CHRONICLE

March 1993

According to the Statistics Department's survey of weekly wage rates, 34 percent of workers got a wage rise last year, 65 percent recorded no change, while about two percent took a wage cut.

The Labour Party released its industrial relations policy which provided for an Employment Relations Act, a halfway measure between the Employment Contracts Act and the earlier Labour Relations Act. Voluntary unionism was to remain and workers were to retain the choice of which union to join. Labour would set a minimum wage for workers under the age of 20, require employers to negotiate in good faith, outlaw the use of partial lockouts as a mechanism to impose new conditions on the workforce and extend collective contract coverage automatically to new employees. Labour also planned to introduce compulsory levies for businesses to provide staff training.

The Meat Workers Union held a 24-hour strike on 2 March at the old, established New Lynn tannery of E. Astley & Sons, to protest company efforts to impose a new contract which abolished various bonuses and allowances in return for a rise in the basic rate. A third of the 210-strong largely Tongan workforce, who had signed the company document, found their access to the factory blocked by a strong picket of unionists. The strikers demanded a \$2 wage rise and continuation of the conditions in the expired meat workers award. The company was willing to negotiate a contract with the Meat Workers Union, but would not make it available to the men who had already signed its own document. The union, however, demanded a single collective contract at the factory and called a second open-ended strike on 8 March.

Police attended in force and dispersed the picketers with considerable violence; a report tabled in Parliament described the police attack as "vicious and unprovoked". Eight men were arrested, but the strike was called off after three days, when union and management agreed to a month's deadline to draft a new contract. By the end of the month they had agreed to a new document, due to expire on 1 August, which will be available to all Astley employees and to any new employees hired by the company.

The Telecom employment contract expired on 25 March, but the Communication and Energy Workers Union agreed to a new 12-month pay deal, which included a 1.5 percent wage increase and retained all conditions.

The mens and boys clothing retailer Warnock closed its 36 stores throughout the country on 26 March, with the loss of 200 jobs. According to the Northern Distribution Union, staff will not get any redundancy payments. Other major lay-offs this month included the AFFCO freezing works at Horotiu, which shed 120 workers, and the Huntly West mine, mothballed by Coalcorp with 91 job losses. Huntly West was just another hole in the ground for Coalcorp, said the mine workers branch secretary, "but to the guys who worked there it was

their livelihood and a way of life".

About 300 staff members of Levene's chain of home decorating stores in the North Island won a three percent pay rise negotiated by the Northern Distribution Union.

Secondary school teachers held a series of 35 paid stopwork meetings nationwide to discuss a new national employment contract negotiated with the State Services Commission after more than a year of haggling. "After vigorous debate" they approved their executive's recommendation to accept the deal, which involved no pay rise and some concessions, in return for a government commitment of consultations before any further changes are made to the way teacher salaries are funded. Teachers also agreed to lift their ban on the government's new curriculum initiatives.

Representatives of the NZEI and of CECUA, the Combined Early Childhood Union of Aotearoa, agreed to amalgamate.

April 1993

Work stoppages were at their lowest level in 34 years, according to figures released by the Statistics Department. However, more working days were lost through stoppages in 1992 than in the previous year, and estimated losses of wages and salaries rose by 77 percent compared with 1991.

Pay equity legislation was unlikely under a Labour Government, said the party's industrial relations spokeswoman Helen Clark. The changes wrought by the Employment Contracts Act, she said, precluded any return to the mechanisms introduced by Labour in 1990, which relied on occupational awards which had all disappeared. The Alliance industrial relations spokeswoman Laila Harre, however, attributed Labour's apparent backdown on pay equity to its desire to get close to business. CEVEP, the Coalition for Equal Value Equal Pay, released a paper presenting a method to implement employment equity in a deregulated labour market and planned to make pay equity an election issue.

The Northern Chemical Workers Union announced it had no difficulty in achieving settlements of at least 2.5 percent. At two Auckland cosmetic manufacturers it gained 3.5 percent increases in 12-month settlements without loss of conditions such as penal rates. At the small concrete additives firm of Sika (New Zealand) Ltd in Avondale, after a three-day strike, it gained a six percent pay rise for three workers. The Employment Contracts Act, said a union organiser, set the scene for wage demands based on ability to pay.

Workers at Waitoa dairy factory voted to leave the Dairy Workers Union and set up another union. At least two other sites were expected to follow. The split followed revelations last November that employers had paid some union officials to oppose union policy. A recent report by ex-CTU secretary Ron Burgess confirmed that widespread payments had been made to union officials in the form of "drinks, dinners and presents here and there".

The Service Workers Union submitted a report to the Catholic bishops protesting against widespread unfair treatment of its members in Catholic private hospitals, rest homes, hospices,

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boarding schools and religious orders. While publicly criticising the Employment Contracts Act, said the report, Catholic institutions were taking advantage of it to mistreat their staff. The report urged the establishment of a joint working party of Catholic bishops and Catholic union officials to draw up a code of industrial practice and asked the bishops to make a statement to Catholic religious orders supporting the principle of collective bargaining by workers. The Service Workers Union, whose membership had declined from about 60,000 in March 1991 to 39,927 in January of this year, decided to lay off about 30 staff.

Labourers at the Golden Bay Cement Company's Portland works struck for 48 hours on 21 and 22 April. The company had offered a \$1,000 one-off payment but the 63 labourers, who had not had a pay rise for two years, demanded a four percent rise. The men's first job, when they returned to work, was to repair the site's big kiln which failed while being operated by management staff during the strike. The company reached a settlement with the site's tradespeople by giving them increased allowances.

Legal costs of close to \$500,000 faced the Amalgamated Workers Union after the Auckland High Court awarded costs to two scaffolders over an alleged black ban at the Marsden Point oil refinery and various Auckland building sites. The men claimed that they were driven out of business after they fell foul of the union.

Ninety inter-island ferry officers gave 14 days notice of a strike effective from 4 May. The Merchant Service Guild accused New Zealand Rail of wanting to make substantial savings, including reducing leave and having a more flexible 24-hour timetable for the three ferries. The strike was called off when New Zealand Rail agreed to renew the officers' contract for 12 months.

The Coal Corporation failed in the Christchurch Employment Court on 2 April to gain an interim injunction to halt a strike by 78 workers at the Stockton mine. Work resumed a week later after the corporation and the United Mine Workers Union agreed on the safety of the aerial ropeway, following an independent inspection.

The New Zealand Nurses Organisation, formed by the merger of the New Zealand Nurses Association and the New Zealand Nurses Union, released a position paper, "A Prescription for Change", which called for a rethink of the sweeping health changes proposed by the government. The paper was to be discussed at the organisation's first national executive meeting. Speaking to a health services contracts conference in Wellington on 15 April, Minister of Health, Bill Birch, suggested that health sector managers consider a roll over of staff contracts until 1994. Union representatives pointed out that many health workers had not had a wage increase for three years.

The Public Service Association merged with the northern, central and Invercargill local government officers unions to form a super-union with 77,000 members. Members would be better served by a single union with pooled resources, said PSA general secretary David Thorp.

The Minister of Transport announced on 23 April that he was introducing legislation to allow foreign ships to carry cargo between New Zealand ports. Consequent cost reductions would benefit the economy, he predicted; local carriers would be under more competitive pressure,

but he was sure that local industry would respond well to the opportunities presented. The Employers Federation welcomed the announcement as a boost to business efficiency, but the Shipping Federation accused the minister of protecting overseas interests against those of his own country. Seafarers Union President Dave Morgan said it was stupid and farcical for the government to give away the country's frontiers when its claimed justification for spending billions of dollars on frigates was to protect New Zealand shipping lanes.

The Northern Distribution Union merged with its southern counterpart to form the National Distribution Union. The NDU was able to reach agreement with the K-Mart retail chain for a new 12-month contract which retained penal rates (cut to time-and-a-half some years ago) and gave a two percent wage rise from October. The contract, which applied to 1,500 present K-Mart staff and 180 workers at a new Tauranga store to open in June, also provided for improvements in sick and bereavement leave and restricted the use of casual labour to one out of every 10 staff.

May 1993

At a conference in Wellington on 1 and 2 May, 45 delegates from 14 unions formed a new central body, the New Zealand Trade Union Federation (TUF), with a combined membership of 35,000. They endorsed a policy statement supporting industrial action against the Employment Contracts Act and calling for a revitalisation of the welfare state. Dave Morgan, of the Seafarers Union, was elected president; Garth Fraser, of the United Food, Beverage and General Workers Union, vice president; and Graeme Clarke, of the Manufacturing and Construction Workers Union, secretary. CTU Secretary Angela Foulkes dismissed the aims of TUF as "unusual and somewhat arrogant", saying that most of the action against the Employment Contracts Act had been taken by unions affiliated with the CTU, which had a membership of more than 300,000.

On 3 May the CTU launched a campaign for a minimum code of workers' rights, including those under age 20. Such a code should be able to be enforced by unions on behalf of workers and would also take responsibility for people outside union coverage. A CTU women's conference in Wellington was told that women seemed more disadvantaged by the Employment Contracts Act than men because they tended to be engaged in smaller workplaces and were more likely to be casual or part-time employees in competitive industries, such as retail and hospitality.

In response to a call for urgent action by the chief judge of the Employment Court, the Minister of Labour on 4 May announced the appointment of eight part-time members of the Employment Tribunal. They were to join the existing 17 members, whose big backlog of personal grievance claims had caused concern.

An analysis of 918 employment contracts lodged with the Labour Department showed that contracts negotiated by unions and employee organisations were on the whole better than those achieved by other workers. The figures covered 212,980 people, or 14 percent of the employed labour force. Eighty-two percent of employees had multi-employer contracts in May 1991, but that figure had dropped to 29 percent by August 1992.

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The latest quarterly employment survey showed that average weekly earnings, including overtime, for all workers were up 1.4 percent in the year to mid-February 1993, the lowest annual increase since 1987. Women's average earnings in February were \$491.17 (up 0.6 percent) and men's \$667.66 (up two percent). Longer working hours accounted for half the increases in pay, with men's hours increasing by one percent and women's by 0.3 percent.

The Court of Appeal on 20 May dismissed the appeal by Telecom and the Employers Federation against the ruling by the Employment Court that employees must receive a paid day off on public holidays regardless of penal rates earned for the work itself. The legislation, said the judges with a slight hint of sarcasm, "might not have been intended to be totally devoid of benefit for workers". The Employers Federation and the Hotel Association condemned the decision as a bitter blow, but the Minister of Labour stressed that the government had no intention of changing the law regarding the minimum code of employment, of which the holiday entitlement was an essential part.

A special two-day meeting of CTU affiliates was held in Wellington on 25-26 May to discuss election-year strategy. Rather than specifically endorse any political party, the meeting decided to publicise CTU economic and social policies and see which party would come closest to them. In his opinion, said President Douglas, Labour would be that party. TUF, the alternative to the CTU, on the other hand adopted a straightforward policy of supporting Labour, after "tremendous debate about it" because there was still "great mistrust" of the Labour Party.

The Minister of Labour on 27 May launched a \$130,000 campaign to inform employers and workers of their employment rights and obligations. Two pamphlets had been prepared by the Labour Department, with 60,000 copies, and advertisements were to be placed in provincial newspapers promoting the pamphlets and inviting readers to request them. Asked whether he intended to introduce a minimum statutory code for workers under 20, the minister replied that the government had not "applied its mind to this" since the Employment Contracts Act took effect.

Replying to a question in Parliament, the Minister of Labour released figures showing that 2,207 claims for unfair dismissal were lodged with the Employment Tribunal in the year to May 1993, compared with 1,227 claims in the previous year. Many workers were too frightened to take cases to the Tribunal, claimed Helen Clark, while a spokeswoman for the Minister said that the number of claims had doubled because the proportion of workers with access to personal grievances had doubled.

There were no work stoppages in January, according to Labour Department figures. In the 12 months to January 1993, 50 stoppages were recorded, 20 fewer than in the previous 12 months.

Forty members of the Engineers Union walked out of the South Auckland factory of Hurricane Wire Products on 5 May, when contract negotiations broke down. They returned after a three-day strike, when the company replaced its "plunder and pillage" employment contract proposal with a two percent wage increase. The men got everything they were asking for, said the union's Auckland secretary, but the company's general manager denied that it had tried to slash wages.

Auckland firefighters took industrial action on the afternoon of 19 May by banning all routine duties for the rest of the day. They were protesting a two percent cut in the fire service budget, asked for by the Minister of Internal Affairs. The Professional Firefighters Union pointed to a \$20 million surplus from the fire service levy, but the minister, who admitted that the surplus was "embarrassing", said the government had already acted to reduce it by cutting the levy from 6.75c to 6.2c for every \$100 of insured value.

Redundancies continued in the freezing industry. Weddel New Zealand, on 13 May, confirmed plans to lay off 45 salaried staff at Tomoana. Eventually, said the company's general manager, 165 jobs would be lost from the 1,200-strong workforce. Waitara's 365 freezing workers were told that the business was "very marginal", but AFFCO gave them a six-month reprieve by promising not to cut killing capacity this season. AFFCO, however, closed its Whangarei beef chain for three weeks, asking workers to use up accumulated leave during the shutdown. AFFCO also closed the mutton and lamb chain in Horotiu on 14 May, with the loss of 150 jobs, and 10 days later the company announced that the beef chain was to stop at Horotiu, putting close to 300 workers out of their jobs. The secretary of the Auckland-Tomoana Freezing Workers Union accused AFFCO of "atrocious disregard" for its employees. "They have run this place into the ground", said one of the dismissed men. "They knew exactly what they were doing here, but they haven't been straight with us by any means". AFFCO promised to rebuild Horotiu "in the long term", but could give no indication when it might start killing there again.

The Communication and Energy Workers Union announced on 3 May that Telecom workers had overwhelmingly endorsed a new employment contract negotiated by the union. The contract included a 1.5 percent increase in wages and all allowances except for one covering motor vehicle running costs. Telecom also agreed to continue treble-time payments for work on public holidays, regardless of whether the Court of Appeal ruled that it had to give employees extra days off as well.

New Zealand Rail, on 3 May, announced 120 job cuts in the mechanical depots, the signals system and truck and structure gangs. It denied, however, claims by the National Union of Railway Workers that the company was planning mass lay offs of 1,000 men to prepare itself for sale. New Zealand Rail had already cut its workforce from 23,000 in 1983 to 5,500 now, and the union claimed that further reductions would affect the safety of services and workers.

The Yellow Bus Company in Auckland reached an interim agreement with the combined bus unions on 4 May to bring in an outside facilitator early next month for negotiations to work out long-term arrangements on access and other issues. In the meantime, the unions agreed to observe company restrictions allowing union officials only very limited access to their members and barring them from addressing site meetings. A day later, trouble flared at the Wiri bus depot when management representatives insisted on attending a meeting of 35 drivers called to discuss the access issue and other concerns. No paid union officials were involved, but the drivers decided to walk out and continued their meeting outside the depot. On 13 May, the charges against two union officials of trespassing at the Swanson depot were withdrawn in the Henderson District Court at the request of the company. "The police are not there to police industrial matters", said the secretary of the Auckland Tramways Union. "They should be there to deal with criminal matters and I don't consider myself a criminal".

June 1993

Replying to a question in Parliament, the Minister of Labour revealed that workers in the upper North Island had to wait almost six months for Labour Department inspectors to investigate alleged breaches of minimum employment conditions. Three new Labour inspectorate offices, opened on 31 May in Hamilton, Palmerston North and Dunedin, had received 659 inquiries in their first seven working days, 282 of them in Hamilton. In the same period, 31 May to 10 June, the Auckland office had fielded 1,620 inquiries. "There may as well not be an industrial relations minimum code, as scant as it is at the moment", said Helen Clark, "because under National it is almost impossible to have it enforced". The CTU legal officer described the minimum code as "a safety net with big holes in it".

According to a Statistics Department report, the average working week in New Zealand declined from 45 hours in 1961 to 40.3 hours in 1991. Average part-time work fell by 3.1 hours, but full-time work by only 0.8 hours.

The Employment Court, on 1 June, awarded payments totalling \$113,764 to four airline staff for unjustified dismissal. Altogether 136 ground stewards and 20 catering workers had been laid off in 1991 and the four employees, two flight stewards and two catering officers, had been selected as test cases by their unions, the Flight Attendants and Related Services Association and the Service Workers Union. All but a handful of the dismissed workers were now expected to lodge personal grievance claims which could total almost four million dollars in damages, but Air New Zealand, which described the decision as "very disappointing", lodged an appeal.

The Court's chief criticism concerned the lack of notice of the layoffs, which the chief judge described as a deliberate breach of contract whose gravity could "scarcely be doubted" and "hardly be overstated". A second member of the court found that Air New Zealand had "deliberately and cynically" ignored a requirement to give advance notice to airline unions of any redundancies, but a third judge dissented from the ruling.

Some 5,500 employees of the ANZ banking group gained a 1.5 percent pay rise in a new 16-month contract.

The employment contract covering most North Island childhood education centres was settled with no pay rise, but with a modest increase in working conditions. One of the employer advocates said employers very much wanted to give workers a pay rise, but were unable to do so because of limited government funding.

Coachwork International of Palmerston North, the only North Island bus assembly plant, went into receivership, leaving Ashburton-based Designline Engineering as the only remaining coach assembly plant in the country. Coachwork International, formerly New Zealand Motor Bodies, which employed 500 workers at its peak, had no money left to pay redundancies and the 50 remaining staff were to become unsecured creditors.

The Fire Service sent notices to 179 Auckland firefighters asking them to explain their sudden ban on routine duties on 19 May. The Service also decided to postpone a decision on cutting

crew numbers, which had caused the ban.

Wellington hospital domestic workers - orderlies, cleaners and kitchen staff - started a month of industrial action on 2 June. The protest was due to the Hospital Board's refusal to renew the expired employment contract and its bringing in new workers on reduced pay and conditions.

Pay talks for security officers collapsed over the employers' attempts to cut pay for working on public holidays from double time-and-a-half to time-and-a-half. This, said the union advocate, would turn a one percent pay offer already rejected by his members into a one percent pay cut. The 1,500 workers are covered by a rare multi-employer contract involving nine companies.

The PSA gave notice to the Justice Department of a four-hour national strike on 21 June, to be followed by an indefinite overtime ban at the 19 prisons and associated industries. The action followed the rejection by prison staff of a 27.5 percent pay rise in return for the abolition of penal time and security allowances. The department described its proposals as cost-neutral, but the PSA claimed that they would cost staff about five percent. Community correction staff, such as probation officers and periodic detention officers, also announced limited work bans throughout the country. The strike and subsequent work bans went ahead, but on 25 June the PSA lifted the action because sufficient progress, it said, had been made in talks with the department.

The department raised its offer to a 30 percent increase in basic pay plus a \$2,000 payment for each of the next three years but, contrary to PSA expectations, prison officers voted to reject this offer. Further industrial conflict was to take place in July.

The PSA also gave notice to ECNZ of a three-day strike by some 300 workers at the New Plymouth and Huntly power stations, beginning on 21 June. Workers at the Wairakei thermal station settled their site agreement, but at New Plymouth and Huntly the PSA was seeking to renew the single contract for both stations, while ECNZ insisted on separate contracts. The workers feared that separate contracts would weaken their bargaining position and that ECNZ would next seek individual contracts with its staff. They also sought a modest pay increase to compensate for increases in productivity. The strike threatened to cut off half the North Island's usual power supply at peak times, but a breakthrough came on 21 June when the PSA cancelled the strike notice. On 25 June agreement was reached on a single contract for the two stations, a pay rise of up to 2.5 percent and a roll over of existing conditions for a 12-month period.

In an attempt to heal divisions among its staff caused by last year's bitter industrial dispute, Auckland's Yellow Bus Company paid drivers at its Wiri depot to attend at a Henderson marae on 19 June for the first of a series of day-long team-building sessions. A notice advised workers not to use the session as an opportunity to air present grievances, but the exercise proved a disaster for the company. From the start most drivers insisted on a separate powhiri to the marae, while only eight or nine drivers were prepared to enter the marae with the management group. Company representatives were than harangued for hours by disgruntled drivers. Little or no training was accomplished, said the company's chief executive.

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Aotearoa Stevedoring, the company which tried to break into waterfront work in Auckland with the aid of a new Maori Trade Union, announced its closure on 16 June. Formed a year ago, the company had managed to get one contract only in that period. Watersiders President Terry Ryan defended union pickets against Aotearoa as a simple matter of "defending our patch". "I don't like to see anybody not get a job in this day and age", he said, "but I certainly don't want them taking ours".

CORRECTION AND APOLOGY

Reference to Air New Zealand on p.148 of Volume 18 Issue 1 was unfortunately in error. It should have read "the airport company". The Journal apologises to Air New Zealand for any embarrassment caused.

Herbert Roth



Relations industrielles Industrial Relations

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 Anderson, G. (1991), The Employment Contracts Act 1991: An Employers' Charter? New Zealand Journal of Industrial Relations, 16(2): 127-142.
 - Fox. A. (1974). Beyond Contract: Work, Power and Trust Relations, London, Faber.
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