

# THE ACTIVIST



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## **RESULT OF CALL FOR NOMINATIONS – GENERAL SECRETARY**

At the close of nominations for General Secretary, there was only one nominee, Mr. Wayne Butson.

Wayne Butson is therefore declared elected unopposed.

The term of office is 4 years (Rule 24.1) and the duties are as contained in Rule 29 of the Union's Rules and standing Orders.

Congratulations to Wayne on his return to office.

*Howard Phillips*  
*National Returning Officer*

## **CALL FOR NOMINATIONS – RMTU NATIONAL MANAGEMENT COMMITTEE (NMC) – 2015/2017 TERM OF OFFICE.**

In accordance with Rule 24.6 of the Rules & Standing Orders of the Rail & Maritime Transport Union "the Union" calls for nominations from current financial members for the following position(s) on the Unions National Management Committee:

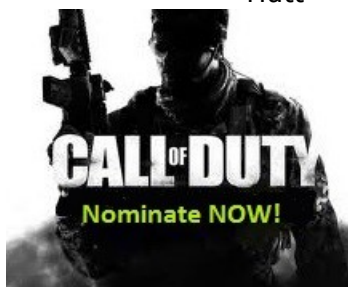
- ☛ **North Island Ports Representative** (A financial member of a North Island Port Branch of the Union).
- ☛ **South Island Ports Representative** (A financial member of a South Island Port Branch of the Union).
- ☛ **Northern North Island Rail Representative** (A financial

member employed within KiwiRail Group - e.g. Freight, Infrastructure, CT Sites and Mechanical (Incl Westfield AAM and Loco/Wagon depots etc). The Northern Rep covers the Northland, Auckland, Bay of Plenty, Waikato and King Country Rail Branch employed members.

- ☛ **Central NZ Rail Representative** (A financial member employed within KiwiRail Group - e.g. Freight, Infrastructure, Tranz Metro, CT Sites and Mechanical (incl EMU Depot, Hutt Shops and Loco/Wagon depots). The Central NZ Rep covers Taranaki, Palmerston North, Hawkes Bay, Hutt Workshops, and Wellington Rail Branch employed members.

- ☛ **South Island Rail Representative** (A financial member employed within KiwiRail Group - e.g. Freight, Infrastructure, CT Sites and Mechanical (incl Loco/Wagon depots). The Southern South Island Rep covers all Rail Branch employed members by KiwiRail Group in the South Island.

- ☛ **General Representative** (A financial member not employed within KiwiRail Group or a Port branch member). The General Rep is a member of the Union employed within NZ in any occupational area not covered by the Rail or Port representative positions on NMC (eg. employed by Transdev Auckland Ltd, Toll Networks (Tranz Link), NZ Bus – Go Wellington, Cityline Hutt Valley, Taieri Gorge Rail, Orica NZ Ltd etc).



**This is for the information and guidance of RMTU members only!**

🗳️ **Women's Representative** (A financial Women member of any Branch of the Union).

Nominations shall be in writing on the official NMC Nomination form and contain the signed consent of the candidate, and be proposed and seconded by financial members (Rule 1) of the Union from the equivalent industry designation. Nomination Forms are available on the RMTU Website [www.rmtunion.org.nz](http://www.rmtunion.org.nz) or from the RMTU National Office by contacting Julia on 04-499-2066, fax 04-471-0896 or [julia@rmtunion.org.nz](mailto:julia@rmtunion.org.nz) or your local Branch Secretary.

Correctly completed nomination forms must be received by the duly appointed National Returning Officer at the National Office of the Rail & Maritime Transport Union, PO Box 1103 Wellington 6140 **no later than 1700 hrs. on Friday 22 May 2015.**

The term of office is 2 years (Rule 24.2) and the duties are as contained in Rule 18 of the Union's Rules and Standing Orders.

For the information of members – KiwiRail employed NMC members will be appointed to an applicable KiwiRail Industrial Council upon election to NMC (eg. A Mechanical Engineer will be placed onto the Mechanical Council filling one position on that Council).

For the information of members - All incumbent NMC Representatives have indicated that they will be seeking re-election.

*Wayne Butson  
Acting National Returning Officer*

## **LABOUR LAW REFORMS ENCOURAGE BAD EMPLOYERS TO BE BULLIES**

The Government's changes to labour laws have created a climate that allows bad employers to bully their workers, Labour's

spokesperson for Labour Issues Iain Lees-Galloway says.

"Tauranga worker Bertie Ratu was threatened by her employer Talley's for asking her local MP Te Ururoa Flavell on Facebook to sign a petition supporting the meat workers' negotiations with the company.

"She was told she may not have a job any more if she didn't take the post down. That is a direct threat from her employer for using her rights to free speech and to seek support for her union's campaign. Nothing in the post was offensive or unfair to Talley's

"Bertie Ratu is trying to support her family on seasonal work. Talley's knows the power they have over their workers and have demonstrated their willingness to use it to bully them.

"National's changes to employment law means Talley's can walk away from its negotiations with the Meat Workers' Union. That leaves workers like Bertie Ratu in a vulnerable position

"Every person should have the right to negotiate their work and their conditions with their employer in good faith. The Government has

removed that right," Iain Lees-Galloway says.

## **PORTS FORUM**

The Union's Ports Forum is being held in Wellington 9 & 10 June 2015. Port Branch Secretaries are asked to formalise their representation and to advise numbers of attendee's to National Office via [julia@rmtunion.org.nz](mailto:julia@rmtunion.org.nz) as soon as possible to assist with Venue and Accommodation planning.

The national Union will bear the cost of 1 rep from each port branch to the Forum. Additional participants are at the branch expense.

**Suggestions for agenda items are encouraged from branches, please forward to [pspanswick@rmtunion.org.nz](mailto:pspanswick@rmtunion.org.nz).**



## INFRASTRUCTURE AND ENGINEERING ASSET MANAGEMENT PHASE 3 CONSULTATION

KiwiRail agreed to delay the roll out of the proposal of Phase 3 after the Union demanded clarification around the mooted 'Production Supervisor' position, amongst other matters.

On Monday 4 May, General Secretary Wayne Butson, Organiser John Kerr and Industrial Council member Phil Kearns met with management and received the clarification sought and gained an insight into KiwiRail's thinking around the proposed restructure.

We are still digesting the information that was shared but suffice to say the role envisaged has changed considerably from that which was initially discussed and it is in fact now much more of a managerial position, involving responsibility for the recruitment and disciplining of staff. As such the position would fall outside the coverage clause of the RMTU-KiwiRail MECA. We have asked for further data around the size of this job, the safety category and the envisaged remuneration.

KiwiRail will be presenting the full proposal to staff shortly in a series of presentations to be held in the main centres round the country.

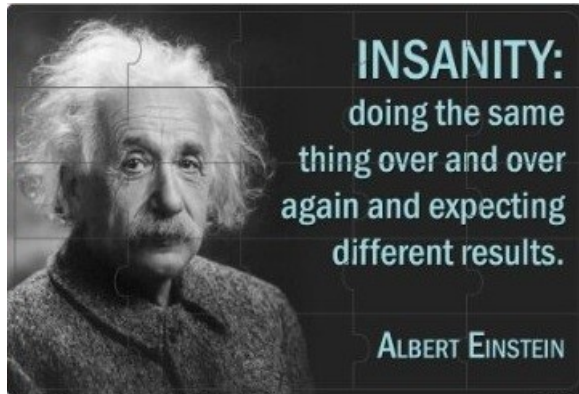
Should you require any advice or assistance do not hesitate to speak with your delegate, Industrial Council Representative or John Kerr, Organiser responsible for the RMTU - KiwiRail Networks Industrial Council.

## NO SURPRISE – FOR US AT LEAST

KiwiRail recently slashed and burned the Accounts Team. RMTU reps warned that

there would be financial consequences to making these cuts at the time and this has recently been confirmed in our view by an email issued by a KiwiRail Tax manager. An extract from the email states.....

*"We have been having a number of instances where invoices are being received by administrators or those requesting the work and not being passed onto accounts payable for a number of reasons. We have recently had two large suppliers requesting payments relating to invoices that had not been loaded onto the system. In one circumstance our records indicated that we owed a supplier some \$2m less than the supplier's records because invoices were being held in the field."*



Funny how history has a habit of repeating itself. Cutting head count is not always the answer!

## FURTHER CHANGES TO KIWISAVER

The Court of Appeal recently decided that the official assignee (and hence creditors) cannot access the KiwiSaver account of those who have been made bankrupt. Previously it was believed that the official assignee could access a bankrupt's KiwiSaver account, but only when the bankrupt would have been able to access it under the KiwiSaver rules (say at age 65). This recent court case has clarified the issue.

This is likely to make KiwiSaver more popular, as it can now be used as an asset protection strategy. People have always looked at ways to protect their assets from creditors (hence the popularity of trusts). Kiwisaver is another tool that can assist individuals to meet this objective.

## BOP DELEGATE TRAINING

On 23 and 24 of April we held a port branch delegates training seminar at the Tauranga Hockey Centre, to discuss and come to an understanding of the new Collective Bargaining legislation that this lovely government of ours have introduced.

The seminar was facilitated by John Kerr and Wayne Butson, Stu Johnstone and Phil Spanswick ably assisted. The seminar outcome according to the feedback sheets resulted in us having a recharged, refocused and re-energized cohort of delegates who all have a better understanding of the process and science of organized bargaining.

All the delegates left the seminar with a number of tasks to complete which will be reviewed at the next training day in approx. two months time.

We are also in process of organising a delegates seminar for our delegates in Kawerau, Murupara and Kinleith.

## WORKSAFE AND ACC MEETINGS

These Government agencies are holding a series of seminars across the country starting 25 May. Even if you are not in the manufacturing sector you might like the opportunity to speak with the local health and safety inspectors. Also, issues of noise, airborne contaminants, workplace transport and manual handling are not hazards necessarily confined to the manufacturing sector so you might find those topics of interest too.

The details are a little bit hard to find on the website, so here are the dates and locations:

- ☛ 25 May: Whangarei
- ☛ 26 May: Northshore, Auckland
- ☛ 27 May: Manurewa, Auckland
- ☛ 28 May: Glen Eden, Auckland
- ☛ 2 June: Hamilton
- ☛ 3 June: Rotorua
- ☛ 4 June: Tauranga
- ☛ 15 June: Napier
- ☛ 16 June: Gisborne
- ☛ 22 June: Petone, Wellington
- ☛ 23 June: Masterton
- ☛ 24 June: Palmerston North
- ☛ 25 June: New Plymouth

- ☛ 6 July: Blenheim
- ☛ 7 July: Nelson
- ☛ 8 July: Hornby, Christchurch
- ☛ 13 July: Dunedin
- ☛ 14 July: Invercargill
- ☛ 15 July: Cromwell

## RMTU MEMBERSHIP DATABASE UPDATES



The RMTU membership database is an important tool in contacting Union Members or ensuring members are kept up to date with the latest information. We are concerned at the number of "unknown" or "return to sender" envelopes returned to National Office as part of this year's officer elections. We remind members that if you wish to exercise their rights and participate in the decision making aspects of the Union they should ensure they inform National Office of any change of address or contact details as soon as possible. This includes any change of designation or employer.

Branch Secretaries hold "update of membership forms" that you can post or fax in or alternatively for immediate action members are reminded to utilise the update of membership details link on our website [www.rmtunion.org.nz](http://www.rmtunion.org.nz).

For example – All national Union elected positions are up for election this year and so there may be votes conducted by mail. If we have the incorrect address info you will not get a vote as you will never receive a voting paper. **Update now!**

## IXOM [ORICA] MORRINSVILLE

The negotiations for the renewal of this collective agreement commenced on 29 April. Our main aim is to join coverage with the Ixom Mount Maunganui Collective Agreement, and to gain a real increase in earnings. A report back meeting to members is scheduled for 13 of May.

## CHANGES IN LEGISLATION

On 6 June this year, significant changes to the Credit Contracts and Consumer Finance Act



2003, together with the Responsible Lending Code come into effect. These changes affect all those who lend money, right from pay day lenders through to the banks. Briefly, the changes involved require lenders to take extra care to ensure the loan being offered meets the borrower's needs and secondly that they can meet the scheduled payments without undue hardship.

Any guarantors will now have to be assessed as vigorously as the principal borrowers. The effects of all this will mean that quite large segments of the population may not have access to credit. Whether criminal elements will fill this void is not yet known, but there is a risk that they will.

## PORT TAURANGA D&A

The parties return to mediation on 8 May, to resolve the outstanding D&A issues.

## MINISTERS MUST ACT ON 111 FAILURE

Lives are being put at risk if the company contracted to manage emergency 111 calls can't cope with increased numbers, Labour's ICT spokesperson Clare Curran says.

"Saturday's situation where people calling the emergency services were unable to get through and were instead cut off shows there's something wrong with the system.

"Imagine if there was a serious incident affecting a lot of people such as an earthquake, terrorism event or other disaster resulting in hundreds of calls to emergency services at once.

"The ICT and Emergency Service Ministers should demand an explanation from Spark as to whether they are delivering on their service obligations.

"If the fault lies with the contracted arrangements then it's the government who should explain what went wrong and what they will do about it.

"Emergency calls are not easy calls. The operator needs to stay with the person until they are dealt with.

"We cannot compromise on our emergency services to keep costs down. If there isn't enough capacity to manage the service under stress, we deserve to know.

"The 111 calls cannot be another example of essential public services being compromised," says Clare Curran.



## NAPIER PORT BARGAINING

The Union has initiated bargaining for the renewal of the Gottwald Mobile Harbour Crane Drivers Collective agreement. The members are currently finalizing and prioritising their claims. The negotiations are complicated by the fact that we are

currently in dispute with Napier Port over two interpretations of provisions within the Collective agreement.

## WILL THE GOVERNMENT'S 2015 BUDGET FOCUS ON CHILD POVERTY?

Workers support the thousands of Kiwis who have already signed a petition calling on the Government to focus on child poverty in the 2015 Budget which will be released on 21 May.

The ActionStation petition launched yesterday (Sunday 3 May) is a sign of a momentum being built around poverty in this country, CTU Secretary, Sam Huggard comments; "Addressing child poverty requires substantial and concrete commitments from Government to address the underlying causes of poverty,"

"Kids are living in poverty because their whole families are in poverty. We also know that two out of five kids living in poverty are in a household with one parent in work or self-employed and families that are existing on a benefit are certain to be in poverty,"

"Lifting incomes is the way to eliminate poverty. This requires increasing benefit levels, lifting the minimum wage, paying a living wage and promoting collective bargaining which lifts wages,"

"The Governments inaction on eliminating poverty is not just lamentable, it doesn't make economic sense. \$6 billion a year is spent on the consequences of poverty and its' effects (high health needs, remedial education, justice costs, the list goes on). If the Government spent just \$1 billion on addressing the causes of poverty this would have a hugely positive impact on our kids and their families,"

"The Government is responsible to have a better plan of action to look after our future; our kids," Huggard said. This petition is a powerful message to the Government.

## CTU SKILLS OF ORGANISING COURSE CHRISTCHURCH 12-14 MAY

RMTU South Island members Ian Walker, Graham Ealam, Simon Gillard, Heiner Benecke and Luke Lockton will be attending the first three days of this five day course next week.

There are people attending from the EPMU, NZEI, SFWU, Nurses Organisation and Firefighters' union as well as the RMTU.

RMTU South Island Organiser John Kerr will be facilitating the course which is aimed at experienced delegates and newly appointed organisers. We are sure that our members will enjoy the course and will make a huge contribution to the learning that goes on given the lead the RMTU has taken recently in collective bargaining and on health and safety.

## ANZ WINS 2014 ROGER AWARD

The full 2014 Roger Award Judges' Report is online at

<http://canterbury.cyberplace.co.nz/community/CAFCA/pdf/roger-award-2014.pdf>

The six finalists for the 2014 Roger Award for the Worst Transnational Corporation Operating in Aotearoa/New Zealand were, in alphabetical order: ANZ, British American Tobacco NZ, Coca Cola Amatil,

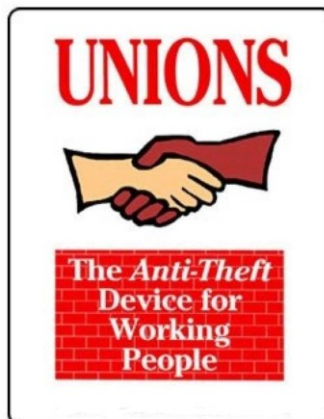
IAG/State Insurance, PGG Wrightson, and Rio Tinto.

The criteria for judging are by assessing the transnational (a corporation with 25% or more foreign ownership) that has the most negative impact in each or all of the following categories: economic dominance - monopoly, profiteering, tax dodging, cultural imperialism; people - unemployment, impact on tangata whenua, impact on women, impact on children, abuse of workers/conditions, health and safety of workers and the public; environment - environmental damage, abuse of animals; and political interference - interference in democratic processes, running an ideological crusade.

### Winner

ANZ, which also won in 2009, has been a regular finalist, most recently in 2013. In 2014 it was selected as a finalist for two major reasons: exploitation of workers, and profiteering. The nominator said: "I take particular exception to this statement by ANZ Chief Executive Officer (CEO) David Hisco: 'I don't think employees should see the business they work in as a partnership where profits are shared. Banks don't ask workers to chip in out of their own bank accounts when they are short of capital' (Press, 12/11/14; 'ANZ Bank boss gets bumper pay rise')". That particular quote resonated with the judges as well - it appears several times in the Judges' Report (attached). The Judges' Statement, by Chief Judge Paul Maunder, concludes: "Some commentators consider that we are in a new period of 'primitive accumulation'. The behaviour of ANZ would seem to confirm this. It is certainly a worthy winner".

The Judges' Report concludes: "ANZ epitomises the ugly face of modern finance, weakening the national economy while it rots its customers through inflated margins; dodging tax at every opportunity, wriggling through the regulatory loopholes left open by lax legislation and poor enforcement, and dumping on its staff. ... ANZ in New Zealand puts into the spotlight the widening gap between ordinary workers and the high-flying club of self-serving greedy chief executives, running large businesses whose corporate strategies entirely lack any sense of social



responsibility or ethical sense of direction. CEO Hisco is no more than an overpaid hired gun, facing down the bank's workforce for the benefit of his Australian owners (and his own pockets), and in the process setting new records for the gap between the top 1% and the rest of us".

### Runner Up

The runner up was IAG/State Insurance, which was a finalist for the third consecutive year (that is no surprise to anyone who has lived in Christchurch since 2010). This time the nomination was for: economic dominance (specifically insurance market dominance and profiteering), and impact on people. "Four years after the Christchurch earthquakes started the insurance transnationals (of which IAG/State is by far the biggest) are still making life hell for many thousands of Christchurch people. For example, see the evidence about State's treatment of one of its 92 year old customers. That is not an isolated instance, either. There is another example about another 90 year old. Nor is it only residential customers who are getting the runaround from IAG/State. There are examples of building and business owners stuck in limbo. We pay insurance for peace of mind. For huge numbers of Christchurch people they have had, and continue to have, anything but that. This sets a precedent for what the rest of the country can expect from IAG/State and the other insurance TNCs in the event of a major disaster".



### INTERNATIONAL LABOUR ORGANISATION SEMINAR IN PHNOM PENH CAMBODIA, SUPPORTS UNITE MEMBERS IN THEIR SUCCESSFUL STRUGGLE AGAINST ZERO HOURS

The Union successfully nominated South Island Organiser John Kerr to represent the CTU at the seminar last week. The seminar was examining union bargaining strategies

and wage fixing mechanisms in Asia and the Pacific and was attended by delegates from 15 countries. A fuller report will appear in the next issue of *The Transport Worker* but it is worth mentioning the unanimous support of the delegates for *UNITE* union's struggle against zero hours contracts in the fast food industry in New Zealand.

The seminar sent a message to *UNITE* on the eve of their victory over McDonalds – this from a group who included those who had faced imprisonment and worse in the course of their union work. *UNITE* have thanked the delegates, pointing out that such moral support when members are in a fight is invaluable. International Union solidarity in action!

### CRACKDOWN ON SHORT TERM VISAS AFTER KIWIRAIL INVESTIGATION

Hamish Rutherford - Stuff

Immigration New Zealand appears to be cracking down on KiwiRail's Chinese locomotive provider, warning it will not be so free in granting visa extensions.

In April the Ministry of Business, Innovation and Employment closed an investigation into workers employed by CNR and contracted to remove asbestos from KiwiRail trains in Lower Hutt.

While the workers and CNR refused to give investigators their wage records, MBIE said it would not proceed as legal advice said the workers were probably not subject to New

Zealand law.

Immigration Minister Michael Woodhouse told Parliament on April 29 that he was happy with the situation as the workers were only here for a short time.

Woodhouse was "very satisfied that the Chinese workers in this instance were on short term visas and generally no more than three months per year".

However, Immigration New Zealand has confirmed that most of the workers, here on 90-day specific purpose visas, were granted 90

day extensions, meaning they were working in New Zealand for up to six months.

Of the 45 who applied for extensions, all of them were granted a rollover, an Immigration New Zealand spokeswoman confirmed.

Although Immigration New Zealand - which is part of MBIE - is denying that its officials made a mistake in granting the visa extensions, it has signalled that future applications are unlikely to be treated in the same way.

"No extensions have been granted since the ministry's investigation was completed," Immigration New Zealand area manager Michael Carley said in a statement.

"Immigration New Zealand has advised KiwiRail that any future requests must meet a very high threshold and will only be granted in exceptional circumstances."

Woodhouse also signalled that any future applications for visa extensions would be treated differently if they were made again.

"The Minister cannot foresee any circumstances where any future extensions to the 90 day visas would be justified," a spokeswoman for Woodhouse said.

The Rail and Maritime Transport Union said on April 29 that it was taking advice on a test case on the workers, to seek to clarify whether they were subject to New Zealand law.

"Allegations of exploitation demand more than a shrug of the shoulders and tentative legal advice," general secretary Wayne Butson said.

"It is a complete and utter disgrace that our Minister of Workplace Relations is comfortable to have a question hanging as to whether New Zealand law will apply to a person working in New Zealand."

## GOVT DUMPS INFRASTRUCTURE COSTS ON AKLD RATEPAYERS

The Government's failure to invest in infrastructure to service its Special Housing Areas is dumping massive costs on Auckland ratepayers, Labour's Housing spokesperson Phil Twyford says.

Auckland Council has declined to approve three new Special Housing Areas on the city fringes, citing lack of investment in infrastructure to support the developments.

"If the Government does not pay its fair share, that burden either falls on the ratepayer or developments get built without the infrastructure they need.

"Two hundred thousand extra people, 80,000 new dwellings and 60,000 extra jobs are planned for Auckland's North West, but the Government hasn't thought about how these people are going to get to work.

"They are splattering Special Housing Areas around the city, 84 in Auckland so far, without thinking about what it means for transport infrastructure.

"Auckland's North West Motorway already looks like a giant parking lot at peak hours. With such big planned population increases in the North West, SH16 will jam up altogether.

"The Government should be investing in a dedicated busway on SH16 like the successful one on the North Shore which currently carries the equivalent of three lanes of traffic into the city every morning.

"But having blown the national transport budget on wasteful projects, the Government has no money left to service the regions or Auckland's growth.

"Although developers are responsible for laying roads, power and water pipes inside their new developments - and Councils can levy them for a share of wider infrastructure costs - big new developments on the city fringes still impose a heavy cost on local government to connect these utilities.

"The Government has blindly been pursuing its Special Housing Areas without thinking through the cost to the ratepayer," Phil Twyford says.

## KIWI RAIL TO EXTEND DRIVER'S LICENCE MONITORING

KiwiRail has advised the Union that they will shortly begin rolling out a process to monitor the status of employees' drivers' licences as part of the company's Zero Harm programme. The monitoring will use a system called TORO - short for Transport Organisation Register Online - developed by the NZ Transport



Agency (NZTA) for companies like KiwiRail that have large vehicle fleets. It requires employees to sign up, providing their licence details, and allow KiwiRail to be notified by NZTA should their driving license status change through licence suspension or expiry.

The RMTU distributed the company proposal to delegates and the response was rapid and the message loud and clear. One said "They can go \*\*\*\* themselves regarding the notification on demerit points, in my view, we still have a valid licence and shouldn't even be on their radar". Another said "From what I know of the Demerit system an individual can lose his or her licence if 100 demerit points or more are accumulated over a two year period, why does Kiwi Rail need to know about the 50 demerit point bit and what happens to them after that. If having a driver licence is a prerequisite of employment, what happens if a person loses his or her licence during employment"?

KiwiRail GM Human Resources Andrew Norton explains that the requirement [to fill out the form] will enable KiwiRail to ensure that employees are safe to drive company vehicles and not put any other employees or members of the public in danger. "Driver safety is an important part of the focus on Zero Harm and this development will provide more safeguards in that area.

"We've operated a similar licence monitoring process in the past but only for part of the workforce," he says. "With vehicles being widely available to all staff and with more roles requiring regular use of them, including hire cars, we needed to extend the process to all staff."

Monitoring staff licenses was also a requirement from NZTA as part of KiwiRail's working-hour variation agreement, says Andrew. "We're granted a variation [by NZTA] allowing a restricted number of staff to work additional hours to complete essential tasks such as track repairs, but the variation can be removed from KiwiRail

if specified breaches occur. The TORO system will help ensure that doesn't happen."

Andrew says details on any infringements received in a personal (non-KiwiRail) vehicle aren't provided under the system. "We're only notified when an employee's license status changes or they receive 50 demerit points and even then we don't get any specifics on the reason for the demerits."

To comply with the new requirement, all staff will be asked to complete a TORO consent form, and show and provide a scanned copy of their driving license, says Andrew. "NZTA will notify KiwiRail should an employee's license status change, and if necessary the employee's manager will work with them on any changes to duties that may be required. Employees' details are removed from the TORO database when they leave, he says.

Over the coming weeks, employees will be advised of the process for completing this form and providing their driving license information.

"We'll work with each Business Unit to work out the best way to gather this information."

RMTU branches will need to consider their approach to this KiwiRail initiative and seek additional information if needed by members.

## ZERO HOURS – WHAT IS IT ALL ABOUT

There is currently a fair amount of political chatter about "zero hour contracts". But what are they?

Put simply, a zero hours contract is an employment agreement which requires the employee to be available for work as directed by the employer, but which does not guarantee any hours of work. In other words, "you must work if I want you to, but I won't guarantee you any work". It can also be a feature of these agreements that the employee cannot work for others in case they are needed by the employer, or where competition-type issues are asserted.



Much more commonly however, an employer and employee will agree particular hours of work, for example, 40 hours each week to be worked between xyz hours each weekday. Or, for a "casual" employee, there may be agreement that there are no set hours of work, but that the employer will offer an engagement (a piece of work over xyz hours), and the employee can then agree to work that or not.

Either scenario also reflects the "wage-work bargain": you offer me set work and I agree to perform that for pay. Arguably however, a zero hour contract does not do so.

The Minister of Workplace Relations and Safety has also now stated that the most punitive parts of zero hour contracts will be ruled out under proposed changes to employment legislation.

The issue is also not limited to New Zealand. For example, it has been reported that the New York Attorney-General has written to a number of employers to question practices under which employees find out just hours before their shift whether or not they need to go in to work. In other words, zero hour contracts. Time will tell, but it seems clear that at least some parts of this kind of employment will become expressly unlawful

**Be  
Safe –  
Just  
Say  
NO!**

