



Union rights denied workers

The company denied the right of Dealer HD workers to consult the union over the attempted disestablishment of their position.

This is a serious breach of the workers' rights and the union rights under the law. With reasonable notice a union is able to consult its members (individually or collectively) without loss of pay. This is explicit in the Employment Relations Act. Under section 20(4) it says: "A discussion in a workplace between an employee and a representative of a union.....must not exceed a reasonable duration (and) and employer must not deduct from an employee's wages any amount in respect of the time the employee is engaged in a discussion.." Case law has confirmed that this applies to collective discussions as well as individual ones.

Our request for meetings was more than reasonable. We offered to meet our 35 members for one hour over 3 shifts over two days to minimize disruption. The HR Manager Claire Walker responded by running to their lawyers with an exaggerated tale about us wanting to pull every dealer off the floor. The lawyer's letter (and its threats) was simply ridiculous as a consequence. Claire Walker also made threats to our organiser Bernie Harris that if we went ahead with the meetings there would be "serious consequences". The company then told the affected workers they would not be released for the meetings and they would be considered in "breach" of their contracts if they attended.

This bullying and childish behavior has no place in modern industrial relations which legally require all sides to act in "good faith". Unless the company reverses this practice and apologises to the workers concerned we will be taking this case to court.



SEA-Unite gives Claire Walker a first written warning for failure to understand the Employment Relations Act – section 20(4). She has 90 days to appeal the decision

Dealer HD disestablishment

SEA-Unite continues to have serious reservations about the legitimacy of the reasons behind the disestablishment of the Dealer HD role. We have written to the company to explain:

"We are now formally requesting mediation with the company over the disestablishment of the role of Dealer HD. We do not believe the issues around whether there is a substantial change of role or duties to justify the restructure has been addressed. Nor are we convinced that it is necessary to remove the permanent shifts or 10-hour shifts as part of the change. Our inability to meet with members to consult them on the changes has made the task of reaching agreement any other way difficult. If you agree to meet I will set up a mediation as soon as possible."

We don't believe that any agreement between individual workers and the company (to accept the new role or redundancy) has any legal validity until the consultation process has been finished. This includes the legal question of the validity of the process itself as well as the questions around the denial of the workers' rights to have a proper consultation with their union representatives.

Conventions and casual status

HR has committed to providing information on the following issues by October 12:

- Whether the use of early outs and sending home for punishment when they are on rostered 8-hour shifts should be compensated for.
- The need for everyone who has been working regular part-time hours to be put on part-time contracts
- Part-time workers are also eligible for lieu days and these should be calculated for these actual part-time workers.
- Part-time workers are also eligible for shift-based leave for the long hours and that needs calculating.
- If they have been paid the 8% weekly then their annual leave entitlements need to be calculated.
- If they did more than 40 hours in a week then overtime rates need to be back paid.

SEA-Unite crew are visiting Conventions to build up union membership so we can enforce rights that have been routinely ignored in the past.

SERVICE ENTITLEMENTS

We have been able to win the 5 and 10 years service payments and the \$15 an hour minimum rate after three years for a number of workers refused this. They had been classified as casuals therefore didn't qualify. We were able to prove that their "casual" status was not correct as they had been working regular hour and therefore should have been classed as part-time workers.

CLEANING RESTRUCTURE

Cleaners who accepted redundancy will have their final day on October 30. We are still waiting to see the part-time contract. If you have any questions contact Candy on 0296951135.

TERMINATION REVERSED

A Housekeeper was terminated because of she suffered a medical condition that prevented her from continuing in her role. After intervention from SEA-Unite it was agreed that the company had not followed the appropriate procedure and she deserved the opportunity to have a rehabilitation process and assistance in her current role at SkyCity.

REDUNDANCIES

There is a stand-down period of up to 13 weeks following a redundancy. This can be reduced depending on the workers circumstance. For further information contact WINZ 0800559009

If you have redundancy insurance make sure you check the fine print. It may be that the insurance does not cover situations where they consider a suitable alternative role has been offered.

SALARY WORKERS

If you work more than 40 hours in a week (at the company's request) you should keep a running total and inform your managers. Hours accumulated can be deemed to be "internal hours" that can be used as paid leave in the future.

BREAKS FOR 10-HOUR SHIFT WORKERS

Anyone on a 10-hour shift is entitled to an additional 15-minute paid break. 8-hour shift workers currently have one 30-minute paid and one 30-minute unpaid break. Before a recent law change the additional two hours work did not get an extra break. But since April 1 the 10-hour shift workers should have been getting another break. This has not been happening. We will look at the question of compensation for these workers. If you are currently on this 10-hour shift, start insisting on your right to another paid break. This applies to waged and salaried staff.

DISCIPLINARIES

If you receive a "Your Rights" letter alleging misconduct PLEASE CONTACT YOUR DELEGATE IMMEDIATELY. If you are not a member sign up today. In some cases we have agreed to represent non-members for a service fee. But priority always goes to members first.



SEA-UNITE

- I authorise Unite to be my representative under the Employment Relations Act 2000 or its successor.
- I authorise SkyCity to deduct my union fees from my wage and send to Unite.

Title: Mrs Mr Ms

Full Name:

PLEASE PRINT CLEARLY FIRST LAST

Address:

NUMBER STREET SUBURB

Phone:

HOME MOBILE

Email:

Employee #:

Department:

Shift:

Signature:

Date:

Fees are 1% of your weekly income with a minimum of \$2 up to a maximum of \$5.

Your weekly income	Membership fee
\$50	\$2
\$100	\$2
\$150	\$2
\$200	\$2
\$250	\$2.50
\$300	\$3
\$350	\$3.50
\$400	\$4
\$500	\$5
\$600	\$5
\$700	\$5

Recruited by:

Put your completed form into the drop-box by the SEA-Unite notice board.

Any queries? Ph 0800 2 UNITE
0 8 0 0 2 8 6 4 8 3

New Zealand Dairy Workers Face Vicious Assault on Union Rights



This is what a lockout looks like: The New Zealand Dairy Workers Union is engaged in a tough battle with a ruthless employer assaulting fundamental workplace rights, and needs your support. Collections of money and or non perishable food items and food vouchers are needed to enable the 36 workers to succeed in keeping Talley's "low road" model out of the dairy industry. -Monetary donations can be banked direct to "Solidarity Fund" Bank of New Zealand - #02 0320 0082084 026 - Supermarket vouchers (Countdown is the closest supermarket). Food items can also be dropped at the Hamilton Trade Union Centre 34 Harwood St. - The picket is located outside the Open Country Cheese plant at Waharoa just north of Matamata on the main Auckland to Rotorua/Tauranga highway (27). Please contact Mark Apiata Wade (021 939 634) prior to visiting to ensure timing of visit.

OFFICE HOURS

The SEA-Unite Office on the ground floor will be staffed by Candy Sherman, Thurs - Sun 12pm - 2pm

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 0212675022
or Candy Sherman 029 6951135