

PWUA and Post: "mediated settlement" on PPM staffing levels

Excessive hours and short staffing challenged by PWUA

A "mediated settlement" between the PWUA and Post requires the company to take regular action to ensure that posties are not having to work excessive hours in short staffed delivery branches.

Over the last year or so the PWUA had many complaints from posties about having to regularly work many extra mandatory hours.

Post had continually ignored PWUA requests for the company to define what the company considered to be "reasonable overtime".

However when the PWUA acted to protect exhausted posties by establishing its own definition of reasonable overtime, Post accused the PWUA of inciting unlawful action. (See Redback November 2014).

As a result of excessive hours, high turnover of trainee posties and insufficient staffing levels at Christchurch delivery branches the PWUA filed proceedings against Post in the Employment Relations Authority in November.

Without having to go to a full hearing of the case at the Authority, the PWUA has achieved a legally enforceable settlement in mediation with a number of protections for PWUA members (see box opposite). Post has already complied with one of the provisions of

the settlement - a regular report to the PWUA on the number of mandatory and voluntary hours each month at each branch.

The PWUA's concern about understaffing is supported by the report which shows that in the month of December only one third of delivery branches had a mandatory workload of less than 38 hours of calculated work load each week. Nearly half of all branches had a calculated work load of over 40 hours per postie per week with a significant number of the extra hours being mandatory and not voluntary.

When PPM was negotiated the union was concerned that understaffing could undermine how PPM was meant to operate.

Clause N8 of the Collective Employment Agreement (page 76) was included to ensure a compulsory minimum staffing level to avoid short staffing.

The mediated settlement provides a process that must be carried out by branch management every time a postie leaves to ensure the correct staffing levels in accordance with the CEA.

The union action was necessary to protect posties from the excessive mandatory workloads which were caused by insufficient staffing levels.

PWUA gets protections against short staffing

- Every time a postie leaves the job the delivery branch leadership must assess whether that postie should be replaced by balancing the current calculated mail volume with the hours that existing posties want to work. The assessment will be reviewed with the union delegate.
- Posties concerned about workloads can raise the matter with their team leader who must advise their immediate manager and also discuss the matter with the union delegate. If there is no agreement the matter will be referred to the union organiser.
- No cut ups will be allocated to trainee posties until they have achieved BS75 or after six weeks work, whichever comes first.
- Base pay protection for the first six weeks for trainee posties will apply. When workloads exceed 37:40 Post is required to ensure that trainees will be paid at least \$15.15 for hours actually worked.
- No postie is required to exceed 10 hours on any one day including rest breaks, with a review after 30 June.
- The PWUA has provided Post with a list of sites for a review of the number of temps to be completed by the end of February.
- A quarterly meeting of Christchurch delegates will review local staffing issues as required. The first meeting will be on 11 March.

"Not a shred of reliable evidence" to support dismissal and final warnings

A Papakura postie who had been sacked has been reinstated by the Employment Relations Authority. And final written warnings which had been issued to most of the other posties have been removed.

The Authority's "determination" in the case taken by the PWUA on behalf of the sacked Papakura postie, was fully supportive of the PWUA case and was harshly critical of the management.

The Authority said "there is not a shred of reliable evidence (to contradict the dismissed worker's statement)".

From the beginning the PWUA maintained that the evidence presented by management about the alleged consumption of alcohol at work was very poor.

The PWUA repeatedly gave to branch

management, HR and senior management the PWUA's extensive written objections to the management's "evidence" and investigation process.

In the view of the Authority the management and HR consultants had conducted a significantly flawed investigation into allegations of the consumption of alcohol by workers after work one Friday in August last year.

The Authority was specifically critical of the management for:

- withholding information
- failing to take proper statements
- failing to ask witnesses important questions
- presenting evidence in a misleading light
- failure to act in good faith

- predetermining the investigation outcome.

The PWUA expects Post to learn from its experience and gather and record evidence accurately and listen to the PWUA when suggestions and objections are presented by the union during the investigation process.

As a result of the PWUA's success on behalf of the Papakura posties, everyone on site is now a member of the PWUA and many have expressed admiration for the union's on-going support during their difficult experience.

The Employment Relations Authority determination is a public document and can be found in full on the Authority's website: www.nzlii.org/nz/cases/NZERA/2014/761.html

Pay increase for some Auckland posties

Posties at the Maungawhau Delivery Branch received a pay rise of around 1% in October as a result of a review at their branch of the "Inside Fixed Time" under the Postie Pay Model.

Each of the posties is also expected to get around \$400 (less tax) in back pay. The pay rise is back dated to September 2013 which is three months after the issue was raised with the company by the PWUA.

Inside Fixed Time applies to activities posties regularly perform in the branch apart from sorting mail and team briefs. It covers activities such as emptying satchels and panniers, checking the roster, clearing the back case, applying sunscreen, filling a water bottle, checking the bicycle, travelling to the exit, etc.

The current Inside Fixed Times were

derived from timings of posties working in medium sized branches in 2006.

When PPM was being introduced to the Maungawhau Branch, a larger branch of 36 rounds, a PWUA delegate asked for a new time study to be conducted to check whether the greater distances that posties needed to walk in a larger branch had a significant impact on the Inside Fixed Time.

Two sets of time studies were performed by Delivery Systems and these concluded that 3.74 minutes per day were to be added to the inside Fixed Time at Maungawhau Delivery.

For posties who are meeting or exceeding 37:40 of calculated workload per week this equates to an additional \$7.91 in their weekly pay.

Big increases for "standard expectancies"

Process workers at the Christchurch Mail Service Centre are expected to speed up their sort rates now that Post has introduced new "standard expectancies" from October 2014.

Since 2008 standard expectancies had remained stable.

The reason given by Post for the change was that all Mail Service Centres sort the

same product out of the same containers.

As a result sorting tests have become almost impossible to pass let alone to sort at the required rate for the entire shift.

The PWUA believes there is a document explaining the rules, guidelines and processes for testing and has asked that the document be tabled at the next national level PWUA/Post meeting in March.

Roster Make-up Allowance — wins and losses

Post employees who were full time on 5 July 2000 and have been continuously employed by Post since that date are entitled to the Roster Make-up Allowance - a weekly amount equal to the difference between their current full time rostered hours and 40 hours.

As a result of a legal case won by the PWUA, employees who changed from full time to part time, and then back to full time are now entitled to have their Roster Make-up Allowance reinstated.

Individual employees in this situation are continuing to be identified by the company, and are being reimbursed their back pay for up to six years.

In another legal case taken by the PWUA a ruling was sought on whether PPM posties who receive the Roster Make-up Allowance are entitled to keep it when they change from full time to part time.

In that case the ruling went in the company's favour - the postie has to remain as a full time employee to retain the payment.

PWUA calls for "business risk assessment" of trade agreements and SOEs

State owned enterprises like New Zealand Post may have their businesses seriously weakened or obstructed by so called international "trade" agreements like the Trans Pacific Partnership Agreement (TPPA).

Last month the PWUA asked Post for an urgent business risk assessment of the potential negative impacts of the TPPA on Post.

Potential risks identified by the PWUA include:

- An undermining of the New Zealand's Government's sovereignty in estab-

lishing, owning and operating state owned companies like NZ Post.

- Pressure by international corporate interests to stop state owned companies from competing with private sector companies except on a fully commercial basis. (For example it could enable DX Mail to argue that NZ Post shouldn't receive any government funding).
- The direct assault on New Zealand's sovereignty by trade 'agreement' provisions like the Investor State Disputes Settlement provisions

(ISDS). Under the ISDS provisions international corporations would have the power to sue the New Zealand Government in secret international tribunals - outside New Zealand law and outside the country.

Under the ISDS an international postal company could sue the Government to protect its own profits.

- That of the 29 "chapters" of the TPPA, only 5 are directly related to trade.

Another nationwide series of protests, rallies and marches against the TPPA will be held on Saturday 7 March.

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.