

## No agreement at mediation over NZ Post's Tūpuna programme — case now to be heard by the Employment Relations Authority

Following NZ Post's rejection of the Union's invitation to attend mediation to discuss the Union's counter-proposal to maintain an employee mail delivery network, the Postal Workers Union filed a case in the Employment Relations Authority.

The Authority then ordered a mediation between NZ Post and the PWUA.

After three hours of mediation between NZ Post and the Union on 24 June there has been no change in NZ Post's plan to lay off all 750 of its mail delivery service employees over the next two to five years as mail volumes continue to decline.

The Union's counter-proposal of 29 February would see a slimmed down employee delivery network using posties on electric cargo bikes and also eventually electric motorcycles.

The next step is a telephone conference call on 14 August set up by the Employment Relations Authority with lawyers for both the Union and

NZ Post. A date will then be set by the Authority for a hearing which the Union is expecting to be in the next few months.

The Union is seeking an order from the Authority that NZ Post must comply with the Employment Relations Act and also the Management of Change provisions of section F of the Collective Agreement.

The PWUA claims that NZ Post has failed to act to minimise the redundancies of its employees as it plans to have all mail delivered by contract couriers.

The NZ Council of Trade Unions and political parties are already keeping up to date with the Union's opposition to NZ Post's plan, a State Owned Enterprise leading the way to the contractualisation of a significant proportion of its workforce. (See also the story overleaf about contract couriers and section 6 of the Employment Relations Act.)

### Government wants even more cash from NZ Post

NZ Post quietly paid a special cash dividend to the Government of \$100 million in May this year.

The Minister of State Owned Enterprises had written to NZ Post: *"We also expect NZ Post to continue working closely with the Treasury, including for the regular six-monthly capital reviews which are intended to ensure NZ Post achieves and maintains an optimal capital structure, distributing any surplus capital to the Crown."*

The Minister says he expects NZ Post to link executive remunerations to outcomes desired by the Government.

The Union is concerned that the "robust performance measures" required by the Minister are not designed to see an improved mail delivery service, but for more cash to be extracted from NZ Post by the Government.

### PWUA asks NZ Post to return video coding from non union site in the Philippines

While NZ Post has been laying off workers in one of its Mail Centres, the Postal Workers Union has called on NZ Post to bring back the video coding of letter mail from a call centre in the Philippines to its Mail Centres to Aotearoa New Zealand.

Video coding has workers sitting at computer terminals who can see on their screens the address panels of letters with unclear addressing that the sorting machines cannot decipher.

A correction can be made to the address panel by the operator and the letter, never having left the sorting machine in the Mail Centre, then continues through the sorting machine to the appropriate delivery round stacker on the machine.

The Postal Workers Union believes NZ Post failed to comply with the Collective Agreement when it moved Mail Centre video coding to the

Philippines. NZ Post can produce no evidence that it consulted with the Union under the contracting out clause F9 of the Collective Agreement.

Last year the Union advised NZ Post of the danger to their lives faced by union organisers in the Philippines.

Since 2016 seventy two unionists have been killed in the Philippines, including Alex Dolorosa a union organiser working for the union organising call centres in the Philippines, BIEN, who was murdered last year.

UnionAID, supported by the NZ Council of Trade Unions has a solidarity project with BIEN (see adjacent story).

Although NZ Post provides some video coding work as part of rehabilitation programmes for injured workers, NZ Post has not replied to the Union's request that all video coding be returned to its Mail Centres in Aotearoa New Zealand.

### UnionAID support for Philippines call centre union

The PWUA advised NZ Post that the call centre used by NZ Post, owned by the international company Canon, has no union and no Collective Agreement to protect the workers' rights.

The registered New Zealand charity, UnionAID, is funding a project with the BPO (Business Processing Outsourcing) Industry Employees Network - BIEN Philippines.

UnionAID is an accredited NZ Aid Programme and is a signatory of the Council for International Development code of conduct.

More information about UnionAID's international solidarity activities, including its work with BIEN is on the UnionAID facebook page.

The PWUA encourages members to consider supporting UnionAID by becoming a Kiwi Solidarity member at [www.unionaid.org.nz/kiwisolidarity](http://www.unionaid.org.nz/kiwisolidarity)

# PWUA challenging NZ Post wanting its mail to be delivered by 'employees with no rights'

The PWUA is seeking a declaration in the Employment Court that, because of "the nature of the relationship" with NZ Post, contract couriers are employees and not contractors. In the first such case to be filed by the Union, the Union is representing one courier and one ex-courier in seeking the declaration.

The Union has been in contact with over 40 contract couriers and have heard from many of them about the control exercised over them by NZ Post. A number of contract couriers have joined the Union and are paying their union fees.

Section 6 of the Employment Relations Act "Meaning of Employee" allows anyone to seek a declaration that they are employees.

The PWUA case, set down for the week beginning 24 February in the Employment Court in Wellington, is open to the public.

While a plumber, for example, may be a genuine contractor, able to choose when to work, where to work, what to wear, what to drive and whether or not to have advertising on their vehicle, NZ Post couriers have no

such rights. The Union believes that as dependent contractors they are effectively employees with no rights.

Clause 4.2(b) of the NZ Post Owner Driver Agreement specifically denies the couriers payment for annual leave, sick pay, overtime pay and other benefits which are the rights of employees under employment law, case law, custom and practice and the Union's Collective Agreement with NZ Post.

The Government, through its ACT Party Minister of Workplace Relations, is preparing to introduce a Bill into Parliament to weaken the right of dependent contractors to test their employment status in the Employment Court.

Any change to prevent couriers testing their rights as employees will bring a vigorous response from the PWUA along with the NZ Council of Trade Unions and opposition political parties concerned that many workers will then be offered only contracts without rights, and not union negotiated employment agreements.

## NZ Post pushes out 2030 zero carbon target by 20 years

The PWUA has asked NZ Post why it appears to have pushed its zero carbon target out by 20 years - from year 2030 to year 2050.

NZ Post's Statements of Corporate Intent 2023 and 2024 use different base years (respectively 2018 and 2023) making it difficult to make a direct comparison of the zero carbon targets.

The Union has also asked NZ Post to provide its zero carbon targets using the same base year for each Statement.

## PWUA counter-proposal and NZ Post's zero carbon target

NZ Post has told the Union that it is sticking with its target of a fully electric last mile fleet by 2030.

However no new contract couriers appear to have been required to buy an electric van. In six years time, with several years of service left on their diesel vans, the company may require the couriers to buy an electric van to meet NZ Post's electric fleet target.

The Union is yet to hear a single favourable comment from couriers and employees who have driven one of NZ Post's eVito electric Mercedes-Benz vans. Concerns include battery capacity, battery life, limited driver vision while manoeuvring the vans, and re-sale value.

The Union awaits a reply from NZ Post as to whether it has made a significant change to its zero carbon target in a reality check that its 2030 zero carbon electric fleet target is unachievable.

However it is the PWUA's counter-proposal to NZ Post's mass lay off of posties that will move NZ Post closer to its zero carbon target - electric cargo bikes and electric motorcycles being used by posties in place of the extra diesel vans that would be needed for mail delivery by couriers.

## Wellington CBD - 75% of letter mail still *not* delivered by the third business day

The NZ Post website states that 75% of mail will be delivered by the third business day. However the PWUA has run two month-long trials of mail delivery times in the Wellington CBD and discovered that instead it is 75% of mail *not* delivered by the third business day.

In September and October last year twenty letters posted by the Union in the Wellington CBD took an average of 6 days to be delivered back to the CBD.

After no response from NZ Post a follow-up test conducted by the Union in March and April this year showed the average delivery time to be 5.5 days.

Both these examples were reported to NZ Post's Operational Working Group.

Finally, only last month, NZ Post asked

to see some of the postmarked envelopes to be able to conduct an investigation.

At the time of the closure of the Manawatū Mail Centre the Union was told there could be some delays to service but that this would soon be corrected.

Nine months after the first example reported to NZ Post of a 75% service delivery failure rate, the PWUA has still had no report from the company about the cause of the mail delays.

It is no surprise to the union members that public confidence in NZ Post's mail delivery service continues to decline. Job security of NZ Post's employees also suffers while NZ Post appears to be so uninterested in its mail service delivery obligations.

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.