



NEW ZEALAND COUNCIL OF TRADE UNIONS
Te Kauae Kaimahi

Tel 64 4 385 1334, Fax 64 4 385 6051, PO Box 6645, Wellington, New Zealand

www.union.org.nz

GVT (GOVERNMENT INCL DOL)1 MINISTERIAL MEETINGS BRIEFINGS AND CORRESPONDENCE2 MEETINGS WITH PRIME MINISTER3 RE UNION ACCESS AND PG
h

15 July 2010

Hon John Key
Prime Minister
Parliament
Wellington

Email: by email

Dear John

Union Access Rights

I am glad we got the chance to talk today. I want to set out how seriously we will view any changes to the law on union access and why.

1. The process

You are on record at our conference as saying this is not an issue people raise with you and you understand how important the issues of collective bargaining and access are to unions and workers in NZ and that you did not see them being progressed any time soon.

You also gave Peter and me a personal assurance that you had pulled the original paper on access (which we understand you did) and would come back to us if it were to come back on the agenda. I am very disappointed that this did not occur and we have found out by stealth rather than from you or the Minister of Labour. I thought you and I had an understanding that while we might disagree on some things we would nevertheless discuss them.

I cannot buy the argument that to get through other changes which reduce worker entitlements (90 days, holidays etc) you need to do this as well. None of the changes you

are proposing are important enough to warrant this and it is my view ACT would be heavily criticised for not taking any opportunities available to for example, extend the 90 days simply because it wants more.

2. The Substance

You know we oppose the 90 day provisions and we don't agree with the extension of these provisions. We have discussed this and I think we understand that we disagree with each other's analysis of this issue and that there is not much point discussing that issue further. We will of course vigorously participate in the Select Committee process.

On the union access, there is no economic rationale at all that is viable in relation to this issue. You yourself have acknowledged that you know it is not a problem. It is an out and out attack on our organisations and the workers that choose freely to associate with unions. It will have serious implications for workers and unions and is in breach of ILO standards.

We have experienced this type of restriction previously. Employers would insist union officials waited in lobbies for hours until the timing of an access visit was "convenient". Union officials would turn up as arranged to be told circumstances had changed and they would need to come back. Members were told if they wanted to meet with the union they could do so in the workplace café one at a time or a room set aside for that purpose where they needed to walk the gauntlet to access. All sorts of games were played. Restricting access to new workplaces was a prime tactic of employers that did not want their workers to exercise their rights to join a union. Legal remedies were neither fast enough or cost effective enough to deal with each new refusal.

The current provisions in the Act on access are robust. Union access must be reasonable and comply with company policies on safety and security etc. Union officials must tell the employer they are there and why, but in the end, unions are able to organise in workplaces.

It is not realistic to reduce access and expect unions to be able to operate effectively. Work places are the focus of union membership. I trust you now appreciate that many many constructive relationships and projects between unions and employers have developed over the last 9 years with the removal of the competition over access.

Making union access difficult is also an attack on the democratic rights of workers to join unions and is as ridiculous as would the restricting of access for groups like Labour Inspectors to workplaces. It is an obligation of businesses that employ working people that those workers are entitled to chose representation and that unreasonable restrictions on that are not in keeping with mainstream employment law.

As you will be aware, I am about to begin a term on the Government Body of the ILO. One of the things I am proud of when I attend the ILO is our law on union rights. Union membership is entirely voluntary and people are free to join or not at any stage. Alongside this we comply with the ILO standards on access and collective bargaining. I know many other union centres including for example the US union movement (AFL-CIO) appreciate this and it makes these movements less resistant to issues like trade with us because of it. I believe it will be greatly damaging to our reputation to breach these

standards in such a fundamental way. One of the presentations Business NZ and CTU regularly do to visiting international groups and at P4 meetings in Geneva is about our social partnership and how we respect each other's rights to operate freely without interfering in each other's affairs.

I am writing to urge you not to go down this path. It will do irreparable damage to our working relationship with your government and will reduce the potential of good union/employer relationships in the workplace. It is unreasonable and unnecessary.

I am happy to discuss this further with you.

Yours sincerely

A handwritten signature in black ink that reads "Helen Kelly". The signature is written in a cursive, flowing style.

Helen Kelly
PRESIDENT