

## **PWUA's legal advice: NZ Post's "Strategic Direction" for mail breaches the Collective Agreement and breaches the legal requirement to deal with employees in good faith**

### **The PWUA's lawyer has notified NZ Post's lawyers**

NZ Post has said it rejects the Postal Workers Union counter-proposal to NZ Post's proposal to lay off all 700 posties over the next five years. The Union's counter-proposal would see a network of posties delivering mail, packets and small parcels on a fleet of electric cargo bikes (like the Tern) and electric motorcycles. NZ Post has said it confirms its "Strategic Direction" to require courier contractors to deliver all mail and parcels.

The Union's lawyer has written to NZ Post's lawyers inviting NZ Post "to reconsider its approach". If necessary the Union can seek a Compliance Order from the Employment Relations Authority requiring NZ Post to honour the Collective Agreement.

The substance of the letter from the Postal Workers Union's lawyer to NZ Post's lawyers is as follows:

*"Our clients are parties to a Collective Agreement. The Agreement contains a number of provisions in relation to the management of change. This includes at F2 that the company will seek where possible, to achieve an outcome that best balances the needs of employees, along with the interests of the company.*

*"There are further provisions that include at clause F9 to F11 that all practicable alternatives should be considered before work is contracted out, and requiring the provision of the business case to the Union for discussion.*

*"Clause F19 provides an obligation to minimise as far as possible the use of redundancy. The company is required to consider options including redeployment or relocation.*

*"It is the Union's position that any action by the company to progress the Tūpuna Proposal would be a breach of the Collective Agreement. Clearly there is an opportunity to continue the employment of at least some of the affected employees.*

*"I am instructed to seek a Compliance Order if necessary, precluding your client [NZ Post] from taking actions that are in breach of the Collective Agreement. This includes progressing any compulsory redundancies when alternative options have not been fully explored.*

*"The purpose of this letter is to advise New Zealand Post of the Union's position and to invite it to reconsider its approach.*

*"You will see that the Union's proposal is consistent with the provisions of the Collective Agreement and retains employment.*

*"It also remains the Union's position that New Zealand Post did not act in good faith through the consultation process, and failed to provide all necessary information to enable a proper consultation to take place.*

*"I am happy to discuss these issues. Given the importance of this matter, the Union does not wish to see delay but would consider attending mediation with New Zealand Post to address these issues. The Union also would be open to an interests-based discussion with a view to finding a solution to the issues that meet the needs of both parties."*