



February 2024, Vol. 15 No. 1

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Dear Member,

NEW ZEALAND LABOUR NEWS

Maritime Union Opposes Red Sea Military Involvement

The **Maritime Union of New Zealand (MUNZ)** is opposing the decision by the coalition Government to send a detachment of New Zealand military to the Red Sea – at the request from the United States of America. Shipping in the Red Sea has recently been disrupted by Yemen based Houthi forces carrying out attacks in support of Palestine.

MUNZ National Secretary Craig Harrison said if the New Zealand Government is concerned about shipping security, there are better places to start. "The Government just canceled replacement ferries for the Cook Strait, which is a major threat to New Zealand transport links, so they should try dealing with problems a bit closer to home."

He says if the Government is serious about protecting New Zealand trade it must rebuild New Zealand shipping to provide resilience and redundancy in the supply chain.



(MUNZ)

Harrison says the Red Sea maritime conflict had one solution -- which was an immediate ceasefire in Gaza and negotiation of a political solution for Palestine – before there is more violence and instability. "Rather than trying to ramp up a war, New Zealand should spend its energies working for peace by defusing the conflict and ending the mass death of civilians especially with the terrible situation in Gaza."

"As a union representing seafarers we are extremely concerned about the danger all seafarers are facing in the Red Sea, and in the meantime the only option is for shipping to avoid the area."

The Maritime Union said the response of the Labour Party and Green Party opposing involvement was the correct one.

NZEI: New Conditions Come Into Effect With Start Of School Year

The **New Zealand Educational Institute (NZEI)**, which represents primary and area school teachers, is celebrating a number of wins from last year's collective agreement negotiations have just come into effect.

Update for primary and area school teachers!

NZEI
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Those include: *Improvement to sick leave entitlements – members pushed hard to get a more favourable accrual system, and they won! As of 28 January, sick leave accrual will work the same for all school teachers. Here is a guidance to the new sick leave entitlements.

*The introduction of a \$5,000 per annum cultural leadership allowance for kaiako. Eligibility criteria for the new cultural leadership allowance are being finalised, and we have agreed with the Ministry of Education that all cultural leadership allowances will be backpaid to 28 January 2024, so the delay won't disadvantage teachers.

*Introduction of the Pacific Bilingual Immersion Teaching Allowance Teachers with Pacific language proficiency who are teaching in bilingual or immersion programmes where the curriculum is taught more than

50% of the time in a Pacific language will receive either a level 1 or 2 allowance.

*The first of three increases to classroom release time (CRT) is an increase to 15 hours from term one 2024, followed by two more increases up to 25 hours per term by 2025.

*Relief teachers' salary step increase. The maximum salary step for short term relief teachers lifts from step 5 to step 6 of the new pay scale.

The improvements came into effect 28 January and come on top of wins already implemented – increases to pay, higher rates for Māori immersion teaching allowance, the payment of the costs of moving from provisional to full teaching certification and the abolishment of sick leave deductions for weekends. A further increase in salary will go into effect in April.



E tū Takes Major Cleaning Companies To Employment Relations Authority

E tū, the union for cleaners in Aotearoa New Zealand, has filed an application for fixing with the Employment Relations Authority, after the companies' party to the Commercial Cleaners Multi-Employer Collective Agreement (MECA) have refused to bargain further.

An application for fixing means the union is asking the Employment Relations Authority to determine the terms and conditions of the MECA, as a result of the employer parties breaching good faith provisions, leading to a breakdown in negotiations.

Since E tū initiated bargaining last February, the employer's party to the MECA have offered no pay increase above the minimum wage, and no improvement to terms and conditions such as health and safety protections. They have used both the Fair Pay Agreements process and potential future increases to the minimum wage as excuses not to negotiate constructively with the union and employees.

E tū delegate and cleaner Mele Peaua said, "Most of the cleaners are on the minimum wage. We all know how much of a struggle that is for workers...All we want is to improve wages and get better conditions, beyond the minimum."

E tū National Secretary Rachel Mackintosh says the companies have been particularly...taking this hardline position of a zero-offer beyond minimum wage."

"These companies hold some of the biggest cleaning contracts in the country, in both the public and private sectors. The cleaners often work long and unsociable hours, doing the essential job of keeping workplaces and public spaces clean and healthy.



(E tū)

"It wasn't long ago that cleaners were being celebrated by all of Aotearoa as part of the essential workforce that kept us going during Covid-19 disruptions. The companies need to show they respect and value their employees, instead they are demonstrating the complete opposite."

Collective Agreements Best Defence Against 90-Day Trials

The new National-ACT-NZ First coalition government has re-introduced 90-day trials in one of its first acts in a concerted campaign to attack worker rights and tilt the industrial relations playing field further in favour of employers.

Despite the dangers of 90-day trials, which give employers the ability to fire workers for no reason, there are still ways to protect workers - most importantly by joining a union and being covered by collective agreements.

The New Government's Anti-Worker Agenda: From December 2023, all employers in New Zealand have access to 90-day trials -- giving them the right to fire workers employed on a trial basis at will, with no reason required -- and no legal recourse for workers to take personal grievances for wrongful dismissal.

The former Labour government had limited 90-day trials, which were brought in by the previous National government, to businesses that employed 19 or fewer employees. The National-ACT-NZ First coalition has removed those restrictions.

"Together with the rollback of Fair Pay Agreements, and risks to reforms to contracting, there is a compelling case that this reform is simply designed to create a more insecure, compliant, and less well-organised workforce," said **New Zealand Council of Trade Unions (NZCTU)** President Richard Wagstaff.



(UNITE)

The law change was rushed through under urgency by the new government on the 21 December 2023, without the possibility of select committee scrutiny and with no public consultation.

While Workplace Relations and Safety Minister Brooke van Velden from the extremist ACT party argued that 90-day trials would "enable more New Zealanders to find fulfilling work," and would "encourage businesses to hire people they otherwise might not," the research clearly says otherwise. Research from Motu in 2016, who were commissioned by Treasury, found "no evidence that the ability to use trial periods significantly increases firms' overall hiring," and "no evidence that the policy increased the probability that a new hire by a firm was a disadvantaged jobseeker...The only quantifiable impact of 90-day trials is a reduction in dismissal costs for employers."

The NZCTU argue that reinstating 90-day trials for all businesses will only serve to diminish workers' job security and their ability to negotiate fair wages. This will have particularly negative impacts on disadvantaged groups of workers, such as Māori, Pasifika, disabled workers, women and gender diverse workers, who already experience low rates of job security and are vulnerable to discrimination.

Unite National Secretary John Crocker said, "This policy would disadvantage vulnerable workers, like young people or those just entering the workforce."

Union Negotiated Collective Agreements are the Best Defence: No worker who has already been



Workplace Relations & Safety Minister Brooke van Velden (RNZ)

employed by a business can be put on a trial, and any new employment agreements must have the conditions of the trials clearly laid out. But crucially, workers covered by union negotiated Collective Agreements (CAs) will not be affected as a 90-day trial would be inconsistent with the CA and therefore invalid.

If a worker has already signed an individual employment agreement (IEA) and then joins the union, the union's CA will invalidate any 90-day trial provisions, giving them full protection. So it's incredibly important for new employees at sites with CAs to be informed about them and given the opportunity to join a union as soon as possible. **Unite union** organisers and

delegates will ensuring that all CA sites provide safeguards against unfair dismissal for anyone who joins the union.

Advice for Workers on Individual Agreements: Even if a worksite does not have a CA, which is common in many hospitality businesses such as cafes, restaurants and bars, there are still some protections for new workers. There are many possible mistakes an employer might make when signing a new worker up to a 90-day trial that may invalidate the trial, opening the employer up to wrongful dismissal processes.

In advising employers, law firm HeskethHenry notes: "The Employment Relations Authority and Employment Court take a very strict approach when determining whether employers have complied with the legal requirements for trial periods. 133 out of 178 trial provision dismissals (approximately 75 per cent) considered by the Authority between 2015 and 2023 failed to be upheld."

Unions can advise members about whether or not the 90-day trial clauses in their individual employment agreements (IAs) are legally binding, and whether or not being dismissed under a 90-day trial is grounds for taking legal action or a personal grievance for wrongful dismissal -- which can result in significant payouts for affected workers.

Furthermore, Employment NZ stresses that, "There are a number of 'must-dos' in any employment relationship. The extension of 90-day trials will not affect other aspects of employment relations, such as the requirement to act in good faith, or worker protections regarding pay, conditions, leave, and health and safety."

Even if an employee is on a trial period, they can still bring a personal grievance on grounds, including: discrimination, sexual or racial harassment, pressure about union membership, continuity of employment under Part 6A of the Employment Relations Act 2000, and if the employer does something that unjustifiably disadvantages them.

If they have been dismissed, they may still have grounds for an unjustified dismissal claim if: the employee starts working before the contract is signed, if the employment contract does not mention that there is a trial period, or the employment contract does not contain a notice period in case of dismissal or resignation.

Unions can offer expert advice on what constitutes "good faith", and whether or not these other avenues for personal grievances may be able to be pursued. So if you are a new employee on a 90-day trial, even at a non-CA site, join your union for the best protection during this very vulnerable early period of your employment.

90-DAY TRIALS ARE NOT A MECHANISM TO MAKE HIRING WORKERS EASIER. THEY ONLY MAKE IT EASIER FOR BUSINESSES TO FIRE THEM

(NZTCU)

First Union: Rats In Dunedin South Countdown A Health And Safety Issue

The Ministry for Primary Industries (MPI) is investigating the Dunedin South Countdown for complaints of rats regularly roaming through the store.

Woolworths New Zealand, which owns Countdown, has confirmed an increase in "pest activity" at the Andersons Bay Road store, prompting daily on-site visits from pest control contractors.



A rat on top of bacon in the Dunedin South Countdown (123RF)

The supermarket chain confirmed that a photo, published in the Otago Daily of a rat perched among bacon products in the supermarket's deli section, was taken in November, saying they have "taken a number of steps since then to tackle the rodent issue."

"To ensure our store is safe for both our customers and our team we have increased our regular store cleaning, added further deep cleaning, put additional bait stations in place," the Woolworths spokesperson said.

New Zealand Food Safety deputy director-general Vincent Arbuckle said they were satisfied the supermarket is treating the problem with urgency.

First Union President Bill Bradford said supermarket employees were worried about the serious health and safety issue for workers and customers. An employee first complained to supermarket management "months ago."

They allege management opted not to go ahead with fumigating the supermarket because they were not prepared to close for an extended period.

The Government Must Ban Engineered Stone To Protect Workers Health

The **New Zealand Council of Trade Unions** Te Kauae Kaimahi is again advancing its call for a total ban on engineered stone in Aotearoa New Zealand. They are urging Workplace Relations and Safety Minister Brooke van Velden to listen to unions, academics, industry leaders, and health and safety experts who all agree that banning this product is crucial.

Australia is set to become the first country in the world, as of 1 July 2024, to ban engineered stone.

"The evidence of the harm caused by engineered stone is overwhelming. It is clear to us that a ban on this product is the only option," said NZCTU President Richard Wagstaff.

"Dubbed the modern-day asbestos, exposure to the silica dust from cutting engineered stone can cause the fatal lung disease silicosis. Workers exposed to this material are developing symptoms at an accelerated rate, and at a much younger age than other occupational respiratory diseases. Silicosis is an incurable disease, but the exposure is preventable.

"The Australian Government listened to the overwhelming evidence and implemented a total ban. That decision will save workers' lives.

"The CTU sent a letter to Minister van Velden in December 2023, calling on her to follow the Australian example and ban the importation, manufacturing, and use of engineered stone in New Zealand. The Minister's silence on this issue demonstrates a lack of concern for the health of working people. This needs to be addressed urgently.



"The Minister has the power to eliminate this hazard and save lives. Instead of prioritising the removal of Fair Pay Agreements and extending trial periods, the Minister should focus on making work better and remove engineered stone.

"Engineered stone is a fashion product, and other options are available. It's not worth the life-altering damage to workers, and their whānau, to keep this material in the market," said Mr Wagstaff.

Wider And Deeper Cuts To Public Services On Cards As Government Scrambles To Fund Tax Cuts

Public services relied on by New Zealanders are at risk as the Prime Minister Christopher Luxon comes clean and reveals the true extent of the Government's plans to cut public services.

In the election campaign National identified 24 government departments and agencies that would face cuts to help fund the party's tax plan.

At his first post-Cabinet media conference of the year yesterday, the Prime Minister revealed that the axe would fall on all spending across all public service organisations.

face big challenges, such as a growing and aging population, reducing emissions, protecting our environment, and tackling the infrastructure deficit, we need a well-resourced public service”.

PSA National Secretary Duane Leo

"We're asking all government agencies and all government departments to look at their spending and to identify whether there is any potential savings," said Luxon.

Duane Leo, National Secretary for the Public Service Association Te Pūkenga Here Tikanga Mahi said, "New Zealanders should be worried about the impact on the services they depend on now the Prime Minister has lifted the lid on the true extent of the plans.

"The Government is quietly extending the reach of these cuts with no regard to the impact these will have on the services

New Zealanders rely on.

"This is incredibly disappointing when so much progress has been made in building a strong public service in recent years.

"Clearly the Government is now scrambling to find the money to fund its tax cuts after its coalition partner New Zealand First scrapped the proposed tax on foreigners buying residential property.

"We understand the Minister of Finance wrote to all chief executives in late December and gave them a deadline of 2 February to come up with plans to shave at least 6.5 per cent from their budgets.

"In the main, the savings will go back into the Government's coffers to help fund tax cuts which disproportionately benefit middle- and higher-income earners.

"Nothing appears safe given the two vital agencies which support our democracy - the Parliamentary Service and Office of the Clerk - have been targeted for cuts. We risk services supporting New Zealanders and businesses being eroded by these badly thought through plans.

"Now more than ever as we face big challenges, such as a growing and aging population, reducing emissions, protecting our environment, and tackling the infrastructure deficit, we need a well-resourced public service.

"As the country's biggest union representing 90,000 dedicated public service workers, the PSA will be taking a strong stand to oppose these cuts," said Duane Leo.

Developmental Service Workers Push Back Against Forced Overtime

Canada. As reported by Labour Start

Amanda Hodgkins had been working at Community Living Essex County (CLEC) for two years when she went in for her regular 7:00am to 3:00pm workday. When her shift ended, there was no one to relieve her so she was forced to stay that afternoon. And that night. And the following day. By the time she was finally able to leave 35 hours later, she'd missed her children's soccer tournament.

That story – and dozens like it – are what is behind an open letter signed by more than 70 per cent of CUPE 3137 members demanding an end to the practice of forced overtime.

CUPE 3137's roughly 600 frontline developmental service workers and administrative workers have been without a contract for nearly a year. They entered bargaining with proposals to solve the agency's long-standing workforce crisis, improve working conditions, and ensure adults with disabilities get the support they need. Their concerns, so far, have not been addressed by management.

"Our agency is down over 100 positions right now. People can leave and earn more with better hours working jobs that don't require the same level of training or responsibility. That's why we have part-timers working over 70 hours a week.



(CUPE)

"That's why we have workers getting stuck on shift, not being able to go home to see their families. That's why we have homes running short staffed, putting clients and workers at risk," said Paul Brennan, a frontline worker and CUPE 3137 President. "Our employer seems to think that new hiring practices or Facebook ads will solve this crisis. But nothing is going to change until they commit to treating workers fairly."

Given the prevalence of forced overtime, workers now regularly bring overnight bags every time they go in, just in case. CLEC is not unique – workers in Port Colborne staged a nearly month-long strike to secure automatic overtime – but instances at the agency have been increasing at alarming rates. Family members of clients have even raised the issue, rightfully concerned that overburdened workers are being asked to do too much with too little.

"No one should go into work not knowing when they'll go home. I'm a mom and I need to be there for my children. I know I let them down that day," said Hodgkins. "We love our work, but it can't come at the expense of our families and well-being."

CUPE 3137 delivered their supermajority letter to the agency's Board of Directors in advance of the two sides returning to the table tomorrow. The bargaining team remains focused on meaningful improvements on the issue of forced overtime and a reasonable wage that would see workers paid comparably to other agencies.

“ No one should have to go to work when injured or ill simply because their job lacks the most basic of protections. Under the current law, if you're a casual or gig worker and are injured or ill you're forced to make the difficult decision of either taking time off with zero pay or going to work and likely worsening your condition.



Liam O'Brien
ACTU Assistant Secretary

Half Of Workers Are Working While Sick Or Injured

Australia. AAs reported by LabourStart

Paid sick leave – a right that union members won and continue to fight for a century later – is fundamental to the health and well-being of workers.

Paid sick leave is so important because it gives workers the right to put their health and well-being first – as well as the health and well-being of their workmates – without sacrificing or pay.

Without access to paid sick leave, workers have to choose between going to work while sick or injured, or sacrificing a day's pay. An impossible choice to make, especially in a cost-of-living crisis.

The ACTU's 2023 Work Shouldn't Hurt survey reveals that over half of insecure workers (including fixed-term and independent contractors, casuals, and gig platform workers) have reported continuing to work while ill or injured specifically, due to the absence of paid leave.

Workers who are at higher risk can't afford to not work. While 18 per cent of injured workers in secure jobs reported being unable to take time off due to lack of paid leave, in comparison, this jumped to half of all workers in insecure work.

And nearly seven in 10 workers in insecure work said that they did not take time off simply because they could not afford to — an increase on the survey results from 2022 and 2021.

What's more, the survey also found that people in insecure work are more likely to experience physical injuries than those in secure employment, with seven per cent of secure workers reporting a physical injury compared to 11 per cent of insecure workers. Mental injuries for those in insecure work also rose from 13 per cent in 2021 to 20 per cent in 2023.

Chhattisgarh: FIR Registered After Four Workers Fall Ill Due To Gas In NSPCL Power Plant

Asia. As reported by LabourStart

An FIR was registered against the managements of a power plant and a labour providing firm in Chhattisgarh's Durg district after four workers fell ill following inhalation of some poisonous gas, a police official said on Monday.

The case was registered on Sunday on the complaint of one of the workers against the management of NSPCL power plant and those connected to Bindal Brothers, a firm providing labourers on contract, the Bhilai Bhatti police station official said.

NSPCL is a joint venture of PSUs National Thermal Power Company (NTPC) Limited and Steel Authority of India Limited (SAIL).

On January 26, four contractual labourers, identified as S Kumar, Deepak Chaudhary, Manindar Singh and D Shankar Rao were hospitalised after they inhaled some poisonous gas in the plant.

"They were discharged from hospital the next day. On Sunday, S Kumar lodged a complaint against the managements of the plant and the contractor company. A case was registered under sections 284 (negligent conduct with respect to poisonous substance) and 337 (causing hurt by act endangering life or personal safety of others) of the Indian Penal Code," he said.

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"As per the complaint, the four workers were instructed to fit a silencer in the boiler- 1 on the seventh floor of the plant. However, when they reached there, they had breathing problems and burning sensation in the eyes and had to be hospitalised," he said.

As per Kumar's complaint, boiler-1 was cleaned using chemicals on January 25, resulting in formation of ammonia gas, the official said.

Elon Musk's New Whim: Tesla Workers Must Sleep On Assembly Line



(PTI)

United States. As reported by LabourStart

Production Hell: Tesla CEO Elon Musk is warning his workers that they'll have to sleep — and from the sounds of it, practically live — at the company's Texas manufacturing plant so that the carmaker can produce an affordable electric vehicle for the masses, Business Insider reports.

"That will be a challenging production ramp," the news outlet reports Musk saying during an earning's call on Wednesday. "We'll be sleeping on the line, practically. Not practically, we will be."



The electric vehicle in question apparently has the codename "Redwood," Reuters previously reported, and Tesla plans to build it sometime in 2025.

This won't be the first time Tesla workers have had to sleep inside company factories during periods of what he has previously called "production hell." Musk himself has been known to slumber at Tesla during production ramp ups, something which he loves to brag about.

Quality Control: But it remains to be seen whether these kind of production rushes are good for the company. Customers and reporters have pointed out that Tesla vehicles can suffer from significant quality problems, from the suspension failing to driving range issues.

The most visible quality control issues have been exterior finish problems, such as misaligned doors in the Cybertruck and protruding exterior molding above the window of Model Ys.

We don't know if there is a direct correlation between quality issues and the lack of work-life balance at Tesla facilities, but it's telling that X-formerly Twitter has been known to have staff sleep at the headquarters after Musk bought it in October 2022.

And X has been noticeably more buggy ever since Musk became involved. Whether a truly affordable Tesla will ever see the mass market is also a lingering question. Musk has been promising a vehicle at a \$25,000 price point for years, but it has yet to actually materialize.

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