

# NEWS LETTER

## WORK INJURY?

*The Union is aware of several instances where the employer is challenging whether or not an injury occurred in the workplace.*

*Workers need to ensure that they report ANY INCIDENT, no matter how trivial it may seem as this greatly enhances your chances of having fewer problems gaining cover and entitlements.*

**REPORT! REPORT!  
REPORT!**

**WORK DEATH  
TOLL for the year  
1 July 2009 -  
June 2010**

**(SOURCE—Safeguard  
Magazine)**

**56**

## Injury Advocacy Service

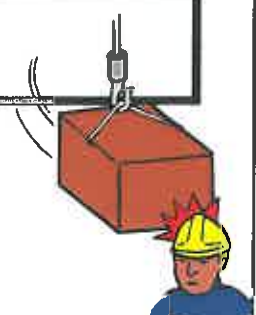
Got problems at work with ACC, and you're a Union member—see your plant/on site secretary first and as soon as possible.

If they can't help you, they can access the

**Injury Advocacy Service on 0800 486 466**

for expert advice and assistance.

The sooner you do this the better, don't leave things too long. There are often time frames for certain rights and obligations which can be hard to by-pass if you miss them. If you need to take your ACC issues to review, your Branch officials will be able to assist you in arranging this.



## SAFETY REP TRAINING

Elected health and safety reps are legally entitled to two days training leave per year. Make sure your Elected Safety Representatives are registered for training, and that they can attend that training.

The Union can do this for you, reps need to see their on-site Union delegate/secretary for further information.



The CTU and Business NZ have developed a free training course for safety reps, there are now several stages to the training which is designed to increase reps knowledge and ability to perform their duties.

**Don't delay, do it today!**

## General Secretary—*Dave Eastlake*



I am pleased to be able to report that staff and officials of the Union that live in Christchurch are all unscathed by the recent Earthquake and the following and ongoing aftershocks. Apart from a few files on the floor in the National Office and a sodden carpet in the Canterbury office our building was also lucky to escape

damage, although we were not able to use our offices for several days due to the loss of power.

This year has produced an unusually long off-season for most workers. A 5% drop in sheep and lamb production during the 2009/2010 season has seen to that! Unfortunately, the prospects for the 2010/2011 season do not look any better. It is my opinion that we will experience a further reduction in numbers available for slaughter.

The Union will again this year be conducting training sessions for delegates through out the country with separate training being available for Health and Safety representatives and we urge people to take advantage of what training is available.

The Government has started the process of changing employment laws. The proposed changes outlined in this Newsletter impact on all workers and their rights at work.

During October we will be participating in various demonstrations to let the Government know we do not like them taking away our work rights. Members are requested to attend these protests in their local areas. Keep an eye on the CTU website for more information.

Remember, it is YOUR RIGHTS at work which will be affected and only with YOUR SUPPORT will the changes be stopped.

*Regards, Dave*



*Photo: by Amanda Stephens*

### **SAFETY REPS -**

Have you issued a hazard notice to your employer?

Make sure you send a copy to the nearest Department of Labour Office (OSH)

**AND**

**send a copy to the Union's national office, fax to Amanda on:- (03) 379-7763**



## Update on Employment Law Changes—*Helen Kelly, CTU President*

You will all be aware by now of the employment law changes announced at the weekend. We had already advised you of most of these changes, but there were some additional attacks and more detail announced by John Key on Sunday.

The NAC will meet on Thursday 22 July 2010 to discuss our ongoing Fairness at Work Campaign in the context of this ramped up attack on work rights.

The purpose of this article is to briefly summarise the changes announced which, in almost all cases, unions will oppose (some changes such as swapping public holidays are not objectionable per se). It is our understanding that all these changes are subject to the full select committee process but they can at any time invoke urgency.

1. Extending 90 day period with no right of appeal against unfair dismissal to all workplaces.
2. Employers will be able to 'communicate' directly with workers during collective bargaining.
3. Union access will require employer consent, which 'cannot be unreasonably withheld'.
4. 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'.
5. 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.
6. Removing reinstatement as the primary remedy in dismissal cases.
7. The Employment Relations Authority will be able to 'filter out vexatious or frivolous claims at an early stage'.
8. There will be penalties for delaying behaviour at the Authority.
9. Up to one week's annual holidays can be traded for cash.
10. 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.
11. Workers can agree to transfer the observance of public holidays to another (identified) working day.
12. 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'.
13. 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.
14. Early mediation services without representation, prior to any formal mediation.
15. 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'.
16. A code of ethics for employment advocates.
17. Formal definition of the role of Labour Inspector.
18. Allowing Labour Inspectors to issue improvement notices.

These changes come on top of the original 90 day law in December 2008 rushed through under urgency, the limits being proposed to how unions conduct strike ballots, → **PTO**



NEW ZEALAND MEATWORKERS UNION

NATIONAL OFFICE,  
LEVEL 2,  
TUC BUILDING  
199 ARMAGH STREET, CHRISTCHURCH

**Website:**  
**Nzmeatworkersunion**  
**.CO.NZ**



**NOT AT WORK,  
MATE**

*(continued from last page)*

The requirement to agree on meal and refreshment break times, the axing of the Pay and Employment Equity Unit, the cut in union education funding, and the cuts in ACC entitlements.

I am sure you agree that this amounts to an accumulation of attacks on worker rights. We have been campaigning on many of these issues for a significant period – but it is clear we now need to step up our activities and I am interested in the views of all affiliates and representative bodies within the CTU on this.

Needless to say – there will be further information coming out.

### **Bits 'n' Pieces/Odds 'n' Sods**

**Silver Fern Farms** was fined \$34,000, with reparation of \$8,500, in the Dargaville District Court after being prosecuted by the Department of Labour under the Health & safety in Employment Act 1992. It had admitted failing to take all practicable steps to ensure the safety of an employee – specifically that the employee was not exposed to hazards arising from the use of forklifts in the workplace. The employee, who was injured in April 2009, was walking in a freezer when he was hit from behind by a forklift carrying a 10-carton

high pallet of packed meat. The DOL's investigation showed the height of the load impeded the drivers' view and contributed to the accident. The employee's hip and thigh were fractured and he spent 3 weeks in hospital.

Department of Labour said that Silver Fern Farms should have enforced the Code of practice for Training forklift operators. Silver Fern Farms have since taken steps to implement the required steps.

Members wanting further information regarding the safe operation of forklifts should go to the following link:-  
<http://www.osh.dol.govt.nz/order/catalogue/pdf/frklftac.pdf>

**Bernard Matthews NZ Ltd** was fined \$40,000 with reparation set at \$15,000 following an accident where a workers arm was caught in a nip point of a conveyor belt. The DOL said the company had failed to ensure employees were informed about the specific hazards of the conveyor belt or how to lock it out while cleaning, and had not guarded the nip/pinch point.  
(Gidborne DC, January 2010)