

A big year ahead for workers at NZ Post

2025 is shaping up to be a decisive year for the workers at NZ Post with several significant processes occurring that have the potential to impact workers and their futures.

Deed of Understanding (NZ Post's mail service obligations to the government)

Following a public consultation process run by MBIE in late 2024 seeking feedback on proposed changes to the Deed, NZ Post workers are now waiting to hear what changes will be made by the Government to the Deed. The changes proposed include:

- (a) Reducing the mail delivery frequency from 3 days per week to 2 in urban areas, and from 5 days per week to 3 in rural areas; and
- (b) Allowing NZ Post to restrict new delivery points (dp's) to communal dp's only and to convert existing letterboxes to communal dp's at a rate of up to 5% per year across the country.

If adopted, these changes would potentially reduce the number of workers required by NZ Post.

Legal challenge – are couriers contractors or employees?

The PWUA is challenging NZ Post on the employment status of its couriers. NZ Post says they are contractors but the PWUA believes that the true nature of their working relationship with the company is that of employees. Under the law the Employment Court can examine how the relationship works in practice for specific workers then, if it sees fit, issue a binding declaration that the couriers are, in fact, employees. The PWUA is presenting evidence from two couriers as test cases for the Court to examine.

It appears to the PWUA that NZ Post is making every effort to delay this case being heard by the Court. It was originally scheduled for July 2024 but was delayed until 24-28 February 2025 in the Employment Court in Wellington. Late last year NZ Post applied to the Court for the hearing to be delayed again, but the Court rejected the bid. On 14 January 2025 NZ Post applied again to delay the hearing until after the Supreme Court has issued a decision on an appeal from Uber about four of its drivers who have been declared employees. The Court will decide in February whether the NZ Post courier case will proceed or be delayed, likely by at least another year.

In rejecting NZ Post's previous bid for a delay a Judge of the Court noted that **NZ Post "was keen to emphasise that this litigation is extremely important to [NZ Post] given its present business model and, as I understand it, other changes that might be proposed in future. [NZ Post] is therefore placing considerable store in the outcome of this case."**

The PWUA believes that, if the two named couriers are declared to be employees, then NZ Post will be unable to continue with its future delivery model which sees all delivery work being performed by "contractors".

Legal challenge – are proposed Tūpuna redundancies lawful?

The PWUA is challenging NZ Post on the lawfulness of its Tūpuna programme which aims to make all its delivery employees redundant and give their work to an increased workforce of "contractors". The PWUA claims that NZ Post failed to meet its obligations under the law to justify why the redundancies are necessary when the work still remains, and has failed to comply with the PWUA–NZ Post Collective Agreement which requires redundancies to be minimised when redeployment opportunities are available.

A decision on this case is expected from the Employment Relations Authority in May this year.

Collective Agreement bargaining

The current PWUA–NZ Post Collective Agreement expires on 30 June this year. It is expected that bargaining will begin in May. The PWUA anticipates that the outcome of the Government's Deed review and the PWUA's legal challenges may influence the claims that NZ Post brings to the bargaining. In turn, the PWUA expects that union members will have strong claims for improvements to the Collective Agreement and will be unwilling to give up valuable protections already in place.

Join the PWUA by going to the website, www.pwua.org.nz, click on the "Join Us" link and submit the form.