



“Can of worms” in Conventions

A recent case where a couple of “casual” workers were terminated in Conventions has opened up a whole can of worms for SkyCity. In this case we are pleased to say the company seems to be acting in a timely and appropriate way to fix the problems.

When a couple of workers came to us after being “terminated” we discovered a number of problems. 1) they had been working rostered shifts and therefore weren’t genuinely casual and therefore the termination wasn’t legal; they had been working up to 18 hours in any one day; there were cases of being sent home for lateness without following any proper procedure; some of the language being used in communications with staff was bullying and abusive.

A “casual” worker is defined in NZ law as someone who works on a genuinely casual basis. Usually this is a daily assignment, there is no roster, and the worker has the right to refuse any offer of work. Usually holiday pay is paid as 8% on top of the hourly rate.

There are actually risks for a company if they get this wrong. A “casual” worker who has ongoing employment with a company over a period of time can in practice become a permanent part-time worker. Then they become eligible for all the rights of a part-time worker back-dated. If they have been employed over a year they also get the 4 weeks annual leave entitlement even if the company has been paying 8%. At SkyCity they become eligible for overtime rates after 8 hours, lieu days for working public holidays, shift-based leave etc.

As mentioned earlier the company has accepted responsibility for cleaning things up. The two workers have been put back on the roster. Lost wages have been paid. An investigation has begun to see who among the “casuals” should really be on permanent part-time contracts and we have been assured of a response by early October.

SERVICE PAY FOR CASUALS

The lack of clarity about who is a casual has also led to some workers missing out on service pay or the new minimum \$15 an hour rate after 3 years. If you think you should be getting a benefit that has been lost because you were deemed a “casual” then you should contact the union and we can investigate.



Restructure in Cleaning Services

The company has proposed to move to a more “flexible” structure with greater use of part time staff. Currently there are around 100 Full-time staff. They claimed that by reducing that by half and employing up to 100 part time workers they could achieve better use of “resources”.

SEA reps objected to the plan “in principle”. We believe that it is best for workers and their families to have permanent full-time work. Casualisation may produce greater profits but it forces workers into taking a number of part-time jobs at any time of the day and night to get an income they need to support their families. We also could not see how with careful rostering the company shouldn’t be able to achieve the results they need – i.e having the right number of staff on weekends etc.

As a sweetener the company offered redundancy to any full-time cleaners who wanted it and a special payment of \$2500 (before tax) to go part time. SEA reps have also asked for that payment to be made to some cleaners who were encouraged to, and agreed to go part time just a few months ago.

The company said that the entire process is voluntary at this stage. As the union expected, few workers have volunteered to go part time or take redundancy.

At this stage we don’t know if the company will now try and achieve its results by some sort of forced redundancy process – that is a take it or leave it approach where workers are told they have to take redundancy if they don’t accept going part time. The company can then simply replace them with new part-time staff.

The union thinks that this may not be legal. But more importantly we think it would be morally unacceptable that a hugely profitable company is seen to be dumping its lowest paid workers (many with years of service) on the scrap heap during a recession.



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

TABLE GAMES DEALERS (DUAL RATE HIGHER DUTIES)

The company wants to achieve greater flexibility with all categories of workers. Because there has been a drop off in patronage recently, the company decided to eliminate a category of Dual Rate. The HD dual rate always received a flat-rate payment midway between a dealer and supervisor. They were available to go up as needed. This category was introduced at the company's request. It seems that on some shifts the company had too many supervisors and dual rates. They don't see the need to pay people at a higher rate when dealers weren't supervising very often.

In the past they have been happy to have these HD dual rates working more than 2-3 shifts a week on average and therefore they gained from the situation. Now, however, the company can make even more money by only paying workers when they're needed. They can also achieve other goals. A number of these HD dual rates are also on permanent shifts and had the right not to work in VIP or Pacific Room or were on 10-hour shifts. By abolishing the category of HD dual rate the company can force these workers to accept an ordinary dual rate job without any protected rights. If they accept the new position they will have to go on rotating 8-hour shifts and be assigned as the company sees fit. The alternative is to take redundancy.

These workers are naturally very upset. They were encouraged to take on this role in the past to benefit the company. They had been given guarantees around their shifts in the past by the company.

The company is abolishing an entire category of workers through an official "restructure". So long as everyone is offered redundancy as an alternative the company has legal grounds allowing them to change worker's contracts. The only limitation is that there is a genuine reason, they consult everyone affected and consider their views.

OFFICE HOURS

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

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Kingsland

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UNITE AGM REMINDER

SkyCity members are invited to the Unite Union AGM at 3pm, Wednesday, September 23 at the Saint Colomba Centre, 40 Vermont St, Ponsonby. National office holders and exec members of Unite will be elected and an annual report presented from Matt McCarten.

MEDIATIONS

The mediation over the “overpayment” issue for Armi delRosario from Table games reached a satisfactory conclusion for both parties which must remain confidential. Armi is now on maternity and we wish her all the best.

The mediation over the warning given to a delegate over attending a union delegates meeting failed to reach a conclusion and we are seeking further legal advice.

Another mediation has been scheduled over the annual leave entitlements of Gaming Machine technicians after a case was filed with the Employment Relations Authority.

PAY INCREASES FOR WAGED STAFF

The next pay increase of 4% is scheduled for January 1, 2010.



HALLOWEEN 

**PROTEST MARCH FOR
\$15 HR LIVING WAGE**
Will the minimum wage in 2010 be a
TRICK or TREAT?



MEET: 7PM FRIDAY

 **OCTOBER 30**
AOTEA SQUARE
Auckland City
www.unite.org.nz

STOP WORK MEETINGS

The last stop work meeting was cancelled because we hadn't had a timely response to some important issues arising from the Collective Agreement negotiations. These involved bringing salaried staff within the CEA coverage and some other more minor questions. There has been another delay (in part because our advocate Matt McCarten has been in hospital) but we hope this can be all wrapped up in a few more weeks. Please accept our apologies and we thank you for your patience.

UNITE SUPPORTS TELECOM ENGINEERS FIGHTING FOR JOBS



What is the dispute about?

On June 25, Telecom announced that its two biggest network engineering contractors, Transfield and Downer EDI, had lost their contracts to look after the Auckland and Northland networks to a new company, Visionstream. Because of this change 700 lines engineers are now facing redundancy and are being told they will only get work if they transfer as dependent contractors to Visionstream.

This means they would have to buy their own vans and equipment (costing up to \$60,000) and take all of the risks of the industry on personally. They would also have no negotiating power. The contract being offered by Visionstream has been analysed by an independent accountant who calculated members could lose 50-65% of their income.

It has also been analysed by an independent commercial barrister who has advised that members would have no guarantee of work and no minimum levels of income, would be expected to do significant work without payment and would be exposed to being fined by Visionstream without the company needing to prove its entitlements to those fines.

Why don't they just negotiate a better contract?

Several members have tried to negotiate better terms and been told to take it or leave it. So far Visionstream has refused to negotiate with the EPMU despite the majority of the affected workers nominating the EPMU as their representative. And if they sign up hoping to get a foot in the door and get a better deal later, they're stiff out of luck.

Under the agreement on offer Visionstream controls the price, and as dependent contractors these workers would only be able to negotiate on their own.

What's Telecom got to do with this?

Telecom's lines division, Chorus, is driving these changes but not accepting responsibility for their effects on the workforce. They are, however, fronting the issue in the media. At the end of the day, it's Telecom's network. They decide what happens, the buck stops with them.

What can these lines engineers do about it?

There is a serious skills shortage in this industry. If our members don't do the work there are very few people who can. With this in mind they are refusing to transfer to Visionstream and it is likely that when the final handover comes there will be nobody to maintain and develop the network.

Telecom is insisting on making this change without even discussing the reasons why with the lines engineers. The lines engineers have had no say and no choice.

But telecommunications is vital infrastructure – aren't these workers being irresponsible?

Our members have no other choice. If they were to accept Visionstream's contract offer they would either go bankrupt or have to do fast shoddy work in order to cover enough jobs to earn a living income. They don't want to do that and it's not in the best interests of the network or the people and businesses that rely on it. It's Telecom that is playing fast and loose with the future of the network for a short-term profit.

How does this affect me?

A lot of employers will be looking at how successful Telecom are at putting this model into place and we expect it to spread to other industries if they are able to make it work. It'll also affect anyone who relies on the telephone and internet as increased cost-cutting will see a decline in the reliability and security of the network.

How long can they say "no" for?

As long as it takes, but they are already going through redundancies at Transfield and Downer and this will cause financial pressure on them to say "yes". The EPMU is raising funds so members who have been made redundant can continue to say no.

How can I help?

- You can: Call 0900 STAND TALL to make a \$10 donation to the support fund. Make a donation to the support fund at: 02-0568-0177685-00, Bank of New Zealand, Reference: Telco.
- Start fundraising on your site – for more information call 0800 1 UNION.
- Email Telecom CEO Paul Reynolds at paul.reynolds@telecom.co.nz to tell him to get Visionstream to come to the table
- Talk to your local MP about whether any of the taxpayer-funded broadband fund should be provided to Telecom when they treat their workers and our network in this way.
- For more information you can visit the campaign site <http://www.epmu.org.nz/telecom>