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New Zealand Labour News

Unions claimed a major victory after the Employment Court recently ruled that two airline catering staff were employed by the firm where they worked, not the hire company that paid their wages. E tū, the union representing the workers that took the case to court, declared the decision "a huge victory" for labour hire workers. "It is also a victory for the growing number of workers who aren't directly employed by the firms they work for and are deprived of their rights under New Zealand employment law," said Assistant National Secretary John Ryall. The Employment Court recognised that the use of labour hire is a way to shift all the employment risk on to very vulnerable workers and to avoid employment obligations, Ryall said. The union called on the airline industry to get rid of labour hire completely and for all airlines to take responsibility for this issue. First Union spokesman Jared Abbott said major companies, such as Foodstuffs, also would have to change employment practices. First Union, which represents thousands of labour hire workers, sent out a warning to other major retail chains and logistics companies that the days of such hiring arrangements were over.

The number of prosecutions of forestry companies over deaths in the industry suggests not enough of these employers are being taken to court, the Council of Trade Unions (CTU) declared. There have been 43 forestry workers killed on the job over the past ten years, but only seven prosecutions have been taken against the companies. The last one was four years ago in 2013. CTU's Richard Wagstaff said the fact that only seven of the 43 deaths have resulted in prosecution of the employer company suggests not enough are being taken. "Given that nobody should be killed at work and the vast majority of them go without any prosecution, that suggests to us that there aren't enough prosecutions," he said. The CTU took its own private prosecutions against two forestry companies last year and both were successful. Wagstaff said WorkSafe should have prosecuted those cases instead of the CTU. "Given that the prosecutions were upheld, I think WorkSafe should have taken them. And I would like to think that they agree with that now too," he said.

New Zealand's unions criticized plans by the Regional Economic Development Minister to introduce a work-for-the-dole type scheme. NZ Council of Trade Unions (CTU) President Richard Wagstaff said Minister Shane Jones should focus on creating "real work" for beneficiaries rather than a work-for-the-dole programme. Jones, who oversees a \$1 billion regional development fund, told reporters he will propose to the Cabinet that people on the unemployment benefit be made to go to work and could receive the minimum wage "but there will be no more sitting on the couch." First Union President Robert Reid said his union wanted people off the unemployment benefit and into paid work. "We want people who are on the dole to be able to work for wages. People are wanting to have work, and if those jobs are paying decent wages that is what will actually happen," he said.

E tū charged workers building part of the Ultra-fast Broadband Network across New Zealand are being exploited and cheated out of their wages. Union spokesperson Joe Gallagher said Chorus, contracted by Crown Infrastructure Partners (CIP) to oversee the network build-out, hired Visionstream as a primary contractor. "Visionstream runs a dependent contractor model — which means they then go out and look for guys and a van and they essentially set up their own business — then generally what happens, they look for guys to work for them," he explained. The union called for the government to launch an inquiry into the business model which has led to workers being under-paid and performing tasks for which they were not trained. The \$1.7 billion programme, set up by the previous government, is designed to provide better, faster internet to homes around New Zealand.

National, Economic & Political Events

Labour Prime Minister Jacinda Ardern and Education Minister Chris Hipkins announced that all New Zealanders who have less than half a fulltime year of post-school education or training will be eligible to study fees-free next year. The new policy will benefit about 30,000 students at university in the first year, and 50,000 in polytechnics, wānanga, private colleges, apprenticeships and other industry training. Apprentices and industry trainees will get two years of fees-free training because their courses are less than fulltime. There are no age restrictions. According to Hipkins, the Government has budgeted for a 3 per cent increase in equivalent fulltime students, or about 2000 extra students, because of the fees-free policy. "Employers have also been calling for bold forward thinking to build a future workforce with new skills to meet changing demands. That's what this policy will deliver," said Hipkins.

Workplace Relations Minister Iain Lees-Galloway intends to appoint a working group soon to revamp the so-called Hobbit Law to restore collective bargaining rights to the nation's actors. He told the news media that recommendations are expected by June 2018 and any proposed legislative changes will go to Parliament by the end of next year. The working group will be comprised of "players from all side of the movie industry," Lees-Galloway said. "The whole point of the working group is to look at what is the best way for us to make good on that commitment in a way that restores fairness for the people working in the industry but is also fit for purpose for the industry," the minister said. "Whether it should be a repeal, an alteration, or what legislative instrument we might use, is exactly the question that the working group is going to look at." The controversial Hobbit Law was adopted in 2010 by the Key Government to appease film producers and guarantee that all three Hobbit movies would be filmed in New Zealand. The law stripped actors of their collective bargaining rights and made them independent contractors.

The nation's housing crisis is a "social and economic disaster for the country," said Housing Minister Phil Twyford. He told the news media the Government has "inherited a mess" after newly released figures put the national housing stock shortfall at more than 70,000 homes. "It's quite complex... and it's going to require bold reform on a number of fronts sustained over a number of years," he reported. "The former government was in full scale denial about the scale of the housing crisis. What the government officials told us [in the briefing] is there's a housing crisis and it's having huge social and economic effects, locking people out of home ownership, [and creating] record levels of homelessness." Among the tools available to manage the crisis include reforms to the way the government deals with homelessness, and a "massive change when it comes to getting government back in the business of building affordable houses for young Kiwi families," he said.

International Labour News

Delegates attending the recent AFL-CIO 28th Constitutional Convention in St. Louis approved a resolution calling for the creation of a Commission on the Future of Work and Unions to examine the structure and effectiveness of the U.S. labour movement. The Commission is charged with submitting interim reports on proposed significant structural and policy changes to the AFL-CIO Executive Council throughout 2018 with a final report due in June 2019. Delegates also re-elected Richard Trumka (UMWA) as president, Liz Shuler (IBEW) as secretary-treasurer and Tefere Gebre (UFCW) as executive vice president and 55 vice presidents, who will serve as the Executive Council, for a four-year term. Trumka begins his third term as head of the labour federation since first elected in 2009. "I am humbled and honoured for the opportunity to serve the working families of the AFL-CIO," he said.

The Australian High Court recently ruled in a 4-1 decision that unions are restricted from taking legal strike action during bargaining disputes against an employer if they have earlier breached orders of the Fair Work Commission during the bargaining process. In a judgement against the Australian Workers Union (AWU), the court's majority said the ability to engage in protected, or legal, industrial action was a "privilege" conditioned on unions and workers not having contravened commission orders earlier in the bargaining process. Australian Council of Trade Unions (ACTU) Secretary Sally McManus said the court had made existing restrictive laws against legal industrial action "much more oppressive." "This makes worse the laws we have currently got," she told The Australian. "It makes it even harder to take protected industrial action, making our laws some of the most restrictive and oppressive in the world."

Two-thirds of UK zero-hours contract workers want jobs with guaranteed hours, according to the findings of a survey from the British Trades Union Congress (TUC). The survey also revealed that the main reason people are on zero-hours contracts is because it is the only type of work available to them. "Most people on zero-hours contracts are not on them by choice," TUC General Secretary Frances O'Grady said. "They'd much rather have the security of guaranteed hours and the same rights as employees." He called on the government to follow New Zealand's lead and ban zero-hours contracts. "Now's the time for the government to ban zero-hours contracts, as they have done in other countries like New Zealand. Every job should be a great job – but far too many workers in the UK are being treated like disposable labour," O'Grady said. TUC's polling also found that many zero-hours workers are missing out on basic rights at work with 12 per cent who say they get sick pay, while 7 per cent would get redundancy pay. Meanwhile, 43 per cent say they don't get holiday pay and 47 per cent say they do not get written terms and conditions.

Regional and Local Union News

Postal unions expressed concerns over their members' jobs as NZ Post signalled a "preference" to franchise out Wellington PostShop services. Unions fear NZ Post will outsource more postal services to franchisees in the face of uncertainty about the future of the Wellington stores. E tū union said franchising postal services will result in lower wages for workers, and lower quality service for the public. E tū, which represents more than 3000 NZ Post staff, is working with NZ Post and Kiwibank to try and redeploy workers facing redundancy, said union Communications Industry Co-ordinator Joe Gallagher. "These are good jobs and for a lot of these people, they've been in these jobs for 20 and 30 years, so from that perspective, it is disappointing and concerning," he said. Postal Workers' Union of Aotearoa Southern District President, John Maynard, said members were also concerned about their futures, particularly as mail volumes continue to decrease. "Posties have a very strong sense of public service, but there's quite a clash between that and the corporate-driven profit model that NZ Post is following," Maynard said.

Bus drivers in Wellington and rail workers in Auckland engaged in separate job actions to protest contract demands by transportation operators. Wellington bus drivers represented by the NZ Tramways Union escalated their actions against incoming bus company Tranzit with a stopwork meeting on Wednesday, November 27. Tramways Union spokesman Kevin O'Sullivan said drivers reviewed the "continuing campaign" against Tranzit and renewal of current collective agreements with NZ Bus. Masterton-based Tranzit takes over most of Wellington's commuter bus services from July next year, when new routes and contracts come into effect. In Auckland, rail workers struck for 24 hours December 8-9. They are members of the Rail and Maritime Union and have been negotiating with French-owned Transdev since May. Union Organiser John Kerr said Transdev was refusing to back down on its proposal to reduce crews and operate driver-only trains which puts workers and riders at risk.
