



Slave Labour at SkyCity

Email to Claire Ward, SkyCity HR Manager from Mike Treen, Unite National Director

Hi Claire,

This is to notify you that we are in dispute over the interpretation of the Table games Trainee Dealer position in the CEA. The new interpretation of the company is outside the past practice and clear intent of the parties when they negotiated the CEA.

You have ceased paying the training rate to trainees in the training room and to compound the grievance you have created a new role of trainee for 150 hours while working as a dealer on the tables.

This position is not in the CEA. It was never contemplated by the parties to the CEA. It is a new position and cannot be created without consultation with the union.

This is a double-sided breach of the CEA. If it is not reversed we will seek compliance from the Employment Relations Authority that your action is illegal and that the trainees in the training room should be paid the training rate and the so-called trainees on the floor should be paid the appropriate dealer rate.

As mediation will be ordered by the authority anyway I suggest we set one up as soon as possible to begin dealing with the issue.

The completely underhand and dishonest way these two positions/roles have been introduced – without any consultation with the union seems to underscore the message in Matt's letter to the Chef Executive that SkyCity seems intent on doing anything – legal or illegal, honest or dishonest – to squeeze the last bit of profit out of the workers at SkyCity.

It is simply disgraceful for a company of your wealth and power to force vulnerable people without work to enter into arrangements where they must make themselves available for training with no pay for three weeks before you decide to employ them regularly at SkyCity. The decision to stop paying the training rate to trainees in the training room is simply a modern form of slavery.

Mike Treen

Unite National Director



“Play fair, play hard, play a part, play time” but no pay!

UNJUSTIFIED DISMISSAL (CONVENTIONS)

We went to mediation over an alleged unjustified dismissal of two staff from Conventions. We wanted the matter of the dismissal and their casual status sorted. An agreement over the dismissal was reached but the matter of their casual status was held over to be dealt with as part of resolving the broader issues of what is a casual that may need to go for a determination to the employment authority.

UNPAID MEETINGS

We recently wrote to the company regarding the legality of the 30-minute unpaid meeting for Table Games Staff. TG Staff used to have weekly meetings. SEA-Unite changed that requirement to fortnightly meetings in our first CEA. However we were never happy with this situation.

Recently the company started making staff attend in uniform. They also appeared to be using the meetings for training rather than just a pep talk or two. We pointed out that the meetings had become “work” from any normal viewpoint. Moreover a recent court decision on IHC that required staff staying overnight on their premises to be paid at least the minimum wage also applied to “unpaid meetings”. The company hasn't responded to our concerns so this may be another issue headed to the Employment Relations Authority for a determination.

CONSULTATION ? YEAH, RIGHT!

The company seems to be unable to apply a proper consultation process to restructure proposals they have affecting staff.

The CEA clearly states:

“The parties recognise that consultation between SKYCITY, Employees and the onsite unions is desirable on matters of mutual concern and interest. ...SKYCITY agrees to inform the unions in writing of any review or process that might result in surplus staffing, or changes to departmental roster patterns. Union delegates in affected areas will also be informed. Where a union advises it wishes to contribute to the review, adequate time for consultation with SKYCITY will be allowed to enable the union to have substantive input.”

Recently restructure proposals are presented without any advance warning by the company. We find out when affected staff come to us with the proposals being presented to them. Then when approached by the union they have failed to provide essential information on the proposals necessary to make a judgement. Even the rosters and pay rates are being left out of discussion documents. This is simply unprofessional. It has led to delays to their own process as we have tried to force a proper consultation to happen.

With the Car Park restructure it looks like the company simply wants to get rid of staff and hire cheaper replacements without there being a substantial change in roles. If the job can be done by those in their current positions we believe they should be given the new role without loss of pay. We don't accept that a company can simply change the title of a job and then advertise for new cheaper staff.

Gaming Machines is another department where the company wants to change from fixed to rotating RDO's. Again the union wasn't notified. Again the consultation process has been started without proper engagement with members affected.

We have requested the process be put on hold until we have had a chance to speak to each member affected and see what the impact will be on each of them. (Stop Press: We received an email that the “roster review is halted and current rosters will remain in place until we have a chance to do further analysis.”!)

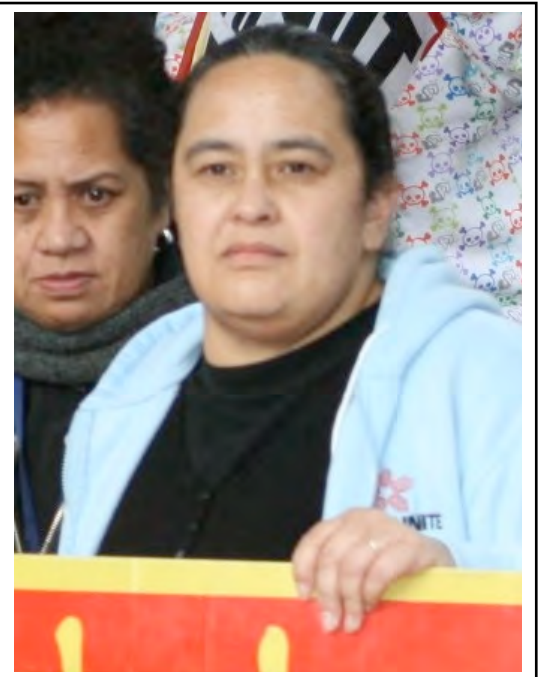
MEET SOME DELEGATES



Daniel Humphries, Gaming Machines



Candy Sherman, Table Games



Liane Henry, SEA co-president

CASUALS OR PART TIME – THAT IS THE QUESTION!

There are approximately 500 staff at SkyCity on casual contracts. This is a significant percentage of their staff. Unite union has approximately 70 of them as members.

We approached the company over 9 months ago with our concerns that they weren't meeting their legal requirements to these staff. We pointed out that many of them were working long hours every week; were being put onto a roster sent out a week or two in advance; were being required in their contracts to be available for work for at least one shift a week in some departments; were penalized if they did not agree to work shifts; were allocated shifts without consultation and deemed to have done a No Call, No Show if they cancelled the shift which can result in disciplinary action and purging from the casual list. The list problems could go on. All of them are conditions that cannot be imposed on a genuine "casual". A genuine casual is employed on a day to day basis with full rights to refuse. They cannot be put on a roster. If they are the contract becomes a part time one.

A part-time worker has the right to at least 8 hours work a week. They get subsidized medical insurance, lieu days, shift-based leave, overtime rates after 40hours, and 4 weeks annual leave entitlement even if the company has been (mistakenly) paying them 8% extra as holiday pay.

We had an agreement from the company that they would address the issue and look at every casual contract, informing the staff they were doing so. We are aware of one staff member being given a letter promising some action and having the letter taken out of his hands 30 minutes later when the company decided not to proceed with dealing with the problem. They have simply not implemented this agreement. Or they looked at the problem and decided it was too big to fix.

We have asked for the time records for our 70 members but have been met by continuing delays in getting this information at all or in a form that is at all useful. Many of the members originally had on our lists have left the company in the time it has taken to sort out.

We will be seeking a court determination of the issue once we have the information we need from the company to progress the matter.

Picket
outside a JB
HIFI store in
Australia in
solidarity
with Unite
members in
New
Zealand



SUPPORT THE JB HI FI WORKERS THIS SATURDAY

Auckland: Rally outside JB Hi Fi store in Queen Street at 1pm, Saturday May 15

EQUAL RIGHTS FOR WORKERS ON MATERNITY LEAVE

Workers on maternity leave are guaranteed the the same rights as if they had been working. The company initially refused to give these workers the pass on payment of \$200 in the CEA. After saying we were willing to take the issue to the Human Rights Commission the company saw sense and agreed to pay it.

FLEXIBLE WORKING HOURS – SKYCITY IS NOT A FAMILY FRIENDLY COMPANY

In July 2008 the Employment Relations (Flexible Working Arrangements) Amendment Act came into force. The Act provides certain employees with the right to request a variation to their hours of work, days of work, or place of work.

To be eligible for the 'right to request' an employee must have the care of any person and have been employed by their employer for 6 months prior to making the request. When making the request, the employee must explain how the variation will help the employee provide better care for the person concerned.

The Act requires employers to consider the request for flexible working arrangements and provides the only grounds upon which they can refuse a request. The Act provides a process for how requests are to be made and responded to and also provides a process for resolving disagreements relating to a request for flexible working arrangements which may arise from time to time. Given the size of the company it should have little problem being "flexible" on occasion. But at SkyCity there is little flexibility. SkyCity is insisting that all Table Game staff must be available 24/7. We recently had to go to the Human Rights Commission to get an exemption for a staff member with a medical disability. We may be forced to do something similar for some of our mums and dads who need a bit of sympathy and support as they juggle their working lives.

ENFORCING OUR CONTRACT

In 2008 a new position was created for Gaming Machine Host. Gaming Machine attendants were offered these roles which would be worked within their normal work week at the higher rate. The workers were offered a contract on an hourly wage that said they were covered by the Collective Employment Agreement. The workers accepted the position on this basis. This year the company refused this group of employees their 4% rise guaranteed by the Collective for the work they did in the new role. The company claims it is a salaried position not covered by the CEA. But on the contract they were offered an hourly wage under the CEA.

The company has refused the wage adjustment and it's another case that is going to mediation and may be headed to the Employment Relations Authority for a determination.



SEA-UNITE

This is a membership (tick one):

Application Renewal

Mr. Mrs. Ms

First Name:

Family Name:

Date of Birth: / / 19

E-mail:

Postal Address:

Suburb/Town:

City:

Phone Mobile: -

Home: -

- I authorise Unite to be my representative under the Employment Relations Act 2000 or its successor.
- I authorise my employer to deduct my fees from my wages and send them to Unite and to cease deductions for any other union.
- I agree to the terms and conditions on the attached card.

Signature:

Date: / / 20

Employer: **SkyCity Auckland Ltd**

Department:

Job Title:

Shift Start: Sunrise Day Swing

Employee #:

Tick to be part of the activist network:

Tick to be notified about any union seminars:

Place form in the SEA-Unite drop-box, opposite Wardrobe on Level 1

Office use only
Place card number
sticker here

SEA-UNITE Union
3636000 ext 6307
sea.unite@skycity.co.nz

Unite Union
6A Western Springs Rd.
Kingsland

Ph 09-845-2132
Fax 09-846-9509
Bernie Harris 029 201 3555
or Candy Sherman 029 6951135