

ISEA NEWS

ISEA - Representing Teaching and Support staff in Independent Schools

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Holiday Pay and School Payroll Systems

Matthew Fitzsimons, General Secretary, ISEA

Last term ISEA wrote to all schools we have collective agreements with and asked them four questions about their payroll system:

- How do you calculate the average weekly earnings for the purpose of Holiday Pay?
- What do you include (allowances, etc) in this calculation?
- What is the name of the payroll system you are using?
- How do you transition employees from full-time to part-time for payroll purposes?

We asked these schools because we have a 'good faith' relationship with them, and they have an obligation to communicate with us on things like this.

The background to this request is the discovery by the Police Association and Unite Union that people were not getting the correct amount of holiday pay.

It is not surprising that employees in two industries with irregular hours spotted this issue.

If a worker does irregular hours – as in the fast food industry – it is sometimes difficult to know what the ordinary weekly pay is. In those situations, the law mandates that the workers be paid the higher of the average weekly pay for the year or the average of the previous four weeks.

This is not a difficult thing for modern payroll systems to do.

In fact, it is not difficult for an accounts clerk with a calculator to work out.

There is no reason for payroll systems with sophisticated software not to be able to comply with the law.



We had timely responses from at least half a dozen employers and a detailed response from one school that reviewed all its payments back to 2010 (the statute of limitations [6 years] applies) and has compensated a number of staff.

We know from consulting with our sister unions that most existing payroll systems at the time the underpayments were discovered did not comply with the legislation.

Many of the schools we wrote to have chosen to remain silent and one or two seemed to have taken umbrage with the questions and told us "we are happy with our systems".

We will be continuing our requests for information until our questions are answered.

Meanwhile some of our members and no doubt non-members will have had a windfall as the schools review their systems.

View from the Mainland

There is a difference between the North Island and the South Island if you are a supermarket worker and especially if you work for Pak'nSave or New World.

You will earn \$2 less an hour than the same people in the North Island branches of Foodstuffs (the Pak'nSave/New World franchise).

\$2 an hour is a lot when your pay is close to the minimum wage of \$15.25 per hour.

According to FIRST Union representative Bill Bradford, the low paid supermarket employees in the South Island have to rely on charity food parcels because they cannot afford the food they sell in the supermarkets they work for.

Union membership is low amongst these South Island employees in contrast to people who work in the equivalent supermarkets in the North Island.

What a difference to everyone who lives in the South Island if the 10,000 supermarket employees had a decent wage or a living wage – that's \$19.80 an hour.

That would bring an extra \$125m a year or more into the South Island economy.

The operating profit of Foodstuffs (South Island) was \$266m; an increase of 7.2% (\$18m) in 2015/16.

ISEA's membership is highest in the South Island independent school sector. Our members value the ability to work together to improve living and employment standards for all ISEA members.



*Pak'nSave's stickman on strike for better wages.
Image from First Union Facebook page*

ISEA thinks it is important to talk about the wider picture of what is going on in our community.

FIRST Union has a long road ahead to overcome the difficulties facing low paid employees working for Foodstuffs in the South Island.

There is something missing when people employed in the food industry are existing on charity handouts of food in one of the wealthiest countries in the world.

Good news for Parami School students



Thanks to New Zealand education unions, the children of Burmese migrant workers studying at Parami School on the Thai border can now continue their education if they return home to Myanmar. This is because curriculum requirements have been met, thanks in part to the support of ISEA.

Through UnionAID, ISEA and other education unions funded the salaries for teachers of science, social studies, economics, English and maths at Grade 9 and 10 levels over the past three years.

This generosity has allowed Parami School, which is managed by UnionAID's project partners, Min Lwin and Htwe Nge from the Confederation of Trade Unions Myanmar, to provide graduation certificates for their pupils who can then move seamlessly into the education system in Myanmar.

Learn more about UnionAID's overseas projects on their website: www.unionaid.org.nz



MEMBERS WANT TO KNOW: Consultation in schools: What are my rights?

Barbara Hill, Organiser, ISEA



ISEA members have contacted us to ask about their right to be consulted by their Principal and/or Board when changes are proposed in schools that could affect members' positions or terms and conditions of employment. Concerns have been raised about a lack of consultation and transparency of processes in some schools.

Teachers and support staff members have a right to be consulted about proposed changes before decisions are made that could impact adversely on their position or on their ability to carry out their roles and responsibilities. Consultation is needed about issues such as a reduction in salary or hours of work, changes to a job description, changes to the way a school operates which could lead to a significant increase in hours of work or workload, or a school restructuring.

The Employment Relations Act 2000, which applies to all employees and employers, contains important provisions relating to consultation and communication in employment relationships. The requirement to consult about specific matters may also be found in collective agreements.

The Law:

Key provisions of the Act include the following:

- The object of the Act is "to build productive employment relationships through the promotion of good faith in all aspects of the employment environment".
- Communication and consultation are key components of good faith relationships. Parties to an employment relationship must be "active and constructive in establishing and maintaining a productive employment relationship" in which they are "responsive and communicative".

- Parties to the employment relationship include "an employer and an employee" and "a union and an employer". ISEA officials, representatives and members are all the union party to the collective agreement, if one exists at the school.
- Good faith obligations apply both in bargaining for collective agreements and during the term of the agreement (they apply to "any matter arising under or in relation to a collective agreement while the agreement is in force" and to consultation between an employer and its employees "about the employees' collective employment interests ...").

Consultation

Consultation of employees must be genuine, which means that there needs to be adequate time for the consultation process, provision of sufficient information about a proposal, sufficient time for employees to prepare a considered response, an opportunity for employees to express their views and a genuine effort made to accommodate those views. Consultation does not mean agreement.

It is worth noting that some changes to conditions specified in collective agreements require the agreement of the employee.

A failure to comply with the duty of good faith, other provisions of the Act or collective agreement provisions can result in a penalty.

Contact your ISEA Representative and the ISEA Office for advice or assistance if there are proposed changes that could affect your position or conditions of employment or the conditions of staff collectively, if genuine consultation is not taking place, or if you would like more advice about consultation processes.

Introducing Barbara Hill

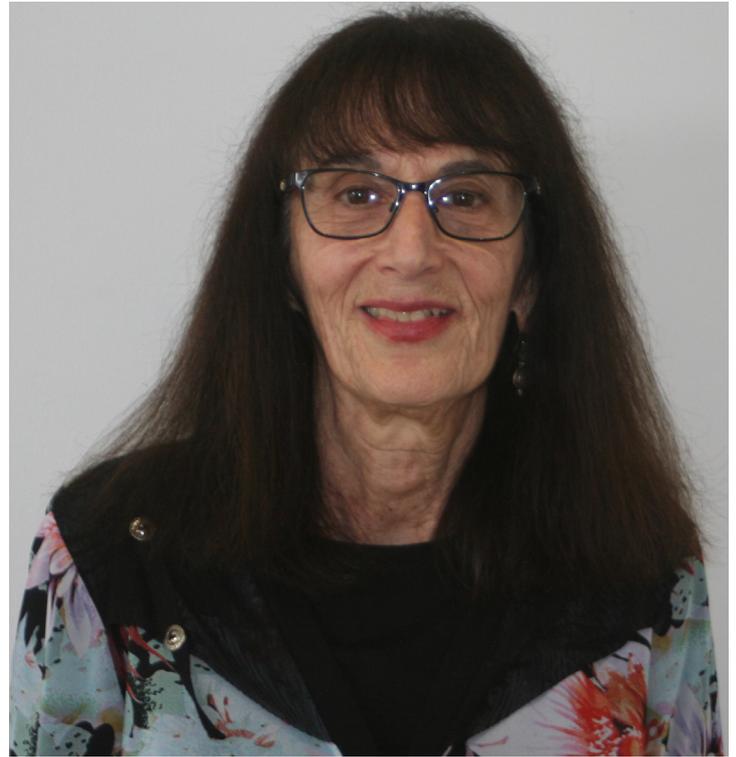
ISEA is delighted to introduce our new Organiser, Barbara Hill, who joined us in May of this year, replacing Tanja Bristow.

Barbara is based in Auckland and her role is to advise, support and represent members in relation to employment matters, to work with ISEA Representatives to build ISEA within schools and to negotiate collective agreements.

Barbara has extensive experience working with and advocating for the interests of teachers and support staff in New Zealand schools. Having worked for the NZ Post Primary Teachers' Association Te Wehengarua (PPTA) for over 23 years, and with qualifications in dispute resolution (mediation, negotiation), Barbara brings a wealth of experience to the position.

Barbara qualified and taught as a secondary school teacher in New York and moved to New Zealand in 1973, teaching at Kelston Girls' High School for 14 years, including as HOD Languages and teacher with responsibility for Multiculturalism.

Barbara held a number of voluntary roles within the PPTA, from Branch Chair through to Executive Member, before she began working as a PPTA Field Officer [Organiser] in 1989, where she supported and represented members in relation to employment issues, provided training about conditions of work and professional matters and helped build strong members' branches in schools and interest-based networks across regions.



Barbara says, "I am enjoying meeting ISEA members and look forward to working with them to meet the challenges they face in education in the current environment".

ISEA Directory

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ISEA 0800 number



Got a work related query?

ISEA has an 0800 number that you can call anytime to leave a message for our staff: **0800 300 073**

We will return your call within 24 hours on weekdays.

(Our normal office hours are Monday-Friday 9am-5pm. We are closed on all Public Holidays and Auckland Anniversary Day).

Find us on 
facebook.com/nzisea