

Holidays Act back pay may be further delayed beyond 11 November

It now appears to be unlikely that current NZ Post employees will receive their back payments on 11 November as advised by the company for remediation of the company's Holidays Act breaches.

The back payments, originally scheduled for July this year, appear to have been delayed again, although the company still says it hopes to pay them this year.

Accounting firm Ernst and Young has been advising NZ Post on the calculations of the amounts owing to each employee.

The process has been overseen by the Labour Inspectorate Payroll Division of the Ministry of Business,

Innovation and Employment (MBIE). The process is supported by the PWUA as a means of utilising independent government officials to audit the calculations. NZ Post says the payments may be held up again due to a delay at MBIE.

The PWUA itself has not been provided the data for any individual employees and the Union cannot verify the accuracy of any payment.

The Union therefore recommends that, once the payments are made, any member who believes that their remediation payment may not have been calculated correctly, should request a copy of their data from NZ Post payroll.

Holidays Act payments since 24 May 2020 may also be incorrect

The Holidays Act remediation payments owing to current employees covers a 10 year period up to 24 May 2020. Payments made since this date should have been calculated correctly in accordance with the Holidays Act.

However in the Collective Agreement back pay paid in September, dating back to 1 April 2020, NZ Post did not recalculate payments made for leave taken since 24 May. The PWUA has alerted NZ Post payroll to this problem but has received no response.

The PWUA believes that, once again, NZ Post payroll will be required to begin another Holidays Act remediation programme which would start as soon as the current remediation programme finishes

Travelling time for DAs working on rostered days off

A PWUA member who is a Delivery Agent (DA) contacted the Union about clause C.31 of the 2017-2020 Collective Agreement (now clause C.29 of the 2020-2022 CA). He wondered why he was not being paid travelling time when he was working on his rostered day off.

[Travelling time is time spent travelling between home and work and return, and is payable in addition to actual time worked.]

The PWUA checked the CA, agreed that DAs should be receiving payment for travelling time on non-rostered days, and wrote to the company saying so.

NZ Post replied saying that they did not think the clause applied to DAs.

The Union then sought the opinion of a prominent employment law barrister who agreed with the Union's interpretation of the clause and wrote to NZ Post accordingly. The company has now agreed to attend mediation with the PWUA scheduled for 18 November.

If the PWUA is successful, then DAs may be entitled to back pay for the travelling time between home and work and return whenever they worked on their rostered days off, from the date they started as DAs

Eye protection for DAs who wear prescription spectacles

WorkSafe says that, to comply with the law, employers must provide eye protection from UV radiation to workers who work outdoors.

NZ Post provides only off-the-shelf sunglasses to DAs.

However for DAs who are required to wear prescription spectacles to drive a Paxster, NZ Post currently provides no eye protection from UV radiation.

Clause L.53 of the expired Collective Agreement (clause K.43 of the new Collective Agreement) provides for a reimbursement payment for employees who are required to wear, and who purchase, prescription spectacles that are also safety spectacles.

Some DAs who have purchased UV safety prescription spectacles to protect their eyes have been reimbursed by NZ Post. However the company has now taken steps to stop managers from approving this payment.

The PWUA is preparing to file legal proceedings to require NZ Post to continue the payment for safety prescription spectacles to DAs, and to ensure that workers can receive the eye protection that the law requires.

Video coding NZ Post mail in one of the most dangerous places in the world for union organisers - the Philippines

The PWUA has asked NZ Post senior management to investigate the situation of workers in the Philippines who are engaged in video coding NZ Post mail.

Video coding is the process by which mail not able to be read by the Bar Coding Machine in the Mail Centre has a picture of the address panel diverted to a computer screen. An operator then corrects the address to allow the automatic sorting process to continue.

The work previously done by PWUA members covered by the Collective Employment Agreement is now being done in the Philippines by the company contracted by NZ Post.

Reports by Amnesty International and other international organisations have identified the Philippines as one of the most dangerous places in the world for union organisers. The murder of a union organiser in June last year brought to 43 the number of human rights activists murdered since the election in June 2016 of the current president, Rodrigo Duterte.

As a trade union, the PWUA is concerned about the welfare of workers in general, including the welfare of those workers performing work previously done under the PWUA Collective Agreement in a country where union organisers are in such danger of being murdered.

Progress being made by union/company Collective Agreement Working Group

The company and both unions have been meeting regularly by audio or video conferencing to discuss the implementation of matters covered by the new Collective Agreement (CA). The Collective Agreement Working Group (CAWG) has also been working through issues not covered by the Collective Agreement itself.

Labour hire company workers. One example not covered in the CA is the developing by the CAWG of a 'Code of Practice' for workers at NZ Post employed by Labour Hire agencies.

The PWUA wants an agreement with NZ Post about when, where and how staff are brought in from Labour Hire companies and that the workers have the same rights as NZ Post employees, particularly for pay, working conditions and disciplinary processes.

Other issues under consideration by the CAWG include:

Sick leave bank. Investigating the opportunity for employees with accumulated sick leave who want to volunteer to donate some of their sick

leave for a colleague absent from work because of sickness.

PPM to DAPM. The remaining Postie Pay Model posties will all be transferring to the Delivery Agent Pay Model on 15 February next year.

Enhanced Early Retirement. The company will be presenting a proposal to the CAWG for consultation with the unions on any changes the company may want to make from 1 April 2021 to the current Enhanced Early Retirement programme.

High Performing Delivery Agents. A number of discussions around how to best recognise high performing Delivery Agents has yet to result in a concrete proposal. The issue will be referred to the HPHE Steering Group for its consideration of a way forward.

Copies of the CA. The company agreed to provide enough copies of the 2020-2022 Collective Agreement for one copy for each union member with extra copies to be provided for future members.

NZ Post will not be postmarking all stamped mail

Union members have been reporting to the union that NZ Post is still not always postmarking mail with stamps.

A significant proportion of mail continues to be processed without a postmark, including the mail of private mail companies having their mail processed by NZ Post under the provisions of the Postal Services Act.

However NZ Post has now told the PWUA, nearly two years later, that the company advised the private mail operators in 2018, that not all their mail lodged with NZ Post would be postmarked.

Last year the School Trustees Association complained that the absence of postmarks prevented the Returning Officers from knowing which ballots had been posted in time to be counted as valid votes.

At the time NZ Post told Radio NZ that only 1,000 letters had missed being postmarked because of a fault at the Manawatu Mail Centre.

As with uncanceled NZ Post stamps the private mail operators may find that their stamps are being peeled off and reused, with the consequent loss of revenue for all the mail companies.

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Saliva testing for D&A

The PWUA has raised with NZ Post the union's concerns that a lack of clear guidelines has led to local management erring on the intrusive side and requiring a urine test for almost every incident.

The company and unions have agreed to recommence joint meetings to work to resolve a number of issues which arise from the application of the company's Drug and Alcohol policy:

- A clear message that a failed drug and alcohol test does not mean automatic dismissal.
- Introducing saliva testing now that it has been accredited by the NZ Standards Association.
- A consistent application of any company requirement for testing for the presence of alcohol or drugs.
- A one-page guide for those being tested rather than the company's current obligation to provide its full 36 page Drug and Alcohol policy to an employee waiting to be tested.

The PWUA expects the revived forum to continue the constructive discussions and to provide improved outcomes.

REDBACK is published by the Postal Workers Union of Aotearoa ♦ Trades Hall, 126 Vivian St, Wellington 6011 ♦ pwu@tradeshall.org.nz



POSTAL WORKERS UNION OF AOTEAROA (NORTHERN)

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.