

Employment Relations Authority rules in favour of Union's case

NZ Post ordered to consult further with the Union on Tūpuna

The Union has been successful in obtaining a compliance order against NZ Post in the Auckland Employment Relations Authority over the company's failures to comply with the Management of Change provision of the Collective Agreement.

NZ Post had announced in June 2023 that under its Tūpuna restructure programme the company would be laying off all 750 mail service employees over the following five years, wanting to move all mail delivery to contractor couriers.

In issuing its compliance order on 4 July 2025 the Authority's Determination found:

- "There was insufficient evidence to show, NZ Post carried out a specific analysis as to alternative options limiting the need for work carried out by Union employees to be carried out by contractors. The Union's request to consider other options were reasonable options to examine for the purpose of retaining work for its members."
- "Although I accept NZ Post had provided a significant amount of

information explaining their business case for the proposal, it was obliged to work with the Union on the efficacy of other options.

- "There is insufficient evidence before the Authority to show a sufficient assessment of other options had taken place (such as the mixed operational model as proposed by the Union)".

The Authority member did not agree with the Union that NZ Post had failed to meet its good faith obligations to provide as much financial information as it could:

- "I am satisfied NZ Post had provided reasonable access to as much information it was able to provide. For this reason NZ Post had not breached its good faith obligations.

The Union and company have agreed to the first meeting of the renewed consultation process to be on Friday afternoon 22 August.

The Union will be inviting a representative group of PWUA posties to join the consultation process. Most of the meetings are expected to be by video conference.

Working conditions colder than the fridge

The Union is concerned at the cold conditions that exist in some of NZ Post's workplaces, especially in the depots where processing workers are sorting freight. Working in cold conditions can create a greater risk of injury and illness.

Early on frosty mornings it can be warmer inside a fridge than at some of NZ Post's worksites.

SWAG group representatives will have the support of the Government's WorkSafe department if cold working conditions are a problem. The management is required under the Health and Safety at Work Act to "engage" with employees about health and safety issues.

While local NZ Post managers do make jackets, gloves and other protective gear available, WorkSafe

initially expects a more proactive approach by employers.

Options proposed by WorkSafe for uncomfortably low temperatures include:

- If reasonably practicable to remove the source of the cold.
- Provide shelter from cold draughts.
- Improve building insulation and installing heaters.
- Allow extra breaks to warm up.
- Provide specialised protective clothing.

WorkSafe recommends that a suitably qualified workplace health and safety professional can do a workplace risk assessment and advise on the most appropriate control measures to put in place.

The Union wants to hear from any work site where cold temperatures may remain a problem.

"No Physical Delivery Point"
"To Ensure Prompt Delivery"
Please Ask Sender to
use your PO Box Number"
New Zealand Post

NZ Post breaching Postal Services Act?

NZ Post has a new 'mark up' stamp - "No Physical Delivery Point". The Postal Workers Union believes that NZ Post would be in breach of the Postal Services Act 1998 if the stamp is used where there is an alternative accessible physical street address of a PO Box or Private Bag holder.

A retired senior lawyer, a Kings Counsel, wrote to the Union supporting the Union's campaign against NZ Post's Box Mark Up/Return to Sender policy. After he had an important street addressed mail item returned to sender the retired lawyer brought the Union's attention to section 16 of the Postal Services Act. The PWUA's own lawyer has now written to NZ Post pointing out that section 16 of the Postal Services Act 1998 sets out NZ Post's obligation to deliver mail unless:

- it bears no address;
- a wrong address;
- an incomplete address;
- an illegible address; or
- the address cannot be located.

Page 20 of the Postal Users Guide on the NZ Post website says that the company will deliver to businesses with ground floor access and a counter or a receptionist to receive the mail.

The Union supports posties who, under the company's new Box Mark-Up policy, continue to try to deliver mail as addressed.

The Union had reached a brick wall with NZ Post management and the Chair and the Board of NZ Post, none of whom want to engage with the Union on the company's obligations under NZ Post's Postal Users Guide.

The Union is considering referring the matter to the Employment Relations Authority to establish whether NZ Post's Return to Sender instruction to posties is an unlawful instruction.

Carry over will breach NZ Post's obligations

The Union has received reports of NZ Post managers not calling in extra available staff and deciding that mail be held over from a quiet Saturday's mail to lift the following Tuesday's volumes or holding over a quiet Monday's mail to fill the following Wednesday's delivery.

NZ Post's delivery promise is that 95% of mail is to be delivered by the third business day. Two mail delivery tests run by the Union last year, and reported to the company, showed that 95% of the mail sent from the Wellington CBD was not delivered back to the Wellington CBD by the third business day.

NZ Post also has obligations under the Deed of Understanding with the Government that 99.88% of delivery points are covered three times a week.

The Union is also aware of examples where whole runs left undelivered are not recorded as carry over. The Union believes that NZ Post needs to improve its oversight and not have the Union repeatedly having to advise the company of its delivery service failures.

PWUA members ratified new Collective Agreement

The majority of PWUA members have voted to ratify a new Collective Agreement - 80% in favour. However the balloting process showed that a substantial majority of the members, 62%, preferred to reject the Terms of Settlement of the new Agreement.

For the PWUA and E tū unions to remain united the majority of PWUA members who wanted to reject the proposed Agreement agreed that if E tū had accepted the new Agreement then they would also accept.

NZ Post drops plans to contract out Lyttelton

After putting out a consultation pack in May under clause F9 of the Collective Agreement about contracting out mail delivery in Lyttelton, NZ Post now says the time is not right. The management says it will "revisit the question when the time is right".

One of the Christchurch East postie delegates had put together a counter proposal with a more efficient delivery plan using an employee that would have saved the company significantly more than the company's proposal.

Mail delivery in Lyttelton is delivered by posties from the Christchurch East branch (previously St Asaph).

As part of the consultation process with NZ Post the Union asked a series of 10 questions that the company has not replied to including:

- What data does the company have that contract couriers earn the Minimum Wage after expenses?
- What actions has NZ Post taken to identify and prevent potential and actual examples of the exploitation of migrant workers?
- Does NZ Post accept that the real nature of the relationship it has with its contract couriers means that NZ Post is in a considerably stronger negotiating position with contractors compared with employees covered by a Collective Agreement, and that the company has non-negotiable "take it or leave it" contracts with its couriers?

The Union concluded its feedback to the company on its proposal by stating "The Union believes there is a consistent pattern of the exploitation of the vulnerability of contract couriers by NZ Post".

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Protective Equipment on national meeting agenda

A number of problems with Personal Protective Equipment (PPE) were raised by the unions during the negotiations for the Collective Agreement in May and June this year. The management agreed that the examples raised by the unions be on the agenda of the next six-monthly National Health and Safety Network due to meet this month including:

- Suitable warm gear - jackets, tops, pants, gloves and beanies.
- Health, safety and wellbeing of night shift workers.
- Seating on the process floor at the Auckland Processing Centre.
- Equipment breakdowns (like Paxsters breaking down on a Saturday) when posties are still on the road after management has gone home.

The company also agreed to reinstate three meetings of the Collective Agreement Working Group over the next 12 months. The Union had found the Working Group to be a constructive forum for considering and actioning matters which come up during the term of the Collective Agreement.

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.