



AMALGAMATED WORKERS UNION SOUTHERN NZ INC

OWEN JOHNSTONE AUTHORISED REPRESENTATIVE
OCTOBER 2009

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WELCOME TO OUR SOUTHERN NEWSLETTER

Members in Invercargill, Balclutha, Alexandra, Cromwell, Queenstown, TeAnau, Winton, Stewart Island - and all points in between.



WE ARE HERE FOR YOU !

MEMBERSHIP IS GOOD INSURANCE!

OF INTEREST

CONTACT HOURS

**Mon to Friday 8am to 5pm
and 7pm till 9m evenings;
mobile or landline.
Contact outside these
hours urgent or
pre-planned—emails are
welcome anytime**

Owen: 029 477 6026

**Employment Law research
employment law through
the Department of Labour
web site (Employment
Relations) and look for
Fact Sheets.**

- **Emails using modern media to enhance services to members. If you have an email address send Owen an email confirming your email address.**
- **Sign up on line thank you to new members singing up online through our Awunz web page, real simple and no hassle!**

**"Awunz has been
looking after Kiwi
workers for 129
years' That's
impressive!**

Bi Monthly a decision has been made to double side the newsletter and have it sent out every two months rather than each month. This decision was made to be more cost effective and also takes into account my increasing workload.

Postage is expensive, given our increasing membership; a copy of the newsletter is available from the AWUNZ web site; we will email the newsletter to members with email address and post to those without email facilities.

Modern Media An increasing number of members are emailing us with their email addresses, and we really appreciate this because we want to be able to send out information as quickly as possible and in a less costly way. This ensures we are using our resource costs effectively and efficiently. When you are at your computer, spend 2mins and email me your email address.
awunz.ingill@xtra.co.nz

Membership We have members in Invercargill, Balclutha, Alexandra, Cromwell, Queenstown, TeAnau and Stewart Island and all points in between. Occupations covered by me in this area include for example, workers in these industry types; transport, factory/manufacturing, social work, drainage and construction, farming, including dairy, concrete, tourism/hospitality, aged care, vineyards/winery, orchards, pest/plant control, roading, public transport, auto painting, cleaning and insulation.

Bargaining/Negotiations

Taxpayers are wage earners first! While we do help individuals workers bargain agreements, most of our bargaining is collective. A collective agreement only requires two workers.

A collective agreement is a legal document between two parties. The union on behalf of its members and the employer.

A collective agreement, its terms and conditions, is a shared document, it has two parties not one!

The employer at the very least contributes to 50% of the terms and conditions of a collective agreement, in reality its more like 65% given the balance of power and influence the employer has in deciding outcomes.

The collective bargaining process is very different for the employer and union parties. The employer operates from a command and control position, where decisions are more easily decided, whereas unions by law are democratic societies where decisions are not as easily made.

Unions don't make decisions as would a Board of Directors or CEO; decision making among union members can take much longer as debate can occur, for example the respective value of merit and seniority based pay.

A particular problem occurs during any form of bargaining where employers give no indication of the annual financial turnover. Union members make a good case when they say 'how can we make a valued judgment as to our wage claim, when the employer refuses to give any indication as to its financial position?'

Another problem occurs when the employer party to a collective agreement is undermining the collective behind the back of the union by making derogatory and dismissive remarks. This constitutes a breach of good faith between the employer, the union and its members.

The employer party is not only in breach of good faith but is subjecting itself to ridicule and a perception, especially among employee union members that it can't be trusted, lacks integrity, has shifting values, its business ethics are questionable and its seal is not binding.

This behavior is not that of a good employer, but a bad employer. We have information on several employers at present where a collective agreement exists and they are acting as bad employers. We intend to do something

about these employers', if union members acted the same way about the employers business they would be on the mat.

Scenario A union employee makes a comment at a social event that the employer, or manager, is a tosser; what he knows about running a business could be put on a postage stamp and as for managing people, he's Attila the Hun!

This conversation is overheard by another employee trying to earn brownie points who tells the employer what the other employee said. Well the first thing the employer does is cite the 'bringing the business into disrepute' clause of the collective agreement and seeks to discipline the offending employee for serious misconduct.

Hello! Did we miss something here, isn't the employer guilty of the same offence when it makes derogatory comments about the union behind its back? In fact the employer goes further and tries various ways to entice union members out of the union by making these comments.

Imagine if the employee at the social function was overheard suggesting to other employees of the employer that they should consider working elsewhere.

All relationships, not just at work, are based on trust and good faith. Neither party should knowingly do anything likely to undermine the trust and good faith in the employment relationship; the Employment Relations Act 2000 makes this a very clear legal requirement, in fact it's a fundamental element of the Act.

Our thoughts and best wishes go out to the friends and family of working people killed or seriously injured at work. Where you have any concerns about health and safety at work, you are legally entitled to stop work and have the matter investigated before proceeding. Take a no risk approach at all times; don't be bullied into an early grave, you don't go to work to be seriously injured or killed!

WE ARE HERE FOR YOU !

MEMBERSHIP IS GOOD INSURANCE!

**IF YOU HAVE A
PROBLEM AT
WORK RING OR
EMAIL US!**

**WE HELP PEOPLE
BY LISTENING
AND TALKING
ABOUT THE
PROBLEM**

**IF FURTHER
HELP IS NEEDED
WE ASK THAT
YOU JOIN**

5 STAR HOTEL FOR PAMPERED PETS

LORNEWOOD BOARDING KENNELS AND CATTERY

- 5 minutes from Invercargill
- Std & K.C. Vac. required
- Heated facilities
- Individual sleeping & 10m runs
- All inspections welcome



Monday to Friday
9.30-11.30am, 4.30-6pm
Saturday 9.30-11.30am
Sunday 4.30-6pm
or by appointment



Paul and Evelyn Soalo
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FAX. 03 235 8568

Drivers Risking Livelihood

We are constantly advising drivers to observe the law or they will be facing BIG problems.

Tight time schedules, overloading, bad logistical planning, speeding, poor maintenance, not observing pre-checks, poor log book management, not taking breaks, MATE!

Your gonna get caught sooner or latter; and when the you do its BS to argue that the boss made you do it or your job was in jeopardy; legally you are solely responsible from the time you do your pre-check till you park your truck up at the end of the day.

Drive to the law, or risk a serious incident, perhaps a manslaughter charge, run up demerit points, stressed out, fatigued, guarantee you'll be the target - not the boss!

Remember the boss also has your GPS data, this can be asked for by the LTSA as evidence or the boss can produce it in support of its position or for disciplinary action. The boss will say we provided driver training, (often limited) and we do our best to ensure our drivers observe the law, ultimately it's the drivers responsibility, we can only do what we can. No mention of the pressure or stress arising from the factors above, and while its appreciated that drivers want to do the best by the business it doesn't help you feel any better when your in the dock facing serious charges and loss of your livelihood.

**Raise Your VOICE ! Say NO
to unsafe driving practices,
we're in front supporting
you as an Awunz member.**

Dairy Workers

Case 1

Couple employed for 6 weeks then sacked, no reason given at the time. Asked for reason in writing, told for mishandling cows, which is absolutely denied. Replacement in the wings.

Case 2

Couple involved in restructure of the farm and termination. Circumstance not entirely fair or reasonable , had

period of notice extended by 4 weeks to enable time to job search.

Case 3

Couple terminated without good cause and correct procedures not followed.

Case 4

2IC being pressured on a dodgy performance management process whereby it appears the employer wants to replace him with another worker, we think with a relative of the farm manager. The objective appears to be to save costs.

Strike action

A recent Appeal Court case has ruled that workers not involved in, but employed by the same employer, cannot be forced to do the work of striking workers and confirmed the employer cannot simply engage or employ replacement workers to take over the work of striking workers.

Other Cases

worker with 9 years service and experience is terminated over other workers with less service and experience; the problem is that the employer never used a selection criteria, known and fair to all workers; of course this gives rise to a claim of unjustified dismissal.



Bullying of others by toxic personalities in the workplace continues to feature in grievance claims and we applaud those people who contact us on behalf of friends and family members being bullied in the workplace.

Vulnerable Workers

we are dealing more often with workers who having been injured at work or are unwell and unable to work, without a medical operation, facing a serious situation because they are unable to get an operation for a long period in the Public Health System. Their lives are dramatically changed, having used all their sick and annual leave and still no operation they face a terrible time with limited or no income and possible termination because of frustration of contract.



www.tmfz.co.nz

Awunz employs Paul Richardson as its full time insurance broker and his job is to source the best possible medical and health insurance for members, where possible we establish group schemes with employers to enable pre-existing conditions cover.

The point being that it is becoming more important for working people to have affordable private health and medical cover so that operations can take place before your livelihood and job is placed in jeopardy.

TMF has secured a policy called **Lifeguard** which we believe is a good and affordable product for individual members to have as it provides a selection of cover for: Life, Critical Illness and Accidental Injury. The best way to get information on this product is to email or phone me and I will pass your details onto Paul so he can contact you direct, better to be safe than sorry.

Good employers

Thank you to the majority of good employers out there who treat their workers with respect , dignity and fairness. Your efforts are recognized and we may in future start profiling good employers and mention those who are not acting as good employers.

Migrant workers we are working hard to establish Awunz representation among migrant workers to ensure that they to are treated with respect and dignity and that they are not forced to work with terms and conditions in breach of the law, which will ultimately undermine the terms and conditions of Kiwi workers.

Get well soon

Our thoughts are with our members who have been unwell lately, we wish you a speedy recovery.

Owen and the Awunz Executive

SIGN UP! on our web site
Google Awunz Southern

Cheers Owen



Super Benefits from a Super Union

**AWUNZ WEBSITE IS AVAILABLE TO ALL MEMBERS AND POTENTIAL MEMBERS - GO TO WWW.AWUNZ.CO.NZ,
AND FOR ALL HEALTH INSURANCE PRODUCTS THAT IS AVAILABLE TO ALL MEMBERS GO TO WWW.TMFNZ.CO.NZ.**