

Union challenge over box mark-ups and 'return to sender'

The Union has raised with NZ Post the new box mark-up (BMU) 'return to sender' policy following concerns expressed by union members and delegates, especially about the reduction in services provided by NZ Post to business customers.

Where businesses have a PO Box number, NZ Post has begun to 'return to sender' mail items that are addressed to the physical address of the same business if that business had not previously been receiving physical deliveries.

NZ Post wants to stop its 'box mark up' process which until now has posties redirect these mail items from the business' physical address to its P O Box.

NZ Post says *"The removal of the BMU process does not include an offer to introduce delivery to the physical address of our BMU customers"* which will result in the mail items being returned to sender.

The Union believes that the company's statement appears to be in clear breach of NZ Post's Public Contract.

NZ Post's Postal Users' Guide which forms part of the Public Contract states: *"We will deliver mail into business premises if a locked mail box or letter slot is provided on the ground floor and in a common entrance, or if a reception desk or shop counter suitable for holding mail is close to the main entrance"*.

NZ Post is now specifically denying businesses which have a PO Box number the right to become a new physical delivery point.

The Union believes that NZ Post's refusal to deliver mail to a physical address may be a breach of the Deed of Understanding with the Government which requires three day per week delivery to 99.88% of delivery points.

The Union continues to follow up with NZ Post on this service reduction and the potential for significant inconvenience and disruption caused by NZ Post to both senders and receivers of mail items.

Reductions in NZ Post services can also further undermine the job security for its employees.

PWUA rep for the NZ Council of Trade Unions' Rūnanga

The PWUA is entitled to have a representative on the NZ Council of Trade Unions' Rūnanga o Ngā Kaimahi Māori o Aotearoa - a council representing Māori workers. The Rūnanga was adopted by the NZCTU in 2015 to better reflect the Treaty of Waitangi relationship between the Crown and Māori.

All 34 unions affiliated to the NZCTU are entitled to have a representative on the Rūnanga.

The current Coalition Government has already taken a number of steps to roll back the rights of Māori, including removing all mention of Treaty Principles in existing legislation which include the right of Māori to self determination - tino rangitiratanga.

Māori workers are disproportionately affected by the Government's cuts in health, education and public services.

The ACT Party has a Treaty Principles Bill designed to attempt to rewrite the Treaty of Waitangi, an internationally recognised Treaty between two sovereign nations - the British Crown and Māori.

Those members who are interested in representing the PWUA on the NZCTU Rūnanga, and/or supporting the selection of the PWUA representative, should email the union at pwu@tradeshall.org.nz

Auckland Mail Centre workers unhappy about reduced staffing levels and shift changes

NZ Post proposes to reduce the processing window at the Auckland Mail Centre - currently 6.00am to 4.00am the following morning, to 6.00am to 00.30am. The processing hours will be reduced by three and a half hours. The proposal would result in staffing levels being reduced by 30 FTEs (full time equivalents).

There will also be a higher proportion of part time jobs and many existing part time workers will have a reduction in hours. The ratio of part timers to full timers will increase from 30% to 40%

of the staff numbers.

Those who have worked night shift for decades will have to make changes to their personal lives as well as a loss of income with reduced night hours.

The Mail Centre workers are not happy about the lack of information about the new processes, workflow, tasks and roles in the company's consultation packs.

There were errors in the consultation packs which has undermined the workers' confidence in the restructure, seen as just a cost cutting exercise.

Tūpuna would see second class posties

The Postal Workers Union believes that under NZ Post's Tūpuna programme, some posties could be working under the Minimum Wage.

NZ Post wants a single network of contract couriers delivering the mail along with parcels. However couriers have said they will not be delivering mail from their vans. Many couriers have said they will

have to hire posties to work on bikes delivering mail, packets and small parcels.

Couriers may not have the time or legal knowledge about labour law to ensure that their posties are paid correctly.

The Union's case that NZ Post must continue to employ a network of NZ Post posties will be heard in the Employment Relations Authority on 18-20 February.

ACC audit of NZ Post

The PWUA was invited to attend some of the ACC audit of NZ Post's injury management processes earlier this month.

The PWUA expressed continued support for both the Safety and Wellbeing Action Groups (SWAGs) at NZ Post and the Bowtie hazard management processes which have been attended by some of the Union's SWAG reps.

However the PWUA has separately advised NZ Post that problems remain about the inadequate time and resourcing for some of the SWAG reps to perform their responsibilities.

Uber drivers' win in Court of Appeal case helpful for PWUA case for couriers

The Court of Appeal decision last month that Uber drivers are employees and not contractors will assist the PWUA case that NZ Post's contract couriers are also employees and not independent contractors.

The PWUA has a case beginning in the Employment Court in Wellington on 24 February next year seeking a declaration from the Court that two of NZ Post's couriers were employees who had been misclassified by NZ Post as contractors.

The Court of Appeal has emphasised in its Judgment that it is *the nature of the relationship* that will be critical in determining whether or not workers are contractors or employees.

Contract couriers who are declared by the Employment Court to be employees and who are PWUA members will be covered by the PWUA Collective Agreement and will then enjoy all the rights of the other PWUA members.

In the Uber case the Court of Appeal said *"where a business uses a standard form agreement to contract with a number of workers, all of whom do the same work in the same setting, it is implausible that some are employees and some are not ..."*

If the Employment Court declares the two NZ Post couriers to be employees, then it will be implausible for NZ Post to continue to claim that the rest of its couriers are contractors.

NZ Post risking migrant exploitation with its contract courier model

Last month one of NZ Post's contract couriers was found by the Employment Relations Authority to have failed to pay correctly his employee, a migrant working for him as a courier.

In the NZ Post-related case the contractor was found by the Authority to have breached both the Employment Relations Act and the Holidays Act including payment for annual leave, sick leave, public holidays, and the maintaining of wage and time records.

The contractor was ordered to pay \$15,960 in unpaid leave and penalties to the employee.

A 2019 study published after allegations of migrant exploitation in the supply chain of fibre roll-out company Chorus, reported increased risk of migrant exploitation as the number of migrant workers increased in the Chorus network of contractors.

The PWUA is concerned that as NZ

Post tries to roll out its Multi-Run Business model, with contract couriers expected to hire up to six couriers as employees, the contractors will not have the knowledge, time or resources to be able to comply with all labour laws.

As well as the Holidays Act and the Employment Relations Act, this includes other laws such as the Health and Safety at Work Act and the Wages Protection Act.

As NZ Post pushes the responsibilities of being an employer onto its new Multi-Run Business Partners, the exploitation of couriers may not become known by NZ Post until a courier takes a case to the Employment Relations Authority.

As in the Chorus case, NZ Post may be blind to any exploitation of an increasing number of couriers who may have limited knowledge of English and a limited knowledge of their rights as employees.

Union questions NZ Post about postal voting

In preparation for postal voting for next year's Local Authority elections, the Union has asked NZ Post about its contact with the Electoral Commission.

This follows public criticism of the postal voting process during the Local Authority elections of 2016, 2019, and 2022.

In 2017 and 2018 the Postal Workers Union made submissions to Parliamentary Select Committees about the need for NZ Post to maintain the infrastructure for postal voting. NZ Post ignored two requests by the Union to attend the Select Committee hearings.

Street receivers had been removed in Rangiora during postal voting in 2016. NZ Post continued to quietly pull out street receivers from throughout the country.

NZ Post is required by the State Owned Enterprises Act to have regard for the interests of the community - in this case the infrastructure for postal voting.

The Union awaits a response from NZ Post that it is committed to the integrity of postal voting in NZ's democracy - of importance to both the Electoral Commission and the Department of Internal Affairs.

Mail delivery target testing in Wellington CBD

Almost one year after the Union advised NZ Post that mail posted in the Wellington CBD took an average of six business days to be delivered back to the Wellington CBD, the company is currently carrying out target testing of delivery times.

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:

☐ \$6.95 per week when I am employed for 30 or more hours per week, or

☐ \$3.45 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.