

# ORGANISE

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Stronger together

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**GO AHEAD** make my 90 day

## Key guns for workers

**H**eather Smith and Florence Coen are victims of a cruel scam.

Heather was in her third year of working at Stokes Valley chemists when the shop was sold.

She had to reapply for her job with the new owner who insisted she agree to a 90 day trial period.

Before the trial period was over she was sacked without being given a reason.

Seventeen year old Florence got her first job at a Lotto shop in Waikanae. She had to agree to a 90 day trial before she was given the job. On day 85

she was sacked without any reason being given.

Heather and Florence are not alone in being treated in this way.

According to Department of Labour statistics, one in five workers employed under the 90 day fire at will law, introduced by Prime Minister John Key last year, will end up being sacked before the 90 days are completed.

Despite these damning figures Mr Key announced the law will be extended to cover all employers at the National Party annual conference last month. He also outlined further

planned attacks on workers including allowing employers to pressure workers into selling holidays, reducing protection against unfair dismissal, forcing workers to produce a medical certificate for a single day's illness and restricting workers rights to have access to their union in the workplace.

When the proposed attacks on workers rights were leaked ahead of the conference the CTU quickly organised a lively protest outside the hotel where it was being held. This was the first of many activities aimed at stopping these attacks. The Government has left no option but to fightback.

# How you will be affected

## John Key's changes

## What they mean

**Extending 90 day period with no right of appeal against unfair dismissal to all workplaces.**

A culture of fear and insecurity for new employees. 400,000 people change jobs every year and 22% (80,000) can expect to be sacked without reason in the first 90 days according to the Labour Department.

**Employers will be able to 'communicate' directly with workers during collective bargaining.**

This will enable employers to pressure workers to accept a deal outside union bargaining. It will allow employers to use "divide and rule" tactics against workers.

**You will need your Bosses permission to have your union come and visit you at work.**

The worst employers will use this to effectively keep unions out of workplaces.

**Reduced focus on procedural fairness in personal grievance cases. The Government will 'ensure that an employer's processes are not the subject of pedantic scrutiny'.**

Employers will be encouraged not to bother with good processes to give workers a fair hearing. Again this supports the worst bosses.

**The Employment Court will have less ability to question the reason for dismissal as the test is changed from what a reasonable employer 'would' do, to 'could' do.**

A culture of "anything goes" will be encouraged by this change. It will be much more difficult for workers to get a fair hearing in the Employment Authority.

**Removing reinstatement as the primary remedy in dismissal cases.**

Workers unjustifiably dismissed will find it even more difficult to get their job back.

**The Employment Relations Authority will be able to 'filter out vexatious or frivolous claims at an early stage'.**

Employers will argue that every PG taken by workers is vexatious and frivolous.

**Up to one week's annual holidays can be traded for cash.**

After a few years many workers in private-sector workplaces will be stuck with just three weeks annual leave. During bargaining employers will say they can't give a pay increase and workers will feel forced to agree to trade their fourth week for a pay increase. Most workers will be reduced to three weeks annual leave within a short time.

**For those workers whose hours of work and pay are irregular, their payment for sick leave, bereavement leave, public holidays and alternative holidays will be calculated by averaging gross earnings for the preceding 52 weeks or whatever lesser period the employee has been with that employer.**

Less pay for part-time and casual workers when they take leave.

**Workers can agree to transfer the observance of public holidays to another (identified) working day.**

This could provide benefits for some workers.

**Employers will be able to 'ask for proof of sickness or injury within three consecutive days of an employee taking sick leave, but will have to cover the employee's reasonable costs in obtaining proof'.**

This is unreasonable and could easily be used by unscrupulous employers to harass workers.

**The maximum penalties for non-compliance with the Holidays Act will double from \$5,000 to \$10,000 if the employer is an individual, and from \$10,000 to \$20,000 if the employer is a company or other body corporate.**

Fines are still chickenfeed for employers who regularly abuse workers rights to any kind of leave.

**Early mediation services without representation, prior to any formal mediation.**

Without representation many workers will be heavily pressured to accept pathetic deals offered by employers.

**The Government intends to make some other changes 'to improve the way the Employment Relations Authority works, including moving to a more judicial mode of operation, with the right to cross-examine witnesses'.**

The Employment Authority is supposed to be a non-judicial process. Workers and unions will be forced to hire lawyers to engage in this legalized approach.

**Formal definition of the role of Labour Inspector.**

No change. Labour inspectors are so thin on the ground with many weeks delay getting service that this change will make no difference.

**Allowing Labour Inspectors to issue improvement notices.**

This is likely to let employers off the hook when they abuse workers' rights.



**OZ** 30% difference in wages

# Catching up with Australia

**T**he wage gap between New Zealand and Australia has increased to 30% since the election of the Key government.

“The wage gap has nothing to do with the mining boom – after all we have had a dairying boom. It has everything to do with employment laws which determine how wages are fixed,” NDU General

Secretary Robert Reid said.

“Australia still has an award system which provides a mechanism for setting wages that distributes wealth throughout the community.

“In contrast our employment laws are designed to let a privileged few hog the fruits of the labour done by the rest of us - and this government wants to make it even worse.”

Before the last National government introduced the Employment Contract Act in 1991 New Zealand wages were the

same as in Australia.

“We have fallen behind since then because that law made it difficult for workers to remain in unions and to organise decent pay increases,” said Mr Reid.

“There is too much at stake for us to stand by and let the government get away with these attacks on wage and salary workers and beneficiaries.”



## Key's two pronged attack

**B**laming beneficiaries for poor economic management is the oldest trick in the book, and the Key government is taking it to new levels of viciousness.

Former MP and longtime beneficiary advocate Sue Bradford said she has seen it all before.

“I feel reasonably certain that this two pronged onslaught, so similar to the one mounted between December 1990 and July 1991, has the same goals and the same desired outcomes as back then – to increase the profits of National's big business backers while shoring up campaign funding for the next election,” she said.

The unemployment rate has soared to 6.8% since the recession began and the household labour survey shows 255,700 New Zealanders are officially jobless.

Ms Bradford said people on sickness and invalids benefits and single mothers are being pressured to compete with the hundreds of thousands of others looking for a job – and being threatened with being forced onto a lower paying benefit if they are unsuccessful.

The government has also formed a welfare working group and charged them with finding new ways of putting the boot into beneficiaries.

On top of this, unemployed people who do find a job are likely to be sorely disappointed after John Key's 90 day blowtorch is applied to their hopes and dreams.



**COOKING** a goose

## Bennett burns

Rotorua beneficiaries burnt cardboard cutouts of Social Development Minister Paula Bennett as part of protest against her threats to their benefits. 100 beneficiaries gathered outside the Work and Income on July 11 to demonstrate against the Future Focus Bill which could see entitlements to emergency grants slashed. The bill would also force domestic purposes beneficiaries to compete against a record number of unemployed for jobs once their youngest child turns six. March organiser Paul Blair, from the Rotorua Welfare Action Group, said the National Government is perpetuating the lie that there are jobs for everyone and refuses to admit that unemployment is a permanent structural feature of capitalism.

# JOIN THE FIGHTBACK

## ■ Join your union and get active

<http://union.org.nz/findyourunion>

## ■ Organise your workplace to attend the October 20 stop work meeting

Ask your organiser for material or call into your local union office (even if you aren't a member.) Download posters at [fairness.org.nz](http://fairness.org.nz) or [solidarity.org.nz](http://solidarity.org.nz).

## ■ Plan a day in lieu for October 20 if there isn't a union in your workplace.

Your boss can't stop you from taking the day off if you give more than 14 days notice.

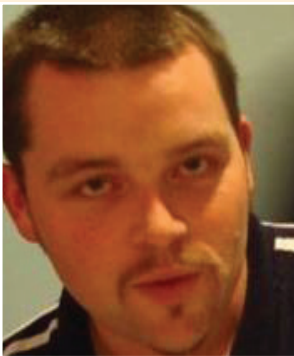
■ **Join or setup a solidarity network in your area** – check the contacts below or contact us to help you set up a group. Join your local groups events at [solidarity.org.nz/events](http://solidarity.org.nz/events)

■ **Sign up for direct action by joining an UTU squad** that will name and shame bad employers. [utu@solidarity.org.nz](mailto:utu@solidarity.org.nz)

■ **Send letters to the editor**  
<http://solidarity.org.nz/get-active/letters-to-the-editor/>

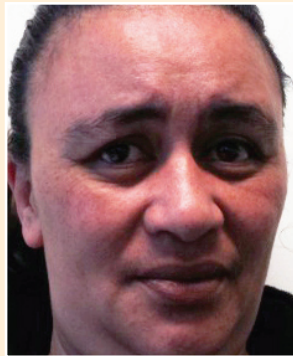
■ **Let your local MP know what you think about their attacks on workers**  
<http://www.parliament.nz/en-NZ/MPP/MPs/MPs/>

## Your views on the Nat's proposed law changes



**Calum Reardon**  
Printer, EPMU

It's just terrible. These kinds of laws do nothing except give employers the opportunity to mistreat their workers. We are already so far behind Australia in terms of wages and restricting union access will make the wage gap worse.



**Carol Toma**  
Vodafone  
Manukau  
Unite delegate

The changes will be good for businesses but bad for workers. We need to fight them.



**Jarod Abbott**  
Nuplex Penrose  
NDU delegate

It is rubbish that National is trying to break down workers rights that have taken so long to establish. They only look after the interests of big business and are not interested in the people that make those businesses work.



**Warren Buffet**  
Billionaire

There's class warfare all right, but it's my class, the rich class that's making war, and we're winning, but we shouldn't be.

**Solidarity is a new independent organisation that aims to network activists, delegates and organisers from across communities and workplaces (union and non-union) to help rebuild a fighting workers movement from below. Help us build the network in your town by getting involved or starting a local group.**

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