

O were my Love yon Lilac fair

Robert Burns

O WERE my Love yon lilac fair,
Wi' purple blossoms to the spring,
And I a bird to shelter there,
When wearied on my little wing;
How I wad mourn when it was torn
By autumn wild and winter rude!
But I wad sing on wanton wing
When youthfu' May its bloom renew'd.



nuppe newsletter



spring 2014

nupe
national union of public employees
co-operation without compromise



Secretary's Column

Since the Winter newsletter a lot has been happening at NUPE.

The NUPE organisers have continued to be engaged in a number of bargaining rounds across the different groups. The bargaining has included the CDHB – Support Services, Clerical and now Allied Health, Laboratories and Mental Health Nursing. Other bargaining has included St John of God Waipuna, CYF Managers, Defence and Aged Care on the West Coast. We are about to go into bargaining at Brackenridge Estate and MBIE.

In addition the organisers continue to represent members on their various individual issues.

In addition there are a number of change processes under way across some of our groups.

A comment on the recent election result.

NUPE has no particular political affiliation. NUPE is very aware that whatever Government is in the Union must be available to represent our members on matters to do with their employment. In saying this the re-election of the National-led Government does mean it is very likely that the employment legislation changes that they wanted to introduce in the last term will now be put through. These changes include changes to the breaks and the removal of the requirement of the employer and the union to settle Collective Agreement bargaining. The possible inability to settle an agreement is a significant backward step for Unions and the collective strength of workers. NUPE will be working really hard to get agreements settled and to remind the employers of the advantages of a Collective Agreement. If an employer does not have a Collective agreement then every staff member is entitled to approach them and individually bargain – this is time consuming and mucky and most employers are not that keen on that arrangement.

Another area of ongoing change is in Health and Safety. The spotlight has really been on Health and Safety since the tragedy of Pike River. IT is really important to be aware of the safety requirements of the employer and also of you all as employees. NUPE encourages you to check the safety requirements in your work area and that they are complied with. WE urge you not to take risks and to document your concerns. We urge you not to go alone on visits to clients or offenders if there is policy around this. The risk is that if you as an employee do not follow the policy / guidelines then you will / may be held accountable when and if something goes wrong. Your safety is paramount do not gamble on it.

Please remember to contact NUPE by e mail (is best) or by phone if you have a concern or need assistance in a matter.

Janice Gemmell



News from the frontlines

Public Sector Immunity Under Attack

The Law Commission recently put out a paper suggesting changes to the Crown Proceedings Act 1950. Amongst the changes is a provision that the current immunity that public employees have is reduced to individual indemnity. This would mean that public employees would be able to be directly sued by members of the public.

Currently, public employees can only be sued if it is proven that they have acted in bad faith.

NUPE opposes the removal of this provision. NUPE believes that the proposals would be detrimental to public sector employees and the wider public sector. It is our opinion that they would have a negative effect on the morale and employment of public



servants. The proposed reforms might actually have the opposite effect to what is intended by

making public sector workers less responsive to public needs and/or prohibiting them from carrying out various tasks or duties due to a fear of being personally held liable and being sued.

Thanks need to be given to NUPE respondents who helped with the submission—particularly Steven Copeland (MoJ), Shane Cassidy (PDS) and Rick Robinson (IRD).

For a copy of the NUPE submission please contact: quentin@nupe.org.nz

Community Dental Wins Mileage Claim

NUPE has recently been involved in claiming monies owed to Canterbury Community Dental Workers for mileage. The CDHB has been incorrectly paying mileage (less than the established IRD rate) to Community Dentists for some years.

Despite attempts to get the CDHB to pay what they owed, the matter went to the ERA where it was finally settled. The payments (some of which were substantial) were then made to the Community Dentists.



News from the frontlines

Prison Labour undercutting Wages and Conditions at Court

In late May 2014 the New Zealand Herald reported that prison inmates would be staffing the staff cafeteria at the Auckland District Court. This was the first time that many staff had heard about this issue.

Consequently, as a result of members contacting NUPE with their concerns, Organiser, Quentin Findlay met with the Ministry about the matter. He learnt that inmates would get paid the princely sum of 60 cents an hour as well as not meeting any of the security checks required by MOJ employees.

However, it became very apparent that the Ministry had already decided to proceed with their course of action regardless of the questions from the staff around cost, security or safety.

NUPE understands that consultation with staff has been for the most part small or reactive. It sadly appears that concerns that staff may have are simply brushed aside.

NUPE contends that one of the reasons why staff morale is so low at the Ministry of Justice is because staff do not feel that are consulted and, most importantly that their opinions taken notice of. This is just another example of that fact.



Louise Galle

Community Dental Therapist

Louise has been a member of NUPE since 2010. She is a Community Dental Therapist based in Christchurch.

Why Did You Join NUPE

I was previously a member of another union. But I became disillusioned with their lack of support and advocacy during a personal grievance issue.

I joined on the recommendation of an employment lawyer. Who was also a former Adjudicator on the ERA. He highly recommended Janice.

What attracts you to NUPE?

Firstly, their concern for their members. NUPE listens and they have empathy they are responsive. They are fully conversant with issues at a local level





Organiser Dispatches

All three organisers have been busy over the preceding months.

Les Bryce has now taken responsibility for Auckland trips and issues while Quentin Findlay has been involved with the CDHB and other organisations in Christchurch.

Janice Gemmell has been heavily involved in CYFs. Especially in relation to the CYF's Managers Bargaining.

Bargaining Concluded. Bargaining has been concluded for the following agencies:

Department of Corrections: Completed

IRD: Completed

New Zealand Defence Force: Completed

St. John Of God: Completed

TIL— Bargaining completed

Current Bargaining

MBIE : Ministry of Business, Innovation and Employment

Bargaining for this Ministry is coming up. It has been postponed several times due to industrial action by the PSA and staff absences at MBIE.

Comcare: NUPE is currently negotiating a new Collective. We are currently waiting to go back into bargaining.

Clerical staff CDHB/ Support Staff CDHB: Negotiations for these areas are continuing. It is hoped that offers will be made to members soon.

Brackenridge : Bargaining to start next month

Dixon House/Granger House; An offer has been made and it is out for ratification.

CFYs Managers—NUPE is currently waiting for an offer.

Allied and Mental Health and Technical Health—Claim forms have been distributed and bargaining is to commence on 6 November.

Contact Your Organiser

Janice Gemmell:
janice@nupe.org.nz

Les Bryce:
les@nupe.org.nz

Quentin Findlay:
quentin@nupe.org.nz



Health and Safety

New Health and Safety Act on the Agenda.

The Health and Safety Reform Bill has been introduced to Parliament. The new Bill represents a major change to New Zealand's health and safety system.

The Health and Safety Reform Bill will create the new Health and Safety at Work Act, replacing the Health and Safety in Employment Act 1992. The Government's intention is that the new Act will come into force from 1 April 2015.

The Bill is part of 'Working Safer: a blueprint for health and safety at work' and reforms New Zealand's health and safety system following the recommendations of the Independent Taskforce on Workplace Health and Safety.

Working Safer is aimed at reducing New Zealand's workplace injury and death toll by 25 per cent by 2020.

Worker Reps Strengthened.

One of the weaknesses in the current law is the inability of elected worker Health and Safety Reps to halt unsafe practices. In many cases Health and Safety Reps are non-existent. The HS reform Bill will provide elected Health and Safety Reps with the ability to,

- Direct (rather than advise) to stop unsafe work
- Issue Provisional Improvement Notices (PINs)

Reps will also be supported in their role by the tougher Worker Participation Regulations



The New Bill in a Nutshell

The Health and Safety Reform Bill is based on the Australian model Law

It is expected to be passed by end of 2014 and operational by April 2015

It contains stronger penalties and enforcement actions, tools and Court powers

It will create a due diligence duty on those in governance roles, e.g. boards of directors

More emphasis on the duties of Persons in Control of business units (PCBU's)

Stronger powers for elected H&S Reps and antidiscrimination protections.



National News

New Zealand's 'Rock Star' Economy Could be 'Washed Up.'

New Zealand's economic growth is slipping and could be weaker beyond this year, NZ Treasury recently warned. An analysis of July's data showed lower export prices and a slowing housing market which is affecting economic confidence, Treasury reported. "Export values fell sharply

in the June quarter as both prices and



volumes weakened," the report said. "Import values rose modestly but the exchange rate appreciated, reducing import prices, pointing to a larger increase in import volumes."

Finance Minister Bill English said recently that growth is flattening which he said was linked to the prospect of interest hikes. "What we know is that growth rose pretty rapidly over the last 12 months and now it's flattening out a bit," English said.

Forestry Death—A Game Changer

Police charged Philip Burr from Horowhenua with manslaughter in the death of a forestry worker last December. The charges mark the first criminal prosecution in a workplace death. Authorities said Burr was operating a Volvo tree-felling mechanical harvester and failed to take "reasonable precaution or care to avoid danger" resulting in the death of 20-year old Lincoln Kidd. Burr was remanded on bail and will appear September 23 at the Palmerston North High Court. The Council of Trade Unions called the charges "a game-changer."

The case showed a shift with police investigating deaths in the workplace, she said. Burr already faces charges of health and safety violations by Worksafe New Zealand. Ten forestry workers were killed on the job last year, sparking a lengthy campaign by the unions for improved safety in the industry.

Teachers and principals picketed MPs' offices around the country September 5 to protest the Government's planned changes to education funding. The New Zealand Educational Institute (NZEI) overwhelmingly rejected the National Party's Investing in Educational Success policy (IES), saying the \$359 million programme had "negligible" benefit for children and was developed without consultation with teachers and parents. NZEI president Judith Nowotarski said the money would be better spent on reducing class size and better support for teachers rather than on "highly skilled" teachers and principals.

NUPE Core Values



- Social Justice and a Commitment to Collectivism and Fair Representation of all members
- Valuing the On-going Employment Relationship and focusing time, energy and resources to members needs
- National Executive from Elected Delegates Oversees the Activities of Union staff and Policy

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Make sure that NUPE has got your correct address and details.

Contact the NUPE Office.

NUPE Organisers and Associates

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Organiser: Les Bryce

Organiser: Quentin Findlay

Legal Advisor: Andrew McKenzie

NUPE Executive 2014/15

Convenor: Matt Glanville

Secretary: Janice Gemmell

Treasurer: Paul Shennan

Executive: Alistair Lawrence, Louise Galle, Robyn Millar, Lynda Taylor, Marjon Stegehuis, Carleen Pocock, and Donna McIntosh.