

## **PWUA secures paid meal breaks for long-serving inside Delivery Branch employees and back pay to June 2016**

As a result of action taken by the PWUA, Service Delivery Coordinator (SDC) and Service Delivery Support (SDS) employees at NZ Post who are employed under the Operations Schedule of the Collective Agreement, and who have been continuously employed by the company since before 26 June 2016, are now entitled to a paid 30 minute meal break every day.

### **43 hours at work for 40 hours' pay**

Full time SDC and SDS employees are rostered to work 40 hours per week usually over six days but, because they have until now been required to take a 30 minute unpaid meal break every day, they have had to be at work for 43 hours per week for 40 hours' pay.

As a result of a Settlement Agreement registered under the Employment Relations Act on 20 April 2020, these employees will now only have to be at work for 40 hours per week for their 40 hours' pay.

### **lump sum payments**

In addition, within 3 months NZ Post will offer a lump sum payment to each affected employee calculated at 30 minutes for every day worked, or on paid leave, since the date they lost their paid meal break.

The PWUA formally raised this issue with the company on 29 July 2019 in preparation for a discussion at the Collective Agreement (CA) Working Group about grandparented paid meal breaks for Operations employees.

In researching clause P16 in the PWUA CA the PWUA found that the wording of the clause had been changed by the company after the CA was ratified by members. NZ Post had then given a written

undertaking that the clause would be interpreted substantially as if it had not been changed.

On 16 August 2019 the company conceded that employees continuously employed in Operations since 26 June 2016 would get their paid meal break reinstated, and many Operations employees received substantial back pay at that time. However, NZ Post did not concede that employees who had been moved into Operations from Delivery would get their paid meals breaks reinstated.

### **PWUA engages Barrister**

The PWUA engaged a prominent employment law Barrister who wrote to NZ Post setting out the position that these SDS and SDC employees were also entitled to receive paid meal breaks because of the written assurance the company had provided to the PWUA. NZ Post was invited to attend mediation with the PWUA as a first step to resolving the dispute.

The company said they wished to attempt to resolve the dispute during the CA bargaining in March 2020, but agreed to set down a date for mediation with the PWUA on 15 April 2020 as a back up.

### **Agreement now legally binding**

On 14 April 2020 the PWUA and NZ Post agreed on a settlement, which was then signed by a Mediator at the Ministry of Business, Innovation and Employment and became legally binding on 20 April.

E tū union was included as an additional party to the Agreement to ensure that all SDC and SDS union members who qualify will benefit.