahead and wrote a clause defining RDP and printed that clause in the 2004 CEA - without the knowledge or consent of the PWUA. The PWUA believes that this was an act of deception by the company.

The PWUA filed legal proceedings against Post in August 2007 to get Post to comply with the Holidays Act.

On the basis of the assurances given by Post during the 2008 Collective Employment Agreement negotiations, and at the request of Post, the PWUA agreed to suspend the legal proceedings to give time for Post to comply with the law and calculate the backpay.

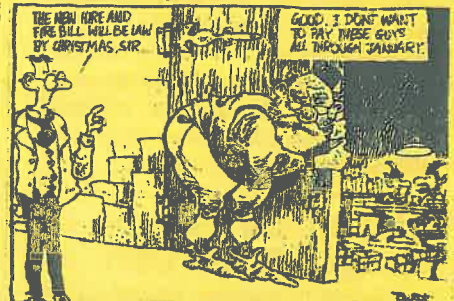
The CEA was ratified by union members on the understanding that Post would immediately use the RDP formula in the Holidays Act.

Although Post agreed to amend its RDP clause, the company is now denying any liability for up to four years of backpay owed to employees.

Now it has become clear to the union that its members were deceived by Post at the CEA negotiations the PWUA has revived the legal proceedings.

A hearing in the Employment Relations Authority in the PWUA case against Post has been set down for 3 March in Auckland.

New 90-day sacking law: not only Santa's elves will get the heave ho ho ho



THE DOMINION POST, SATURDAY, DECEMBER 13, 2008

From 1 March 2009 employers with fewer than 20 workers can use trial periods "by mutual agreement" to sack workers within their first 90 days of employment without giving any reason.

These workers will lose their right to take a personal grievance for most cases of unjustified dismissal.

In its current form the "fire at will" law passed by Parliament last week does not affect employees of NZPost.

However the new law may be extended to all employers.

Page 9 of the explanatory note of the Employment Relations Amendment Act states: "Consideration should be given to evaluating the outcomes of this legislative change with a view to extending it to cover all employers in the future".

PWUA stands up to Post's illegal restrictions at Mail Centres

The PWUA is standing up against Post's illegal attempts to restrict the right of union organisers to speak to union members on the job.

Last month Post had written to both the PWUA and EPMU stating the company's intention to impose new restrictions on union access to Mail Centres.

At both the Te Puni Mail Centre in Wellington and Highbrook (Auckland) the company is trying to impose a new policy obstructing union access to the mail room.

Post's insistence that contact between the union and its members be confined to the cafeteria, or a room set aside for interviews, is a breach of the union access provisions of the Employment Relations Act.

PWUA organisers will continue to insist on speaking to members at their work stations in the mail rooms.

A manager breached the Collective Employment Agreement by instructing a delegate that he must take any time spent on his union duties off his break time. The delegate was being denied his entitlement to time off on pay under clause K6 of the CEA.

The manager also tore up Redbacks and threw them in the rubbish, angering PWUA members and non-members who strongly objected to a Post representative destroying union newsletters (which included PWUA membership forms).

The PWUA has filed a case in the

Employment Relations Authority seeking:

- A "compliance order" requiring Post to comply with the union's "right of access" provisions of the Employment Relations Act.
- A penalty for breaching of Act.
- Compliance orders reinstating:
 - a) the right of the workplace delegate to the paid time provided for union responsibilities in clause K6 of the Collective Employment Agreement (see also "Know your CEA" overleaf).
 - b) for the delegate's full rest break provided for in Operations clause N4 of the CEA.

The PWUA will continue to actively challenge Post's illegal restrictions on the union's right of access.

Know your CEA!

Protection for delegates

PWUA members who are elected as delegates have some of their rights specified in the Collective Employment Agreement.

Clause K6 provides for delegates "to reasonable time off on pay to deal with the concerns of employees who are union members".

This includes time to discuss issues with members, hand out union material, attend meetings representing members, and discussions with visiting union officials. (Delegates should record on their time dockets or advise their team leaders when they are fulfilling their union duties.)

Post "mistake" delays printing of PWUA CEA

Post wants to remove clause L7 of the PWUA CEA which provides for a pay increase for mail officers who pass the mail officer test - they move up to grade 2 step 3.

Post claims that the clause was a mistake in the 2004 CEA and again in the 2006 and 2008 CEAs, that the company no longer conducts mail officer tests, and wants the clause removed from the PWUA CEA. (The company has paid out backpay under the clause.)

The clause does not appear in the EPMU CEA and the company wants both the PWUA and EPMU CEAs to have the same provisions.

In the meantime Post has suspended the printing of the PWUA CEA.

The PWUA's view is that Clause L7 should remain in the PWUA CEA, but that it could be added to the EPMU CEA - subject to the agreement of the EPMU.

Two new organisers

Following the steady increase in membership this year, the PWUA has engaged two new organisers, one in Auckland and one in Wellington.

Wayne Newsome was a postie at the Hunters Corner branch in Auckland for 15 years where he was a delegate for 9 of those years.

Wayne will be covering Auckland and all districts north of Taupo. He can be contacted at the UNITE union office in Auckland on phone (09) 846 9452 or his mobile 029 445 4959.

Dave Thomson comes to the PWUA Wellington office after 13 years at NZ Post subsidiary Datamaii where he was senior delegate for seven years.

Dave will be organising in the greater Wellington area, the Wairarapa and Nelson, Richmond and Blenheim.

Dave's numbers are (04) 385 8264, 0800 469 798, or mobile 027 747 0232.

The PWUA is confident that the two new organisers will continue to build on the increase in the union's membership - and strength.

"Put a sock in it!"

The volume of a machine alarm claxon mounted on top of the Barcode Sorting Machines at the Wellington Mail Centre has been turned down.

The elimination of the noise nuisance in the Mail Centre followed a meeting last month between PWUA representatives and Mail Centre management about machine staffing levels and other health and safety issues.

The management also arranged a demonstration for the PWUA of the improved operation of safety cut-out devices on the Barcode Machine and the Barcode Sorting Machines after concerns expressed by workers about an earlier failure of a cut-out device.

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Christchurch posties' action over asbestos

After high dust levels led to headaches and sore throats and eyes, and the company had not provided air quality and air contamination tests, PWUA members at the Christchurch city delivery branch refused to enter their sorting branch.

The posties stood together demanding a guarantee that building renovations on other floors were not causing asbestos to be released into the air. Their refusal to work in unsafe conditions led the company to shift their sorting cases to the Orchard Rd sorting branch at Christchurch airport for six weeks.

The company has agreed to pay C motor for those posties taking their cars to the new sorting branch and to ferry others without transport.

However the PWUA organiser will be taking up the issue of payment for any extra travelling time involved. Some posties will be faced with an extra four hours travel a week.

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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:

\$4.16 per week when I am employed for 30 or more hours per week, or

\$2.08 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.