



Denial of ACC overturned

SkyCity and its ACC provider WellNZ refused cover to Maria Villaflor, a finance cashier, for needed surgery following an accident at work. SEA-Unite took a case on appeal to the Dispute Resolutions Service and had her ACC cover restored forcing WellNZ to pay for the treatment.

This case is very important and has many lessons for SkyCity staff who have workplace accidents. The current ACC system allows big companies to take on part of the ACC costs themselves and not pay the full levies by using an approved provider that manages the ACC account on their behalf. Companies like WellNZ sell their services by offering to cut costs below what the full levy would be and save the company a lot of money. Our experience is they do this by trying to stop anyone getting ACC coverage on the flimsiest of excuses and in some cases rushing the return to work process.

A common way of doing this is to deny an accident actually caused the problem the worker is suffering from. Under law it is possible to refuse cover for an accident if it simply exposes an underlying condition that existed anyway. This gives an incentive to WellNZ and the doctors it uses to look for “degeneration” as the cause of a problem. Since everyone can be diagnosed with some degeneration past a certain age it is easy to do. For example with back and knee injuries that result from a fall, the company doctors can claim the accident didn't cause the pain that prevents someone working, that was caused by arthritis, degeneration or whatever.

It is common for these private ACC management companies to use what are called a “consultant occupational physician”. A number of these seem to specialize in finding alternative causes for symptoms arising from an accident. But they are not specialists in back, neck, elbow or hand injuries. At best they can claim some expertise in things like causation as a result of work practices etc and advise companies on avoiding them.

Luckily when Maria had her accident she did the right thing – went to her own doctor and was referred to a specialist orthopaedic surgeon for diagnosis and treatment. After thorough examination and an MRI scan he had no doubt – there was a medial meniscus tear that was caused by the accident.

WellNZ and SkyCity then insisted Maria go and see their own appointed doctor, a consultant occupational physician. He concluded that the symptoms were caused by long term degenerative change. WellNZ happily accepted his “diagnosis” and refused to pay for the surgery scheduled. Maria went back to her own specialist for an opinion on WellNZ's doctor's report and also got a second specialist orthopaedic surgeon to give his opinion which supported that of the original specialist. Both surgeons rejected the appointed doctor's “diagnosis”.



Staff rights to protection under ACC rules is being undermined by SkyCity use of their own consultants to claim “degeneration”

The operating surgeon took direct exception to the WellNZ doctor's claim the reason surgery was needed was symptomatic left joint wear of arthritis. He said this couldn't be further from the truth.

Maria then approached SEA-Unite to represent her in an appeal against this decision. At the review the WellNZ representative was supported by Christine Appleby (SkyCity Health and Safety Rehabilitation Advisor!?) to argue against coverage.

SEA-Unite believe it is very important that lessons are learnt from this experience.

- 1) If you have a workplace accident go your own doctor and a specialist of your choice.
- 2) If you are asked to go to another “consultant occupational physician” or specialist DO NOT ACCEPT ONE NOMINATED BY THE COMPANY. Ask them to provide a list of suitable specialists so you can choose one yourself. If they refuse then approach the union before making any decision.

LOOKING INTO EXTENSION OF “TRAINING RATE”

SEA-unite have been told that a training rate for dealers of \$12.81 an hour has been extended from the training floor to work on the tables.

The “trainees” have been told they have to complete 150 hours on the table before they go on to the full rate. Again this was done without any consultation.

It is our belief that there was clear understanding that training occurred in the training room. Once dealers are on the floor they are making money for the casino and deserve the rate for the job. Like all new staff they need greater supervision but that is not an excuse to pay less than the rate stipulated in our Collective agreement.

We would like to hear from anyone being cheated in this way.

Union meetings on site

Before the last SEA-Unite meetings a dispute arose between Skycity and the union over whether meetings could be held on site. When Skycity wouldn't provide a room we informed the company we would hold them in 24-7. The company then went to the Employment Authority on the morning the meetings were to begin to try and get an injunction to stop us. The authority asked us to have the morning meetings in the Authority rooms while she considered the issue. The company offered us rooms they had booked at the Empire for the evening meetings. They also assured the union that the refusal of a meeting room for the two sets of meetings this year wasn't a "policy" issue. The company and the union agreed to deal with the issue for future meetings at a mediation in the near future. As a result the authority wasn't required to rule on the injunction.

Salaried negotiations

SEA-Unite initiated bargaining for a Collective Employment on Tuesday, April 20. During the last CEA negotiations there was agreement in principle for some salaried groups to be brought into the CEA. Progress on this issue broke down however and no conclusion was reached.

Salaried staff have missed out on pay rises (which have been less than the front line staff), service payments, pass on payments, uniform drycleaning and other benefits they would have received if they had been covered. Salaried staff have assumed they get the benefits that waged staff covered by the CEA receive. But we recently had a case of a salaried worker who tried to get the extra breaks that she was giving to her own staff working ten hour shifts. The company prevented this and used the wording in an IEA signed 5 years ago which had never been formally changed. There are many issues associated with being on salary that staff have had no opportunity to get reviewed.

Car Park

The saga of the Car Park restructure continues. There is an obligation on the company to fully consult with relevant unions over a restructure that affects their members. In this case the company has been less than forthcoming with information. In our view they haven't met their basic legal obligations.

Breaks for ten-hour shift workers

The company has accepted that all waged ten-hour shift workers covered by the Collective Employment Agreement (CEA) should be receiving a third paid break as required by the law change in April last year. However they have said that salaried workers not covered by the Collective Agreement only have the rights stipulated in their Individual Employment Agreement (IEA). In most cases this refers to paid breaks of 30 minutes over a shift. In these cases the company says it is complying with the law which only requires 10 minute breaks and therefore the salaried worker can have three 10 minute breaks.

The company has agreed to get legal advice on the question whether because "custom and practice" has included two paid 15 minute breaks this means they must give an additional break of at least 10 minute. This is another example of salaried staff being denied rights that workers covered by the CEA and is one of the reasons we have initiated for a CEA that covers them.

Casual Contracts

The company has failed to fulfil its promise over six months ago to investigate and fix the fact that a lot of staff on "casual" contracts should have been on part time contracts with extra benefits. In addition staff in Conventions were being sent home without pay as a disciplinary action for minor lateness. Some were working up to 70 hours a week and 18 hours a day. Staff were dismissed without a hearing or meeting because the company thought it could with "casuals".

When we identified the problems after two staff were dismissed from Conventions we got them reinstated and a promise that the overall problem would be fixed. That has not happened. Because of the lack of action we are going to mediation over the two dismissals and to get back pay for when they were sent home, shift based leave, annual leave, lieu days etc.

We have also asked for the time records for all other casual staff to see if there they were subject to the same illegal actions by the company. If they have been personal grievances will be initiated for each and every worker. In addition we have asked for the time records for all other casual staff at SkyCity to see if there work pattern was genuinely "casual" and will be initiating cases to have their status changed to part time if the workers want it.

SMASHING LOW PAY!

JB HI FI WORKERS- STRIKE NEWS #1



JB Hi-Fi staff at the company's Wellington store took strike action as part of a Unite Union campaign to win higher wages for retail workers.

The strike was the first ever industrial action at one of the company's stores in Australia or New Zealand in over 27 years of the company's history. Unite Union has been negotiating with JB Hi-Fi management for over six months for a collective agreement but the Australian bosses are refusing to raise wages for staff

OUTRAGEOUS!

Most JB Hi-Fi workers are paid \$13.50, just 75 cents above the minimum wage yet the Australian electronic retail giant JB Hi-Fi's net profit after tax is expected to be A\$117 million to A\$120 million this year.

"It's absolutely ridiculous JB Hi-Fi has told employees in New Zealand they shouldn't expect a pay rise this year when over in Australia JB Hi-Fi workers earn nearly twice as much as New Zealand workers," said Unite Union organiser Omar Hamed. "The CEO of JB Hi-Fi was paid over A\$3 million in the last year so the company cannot plead poverty to its employees who have not had a pay rise in two years".

ASK FOR A DEAL!


Watch TV3 News coverage of the strike at: <http://tiny.cc/aoara>

SUPPORT THE JB HI FI WORKERS THIS MAYDAY

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

2 Degrees

Unite and Two Degrees have agreed on a special partnership that gives members a SIM card with a better deal than on regular offer. In addition to their discounted rates for texts and calls those who get a SIM from Unite won't have to top up each month to keep the special rates. Cards are \$5 from the SEA office.

 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.
- 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

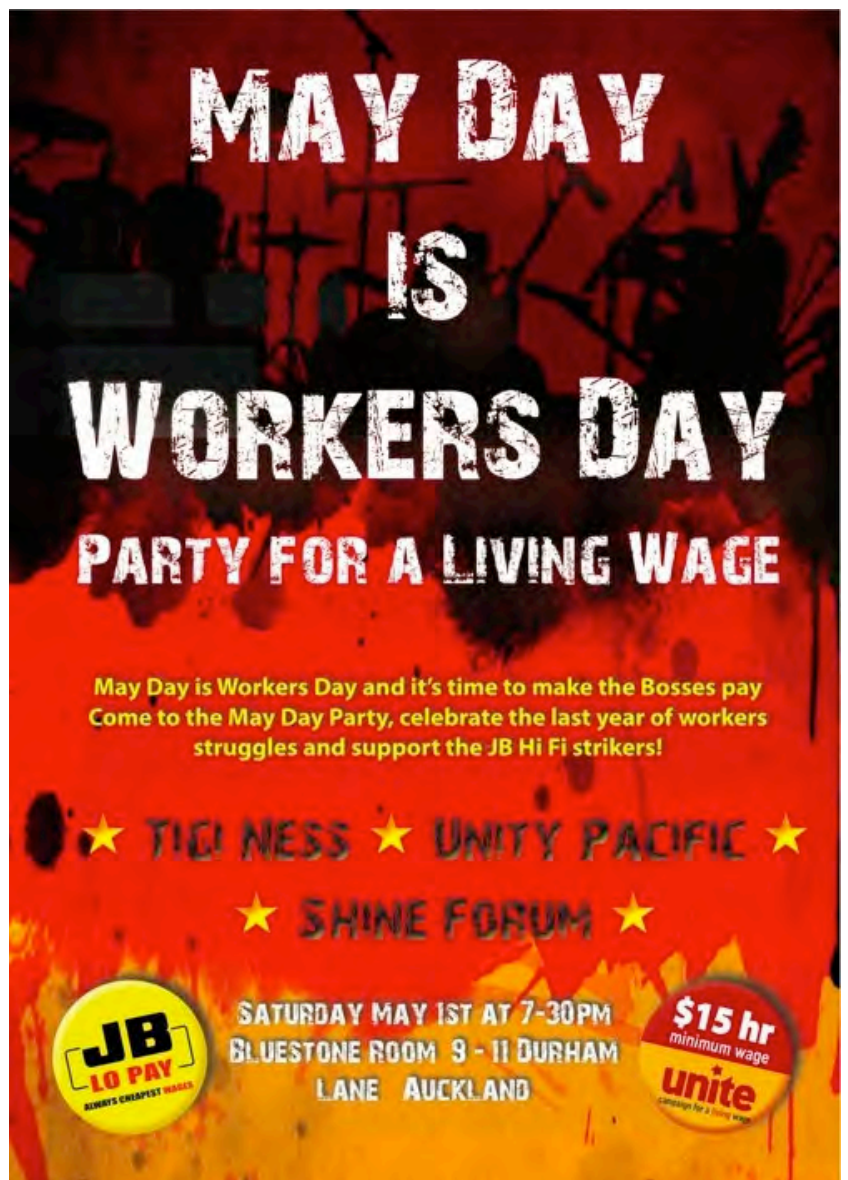
Employee #:

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



MAY DAY
IS
WORKERS DAY
PARTY FOR A LIVING WAGE

May Day is Workers Day and it's time to make the Bosses pay
Come to the May Day Party, celebrate the last year of workers
struggles and support the JB Hi Fi strikers!

★ TIGI NESS ★ UNITY PACIFIC ★
★ SHINE FORUM ★

JB
LO PAY
ALWAYS CHEAPEST RATES

SATURDAY MAY 1ST AT 7-30PM
BLUESTONE ROOM 9 - 11 DURHAM
LANE AUCKLAND

\$15 hr
minimum wage
unite
Campaign for a living wage

For the last six months, the Campaign for a Living Wage has been going hard, and we have collected over 150,000 signatures of support to raise the minimum wage to \$15ph.

This Saturday is International Workers Day, and it's time to make the Bosses pay. Come to the May Day Party and celebrate the last year of workers struggles, with speakers from the various strikes and campaigns that have happened. Support the JB Hi Fi workers.

And come find out about the next phase of the Movement for the Working Poor.

May Day - it's time to party. with reggae legends Tigi Ness and Unity Pacific, revolutionary passion from Calle Latina and Hip Hop act Shine Forum

May Day - Workers Day! Party for a Living Wage

7.30pm till Late- BLUESTONE ROOMS, 9-11 DURHAM LANE, AUCK. CBD

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