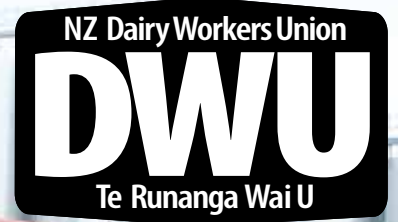


DairyWorker

Quarterly publication of the NZ Dairy Workers Union Te Runanga Wai U



February–2020

Westland Dairy CEA Settled



INSIDE:

- Parental Leave effect on Annual Leave
- Latest DWU CEA Settlements
- DWU Life Memberships

DWU Negotiating Team,
Westland Dairy.



Welcome to 2020

Welcome to the first edition of the DWU Dairy Worker magazine for 2020. I hope that you and your family were able to enjoy some time off during the Christmas and New Year period.

I would also like to take this opportunity to congratulate Barrie Kanara on his recent election to the DWU National President position (see Barrie's first report as the DWU National President on the page opposite to this editorial).

Barrie has been the current DWU National Vice President for the last four years and before this was the Northern Regional Rep on the DWU National Executive. Barrie is currently the DWU Site Delegate at the Fonterra Kauri site located just north of Whangarei. Barrie will be an excellent Officer of our Union and I look forward to working with him on the important organising strategies that we are implementing on behalf of members and delegates.

This edition focuses on the many CEA negotiations that the DWU and its delegates and members have recently been involved with, including the Westland Milk CEA, Goodman Fielder Yoplait CEA and the DWU's newest CEA; the Allied Faxi CEA. You will find comprehensive reports on these negotiations further on in the magazine.

A big year of negotiations

As we have previously discussed in this magazine, the NZ Dairy Industry is going through substantial and fundamental change as we see the growth of new players in the industry as well as Fonterra implementing a new strategy to improve their current financial position.

And it is still too early to know what impact the coronavirus outbreak will have, if any, on the dairy industry.

But whatever happens in the industry, the DWU will continue to work hard to ensure that members' wages and conditions are protected and improving. With the cost of living also increasing and CPI (the cost of goods and services) now up to 1.9% for the year

ending December 2019, DWU members and workers are facing greater and greater financial pressures.

This will be a key message that the DWU and members will take into the renegotiations for the following DWU Collective Employment Agreements (CEAs) that are expiring this year:

- Fonterra CCP: 28 Feb 2020 expiry;
- Green Valley Dairies: 29 Feb 2020 expiry;
- Dairyworks: 31 Mar 2020 expiry;
- BODCO Dairy: 31 May 2020 expiry;
- Milk Kitchen (Envictus Dairies): 31 May 2020 expiry;
- Timpack: 31 May 2020 expiry;
- Yashili NZ Dairy: 31 May 2020 expiry;
- Blue River Dairy: 30 June 2020 expiry;
- Froneri Tip Top: 30 June 2020 expiry;
- Dairy Fresh: 31 July 2020 expiry;
- LIC: 31 July 2020 expiry;
- Milk Test NZ: 31 Aug 2020 expiry;
- Fonterra DMV: 30 Sep 2020 expiry;
- Fonterra Ingredients (Operations): 31 Oct 2020 expiry;
- Fonterra Brands & Alto: 31 Oct 2020 expiry;
- Synlait Milk: 31 Dec 2020 expiry.

And have a great 2020

And just to add in another big event this year, there will be a General Election on Saturday 19 September to determine the next government. We will provide further election information and policy analysis for you in future editions of the Dairy Worker magazine.

Here's to a safe and enjoyable 2020 and as always, you are welcome to send me any comments or suggestions about what you would like to see in future editions of the Dairy Worker magazine.

Chris Flatt
DWU National Secretary



Important work in the year ahead

Kia ora members, I hope you all had some sort of break over the festive season with friends and family or if not, I hope you have got some leave planned to enjoy over the summer months.

First, I would like to acknowledge the past DWU National President, Laura Reekie for the stellar job she did in this role and wish her all the best in her new role as the DWU Upper Waikato Regional Organiser.

Since this is my first article as DWU National President, I thought I should give you my background in the Union and the dairy industry. I have been in the dairy industry for 25 years, starting at the Fonterra Kauri site in the 1993-94 season as a temp in the Cream Products department. Within the same season, I took a job as an assistant operator in the powder plant, progressing to an operator running an evaporator/drier, then eventually to a Team Leader role.

In the 2003-2004 season, I was elected as the DWU Site Delegate and basically have been in that role ever since, barring a stint for 12 months or so when I gained experience as the DWU Regional Organiser in the Northern region.

I was first elected to the DWU's National Executive in 2007, and then elected as the DWU National Vice President in 2017.

Over this time, I have really come to appreciate the value of belonging to a strong well-organised industry Union. This has been reinforced for me on the many occasions where I have represented friends and whanau of members who work outside the dairy industry. In these places that don't have any Collective Employment Agreements (CEAs) or a Union to represent them, it's like the wild west out there.

I know some of us take our workplace conditions for granted, which I guess is easy to do when they

have been in place for many years. Our Union now covers such a big array of companies, from the older established legacy diary employers to the new emerging players entering the fray.

The new players and greenfield sites take an extraordinary amount of time and effort to organise and get off the ground. Firstly, gaining a contact in the workplace, sometimes leafletting in workers carparks, arranging meetings outside the workplace, then trying to establish a meaningful membership base to finally approach the new employer to establish a CEA. I have such a lot of respect for our DWU Organisers undertaking this work.

This is such important work for us all. If we don't establish decent CEAs at these new companies, then when we front up at wage negotiations for our established companies (like Fonterra), the first thing the employer says is "why are we paying so much when our competition is only paying this...?" It then makes it so much harder to gain decent pay rises and if not achieved, will eventually drive wages and conditions down across all CEAs.

While this work is important, the "bread and butter" of this Union is our existing membership. Without such a strong membership base, none of this work would be possible, so every effort must be made to provide quality service, support, and advice to our members and delegates alike.

We have a busy year approaching with a large number of CEAs up for renegotiation so please get involved in the process and support your delegates on site where you can, as they are working on your behalf.

Look forward to meeting you during the year,
Cheers Baz!

Barrie Kanara
DWU National President

“ A big year of negotiations... ”

Westland Milk CEA Renewed

The DWU bargaining team

at the last day of 2019 Westland CEA negotiations. Standing: Perri Adams (Hokitika Laboratory DWU Delegate), Emma Thomas (Hokitika DWU Women's Worksite Delegate), Dave Burston (Hokitika Protein DWU Delegate), Hannah Hurley (Hokitika DWU co-Site Delegate), Neil Bolton (Hokitika Powder DWU Delegate), Myke Dowson (Rolleston DWU Site Delegate), Jared Phillips (DWU National Organiser & Advocate), Daniel Needham (DWU Upper South Island Regional Organiser), Dave Oughton (Rolleston Manufacturing Departments DWU Delegate), Dan Tauwhare (Hokitika Cream Products DWU co-Delegate), Phil Barker (Hokitika Supply Chain DWU co-Delegate). Kneeling: Richard Dyer (Hokitika Milk Collection DWU Delegate).



Two Year Term for new CEA at Westland Milk

The Collective Employment Agreement (CEA) at Westland Milk has been renegotiated for a two-year term. The deal covers both the Hokitika and Rolleston sites. Members ratified the agreement with 71% of votes in favour of accepting the deal.

The main wage movements to come from the new agreement are:

- 2% increase on wages and allowances from December 2019; and CPI plus 1% increase on wages and allowances, with a minimum 1% and minimum 3% from December 2020.

There were some changes to leave provisions, notably:

- Paid Parental Leave: Employer top-up to 80% of earnings is increased from 16 weeks to 20 weeks;
- Long Service Leave: Entitlements are increased from 40 to 42 hours;

- Alternative Leave: Will now be paid at Relevant Daily Pay rather than Average Earnings from August 2020 (this had long been in the CEA but had not been implemented). The delay of change until August is so that members have sufficient time to adjust to worked overtime not contributing to the calculation for Alternative Leave pay;
- Discretionary Leave: Added to the CEA for the first time;
- Employment Relations Education Leave: Will now be paid at Relevant Daily Pay.
- Other conditions include; investigation to installing women's sanitary dispensers at sites, Company approval for paid release for the DWU Women's Worksite Delegate to attend SHINE domestic violence training, continuation of classification discussions, 50% DWU Site Delegate role retained in Terms of

Settlement document, and 15-minute shift handovers for shift workers in manufacturing paid at ordinary time.

- A Performance Bonus Scheme will also be trialled in the first year of the CEA. The bonus payments are not individualised but are payable to all workers if waste reduction, right first-time production, and health and safety investigation improvement targets are met.

This is the first renewal of the CEA since Westland was brought by the Chinese-owned Yili Group. The sale to Yili was completed in August 2019.



Jared Phillips
DWU National Organiser
& Advocate

Fonterra Timaru— Welcome to the DWU!



Workers signing up to the DWU at the new Fonterra Timaru site, formerly Coda's South Beach site

In late 2019, Fonterra took control of the Distribution Centre (DC) formerly run by Coda Group on Timaru's port. The site had predominantly handled Fonterra product made at the Fonterra Clondeboye and Studholme sites.

The workers at the site, which was known as South Beach, went through a rollercoaster start to their time as DWU members as they had initially joined to be a part of the Collective Employment Agreement (CEA) bargaining with Coda Group (discussed in another article in this edition of the Dairyworker magazine). Then suddenly they found themselves being moved across to come under the Fonterra Ingredients umbrella.

While this change hasn't affected their day-to-day work, it has meant

more money in their pocket and strong terms and conditions as provided by the Fonterra Ingredients CEA. The team at Timaru are currently coming to terms with the ins and outs of their new CEA and getting through the initial understanding of some of the complexities that come with the annualised hours system.

Anam Mana has stepped up to be their first DWU Site Delegate. Welcome to all the new DWU members at Fonterra Timaru!



Reece Flawn
DWU Lower South Island
Organiser



Adam Craigie
DWU Northern Organiser

CHECKING YOUR PAY

Workers should be paid for all the hours they work at the correct rate, first time. However unfortunately that doesn't always happen. This means that it is important to check your payslip to make sure you are paid for the correct hours and at the correct rate.

Often payroll mistakes can happen when workers do overtime or take leave. That means you should be especially careful in checking your payslips after you've worked extra hours, or been off on sick, bereavement, or annual leave.

Underpayments can also occur when workers are not paid for the right allowances such as shift, weekend, first-aid, freezer, heat, or



qualification payments. You should always check that the hourly allowances you receive are the right rate of allowance for the hours and days that you've worked.

If you do think you have been underpaid, the first step is to raise it with your manager. If it's agreed that you have been underpaid, ask them to email the payroll department and include you into the email. If your manager doesn't agree you have been underpaid, then raise it with your DWU delegate so you can work together to get the underpayment and backpay resolved.

Allied Faxi DWU members achieve first CEA

Allied Faxi New Zealand Food Company produces ice cream and cream at its factory located at Kerepehi in the Waikato, for its parent company Beijing Allied Faxi (in China) and for the Chinese market.

Workers at the site approached the DWU in 2016, wanting to establish a Collective Employment Agreement (CEA). It was a long road but just before Christmas 2019 we finally signed the Terms of Settlement, ratified the CEA and signed the document.

The new CEA ensures that members' current pay rates are protected and receive a 2% increase from

1 April 2020. The starting rates for new workers will be the minimum wage, however a six-month review has been negotiated. Members who meet the review criteria will receive a \$1.00 increase to the hourly rate. A set of job descriptors were also developed and agreed, and the usual legislative provisions were included. This was a difficult process.



Allied Faxi DWU Site Delegate, Joel Williams.



Former Allied Faxi DWU Site Delegates, Brooke Hamid & Steve Maddox.

The Company had offered individual pay rises to workers that resigned from the Union. We lost some delegates and members along the way.

I need to thank Joel Williams, the current DWU Site Delegate, and our members who stuck with it. We would never have got there without these stalwarts. Also, my thanks go to the previous DWU Site Delegates, Brook Hamid (who was instrumental in getting the DWU on site and initiating the process) as well as Steve Maddox (Site

Delegate for a period before Joel).

The term of the new CEA is to 31 March 2021. During that time, the DWU's main task will be to build union density and strengthen the Union's presence on site.

The site was established in 2014 and the Company started renovations on the old cheese factory in Kerepehi in 2015. After two years of reconstruction, production officially started in May 2017.



Brett Brown
DWU Waikato/BOP Organiser
& Advocate



The DWU's 2019 AGM meeting at the Synlait Dunsandel site.

Synlait Milk DWU membership continues to grow

The DWU membership at Synlait Milk is continuing to grow and renegotiation of the DWU/Synlait Collective Employment Agreement (CEA) is coming up at the end of this year.

Our membership at Synlait is currently across four sites. The largest site is located at Dunsandel (just outside Christchurch). The Synlait Foods Talbot Forest site is located at Temuka (near Timaru) in the South Island. In the North Island, there are two sites; one at Pokeno (just south of the Bombay Hills near Auckland) and another in Mangere in Auckland.



Last year Synlait also made a conditional offer to purchase the Dairyworks business (a cheese packaging and ice cream manufacturing site) located in Hornby, Christchurch (subject to Overseas Investment Office approval). The DWU already has members, a delegate structure, and a long-standing CEA at Dairyworks.

The increase in Synlait membership has been reflective of the long and hard work undertaken by our existing members, DWU delegates and staff over many years. There have been a number of factors supporting recent growth, some of which include:

- Representation of members in relation to site, workgroup, and individual issues;
- DWU involvement at the Synlait onboarding process for new workers, where we can speak to new workers about the benefits of joining the DWU; and
- Tremendous work by existing

members and delegates at sites in promoting the DWU and encouraging their co-workers to join.

Synlait purchased the Talbot Forest Cheese site in July 2019 and it was agreed that as part of the transition process, these workers would be entitled to come under the Synlait/DWU CEA and be treated as new Synlait workers. We received a great number of sign-ups in the initial months after the changeover and we aim to continue this as the site expands.

Thanks again to all the DWU members and delegates at all of the Synlait sites. We will continue to support members and develop our delegate structures across all of these sites over this year.



Daniel Needham
DWU Upper South Island
Organiser

Sleep Apnoea – The Unknown Known



Lots of people have heard of sleep apnoea, but very few would know if they have it. Quite often it is dismissed by people as being a bit tired due to long days and a lack of sleep. This time of the year, people can think that lack of sleep is largely a result of heat and physical exertion, but it can be because of sleep apnoea.

So, what is sleep apnoea? The word apnoea means “without breath” and can be defined as the cessation of breathing for more than 10 seconds.

There are two types of sleep apnoea: obstructive sleep apnoea (most common); and central sleep apnoea (quite rare). Obstructive sleep apnoea can occur at any age, including for infants, but is most common in middle-aged males. In New Zealand it affects at least 4% of men and at least 2% of women.

Symptoms of apnoea can be (but not limited to):

- Excessive daytime drowsiness;
- Nodding off whilst driving, watching TV, or having a conversation;
- Morning headaches;
- Irritability;
- Loud snoring;
- Waking up with a sore/dry throat;
- Restless sleep;
- Occasionally waking up with a choking or gasping sensation;
- Loss of libido.

Quite often people won't even know they have sleep apnoea unless a friend or family member

points it out. Apnoea can range from mild cases to severe and can cause apnoeic attacks.

This is where the brain doesn't get into deep sleep mode and can have serious complications.

This was the case for a driver who happened to have a friend visit them and get up in the night to use the bathroom.

He noticed his friend struggling for breath and when he woke the next morning he asked if everything was ok and mentioned what had happened in the night. He had absolutely



no clue as to what his friend was talking about but thought it would be worth a trip to his GP to check it out.

He was referred to the Hospital sleep clinic and underwent an assessment that allowed them to collect sleep pattern data and give an accurate diagnosis. Once there had been an assessment and a diagnosis, a continuous positive airway pressure (CPAP) machine was prescribed and provided with the appropriate settings to be used.

This machine uses a pump which delivers low pressure air into the airways via a mask and tubing fitted to your nose. You wear it while sleeping and it delivers enough pressure to keep the airways open during sleeping. They are set to your

individual requirements, as some may need more adjusting than others. Lots of people say they notice the difference within a few days of having a better night's sleep.

Some other lifestyle changes may also help when combined with other treatments. These might include:

- Weight loss as small amounts can help improve symptoms;
- Avoiding alcohol a few hours before going to bed;
- Trying to sleep on your side instead of your back (sleeping on your back can make the sleep apnoea worse);
- Getting regular exercise;
- Quitting smoking or reducing the amount you smoke.

With people's busy lifestyles and work schedules, hopefully this has been informative and given you something to think

about. People who are shift workers, operate heavy machinery, or work long hours, could suffer from some of the symptoms above.

If you think you may fall into this category, I encourage you to have a talk to your doctor the next time you see them and see if it is worth following up with a specialist. You never know, you just might find the answer to a problem you've put up with for a lifetime.



Laura Reekie
DWU Upper Waikato Organiser

Goodman Fielder Yoplait CEA Settlement

The Goodman Fielder Yoplait site in Palmerston North has settled its Collective Employment Agreement (CEA) with 80% voting in favour of the deal.

Key aspects of the two-year agreement are:

- Year 1: 2.5% on all printed and paid rates and allowances;
- Year 2: CPI +1% with a minimum 2% and maximum 2.5%;
- Improvement to the CEA coverage clause;
- Early start allowance payable when voluntarily working at another nearby site to account for travel time (Goodman Fielder Longburn);
- Level 7 and Level 8 classification amendments;
- Superannuation provisions



Mark Infield, Goodman Fielder DWU Site Delegate, Nick Howe, Goodman Fielder DWU member, who assisted the bargaining team.

embedded by placing them into the CEA for the first time;

- Working party on classifications established;
- Mondayisation of ANZAC Day and Waitangi Day, except where they fall on Friday. Tuesdayisation when they fall on a Monday.

The DWU bargaining team consisted of Mark Infield (DWU Site Delegate), Nick Howe (DWU

member assisting the bargaining team), Laurel Reid (DWU Central Regional Organiser), and Mark Apiata-Wade (DWU Assistant Secretary and Advocate).



Laurel Reid
DWU Central Organiser



Please remember to let the DWU know your new contact details!

You can phone us on (07) 839 0239, or send an email to info@dwu.nz with your name, postal address, email, mob. number & worksite.

DWU online...
FB & Twitter too!



Access to Justice—A power imbalance against workers



There is an imbalance of power in New Zealand. This imbalance is the power that employers have had over workers for nearly 30 years with employment legislation that is heavily in the employers' favour. Workers have been on the backfoot since the early 1990s when the Employment Contracts Act came into force.

Employment law changes

The National Government's main intention when introducing the Employment Contracts Act in 1991 was to crush unions by the introduction of Individual Employment Agreements (IEAs). This was a large step away from traditional rights enjoyed by workers and unions. Prior to this period, NZ union membership was over 50%, but today it's around 10% in the private sector.

So they succeeded, and to paint a darker picture, workers are struggling to make any ground to even up the imbalance. In 2000, workers had some reprieve when the Labour Government repealed the Employment Contracts Act and replaced it with the current Employment Relations Act.

However, this new law never fully compensated the loss in rights suffered by workers under the Employment Contracts Act, or the loss of industry-based awards that set minimum terms and conditions in each industry sector. Awards were like a collective contract for workers across whole sectors and industries.

The loss of these awards meant

the loss of industry-based standards in pay rates and terms and conditions specific to each industry sector in New Zealand. The only place where you can find evidence of these industry standards that were lost are with the few Collective Employment Agreements (CEAs) that were created before the Employment Contracts Act and that are still in operation today.

Work rights and access to justice

Since the 1990's, the loss of work rights and access to justice has not only occurred in employment law, but also in ACC via the Accident Compensation Act 2001.

What do I mean by rights to justice? I am talking about the ability for a worker to challenge a decision that has been made against them to their detriment, and to be able to challenge this in a Court or Authority if necessary. When it comes to employment law or challenging an ACC decision, a worker needs to be able to easily afford both representation and the costs of the justice system.

Currently both the Employment Relations Act 2000 and the Accident Compensation Act 2001 contain right to justice provisions, but the

cost to access these rights is well out of reach of the average worker. Also, the risks that come with losing a case effectively limit legal access to only the wealthy or the very determined. Challenging a legal or ACC decision can cost a

worker, thousands or even tens of thousands of dollars and has the added risk that costs can be awarded against you if you lose the appeal.

DWU members have support

This is why it is important to remember that DWU members have legal and ACC support available to them from the Union. The DWU can represent workers early on in the legal or ACC process, which could stop any unjustifiable decision being made. If an unjustifiable decision is made, the DWU will evaluate the case and if the circumstances warrant it, the Union will represent members through the process and use our resources and knowledge to assist the legal challenge.

In my personal view, this should be the standard for all workers; good legal aid that is free and accessible, as well as a right to have their day in court free of charge. Sadly, this is not the case and it looks like a fundamental worker right (the right to justice when one is wronged) is a long way off for most workers not in the DWU or another Union.

Restoring workers' rights

So, what can workers do for now? Simply:

1. Join a relevant union: Unions

have far more resources than individual workers and can give representation and advice on how to resolve issues and disputes; and

2. Keep having a Labour Government in power: Labour is the only political party that allows unions to affiliate to the Labour Party. This relationship gets better rights for workers and much needed changes to employment and ACC law over time. The Labour Party

was founded by the working class and unions and it would be great to see what they could achieve if they can get back into power for another term this year, and even better with a stronger majority in any coalition arrangement.

I am not telling anyone how to vote, who you vote for is your personal right. I am just providing the facts that if you want to see a reasonable balance of power for

workers, Labour is the only party that unions can directly influence to make the changes necessary for working people.



Richard Everson
DWU Lower Waikato Organiser



Coda Group DWU Delegates Nathan Dryden (Rolleston site in Canterbury, on the left) and Nate Matua (Savill Drive site in Auckland, on the right) with DWU Northern Regional Organiser, Adam Craigie. Tom Buckley who is the advocate for Coda negotiations took the photo.

The DWU Negotiating Team met with Coda's negotiators on 15 January for our first day of Collective Employment Agreement (CEA) bargaining. We finalised and agreed on our bargaining process for the negotiations and exchanged claims.

We agreed to set up two Working Groups. One is to focus on develop-

ing a suitable Classification System for DWU members and the other is to focus on the technical issues of the CEA such as formatting and bringing together policies and relevant legislation. These two working parties will meet before the next day of negotiations in February.

The DWU Bargaining Team felt the day was positive and construc-

tive, and we are pleased with the progress that has been made so far.



Adam Craigie
DWU Northern Organiser

Effect of Parental Leave on Annual Leave Entitlements



DWU Women's Committee, L-R top row: Nici Benington, Julie Bengston, Helen Rowe, Carne-S Greenbank. L-R bottom row: Renee Ormsby, Francie Cook, LaVina Ireland, Camille Rondon, Iona Ngapera.

The DWU Women's Committee acknowledge the FindLaw Team for the use of their online article www.findlaw.co.nz/articles/4304/effect-of-parental-leave-on-annual-leave.aspx. Reproduced with permission of Thomson Reuters New Zealand Limited, www.thomsonreuters.co.nz

Under NZ employment law, employees are entitled to take time off work for holidays (annual leave) and also to take time off work to care for a baby (parental leave).

Parental leave can be for up to 12 months at a time, which might give rise to questions such as “What happens when an employee becomes entitled to annual leave while on parental leave?”, “How is holiday pay calculated after a period of parental leave?”, “What happens to annual leave entitlement if the employee

doesn't return to work after parental leave?” and “Can an employee cash in their annual leave when they go on parental leave?”.

Annual leave entitlement during parental leave

Annual leave cannot be taken during a period of parental leave. However, an employee might become entitled to annual leave during this period (because they are on parental leave when their anniversary date arises).

Where an employee becomes entitled to any annual leave during a period of parental leave under the Parental Leave and Employment Protection Act 1987, any holiday pay for annual leave they take in the 12 months after they return to work is calculated and paid as average weekly earnings only.

There is no requirement to bring this amount up to the value of ordinary weekly pay when the leave is actually taken. This applies to all parental leave taken under the Act and affects annual leave to which the employee becomes entitled during:

- The period of parental leave;
- The period during which the employer must give the employee preference in employment; and
- The 12 months following the employee's return to work.

The employee's anniversary date for annual leave purposes remains the same (i.e. one year after the day on which their employment commenced or on which their first closedown commenced) if the employee takes parental leave.

EXAMPLE 1:

Jane commences parental leave in June 2012. In December 2012, she becomes entitled to 4 weeks' annual leave. Note that annual leave cannot be taken during the period of parental leave.

The period of parental leave ends in June 2013. In December 2013, Jane again becomes entitled to 4 weeks' annual leave.

When Jane takes the annual leave that she became entitled to in December 2012 and December 2013, she must be paid her average weekly earnings for the 12 months prior to the end of the last pay period before she takes the annual leave. Her average weekly earnings will therefore vary depending on the length of time since she returned from unpaid parental leave.

The annual leave which she becomes entitled to in December 2014 is paid at the greater of her average weekly earnings and her ordinary weekly pay at the time of taking the leave.

How much holiday pay after annual leave?

The amount of holiday pay due to an employee when she takes annual leave after returning to work from parental leave will vary, depending on when she takes that leave. This is

because leave she becomes entitled to while on parental leave or during the 12 months after she returns, is paid at average weekly earnings only (not ordinary weekly pay).

EXAMPLE 2:

Using Jane as an example, we can demonstrate how much it can vary. Jane used all her outstanding entitlement to annual leave (from December 2011) in the weeks before she went on parental leave. Her pay \$1000 per week.

Jane returns to work in June 2013, having become entitled to 4 weeks' annual leave in December 2012. If she takes annual leave immediately (i.e. before she actually starts working again), her holiday pay would be \$0 per week. This is because it is based on her average weekly earnings for the 12 months before the leave is taken, and she was on unpaid leave during that period.

If Jane takes the annual leave in October 2013, having worked for 12 weeks since her return at \$1000 per week, her average weekly earnings would be: $\$12,000 \div 52 \text{ weeks} = \230.77 .

In December 2013, Jane becomes entitled to another 4 weeks' annual leave, because this is within 12 months of her return to work from parental leave, holiday pay for this leave must also be calculated based on her average weekly earnings (not ordinary weekly pay).

The sooner she takes the leave, the less her holiday pay will be.

If she took the leave in January 2014, having been back at work for 28 weeks (since June 2013) at \$1000 per week, her average weekly earnings would be: $\$28,000 \div 52 \text{ weeks} = \538.46 .

However, if Jane waited until June 2014 to take the annual leave she became entitled to in December 2013, her average weekly earnings would be much higher because she would have worked for 52 weeks at \$1000 per week ($\$52,000 \div 52 \text{ weeks} = \1000).

Can I cash in my annual leave before taking parental leave?

It is not unusual for workers to ask to be paid holiday pay before the commencement of parental leave. The usual expectation is a payment based on the 8% holiday pay calculation. However, no annual leave is due and employment is not being terminated, so there is no entitlement to such payment.



A worker may also request that they take annual leave in advance of entitlement before they go on parental leave. If allowed, this annual leave would be paid at their ordinary weekly pay or their average weekly earnings for the 12 months prior to taking the leave (section 22 of the Holidays Act 2003).

Keep in mind that their average weekly earnings before they go on parental leave is likely to be higher than their average weekly earnings for up to a year after they return (because parental leave is unpaid) – see above.

Annual leave entitlement on failure to return to work

There is no consideration for annual leave during the period of leave. However, there would be an entitlement for the period from the date on which the worker last became entitled to annual leave to the date on which the employment is deemed to have terminated (i.e. the date on which they commenced parental leave).

This would be calculated at 8% of gross earnings during that period, less any annual leave taken in advance, or plus any outstanding annual leave from a previous entitlement.

**Prepared by
DWU Women's Committee**

Over 10 years have passed since the DWU Runanga/Fono gifted to our Union 'Te Kotahitanga'—to celebrate and honour our DWU Life Members.

Life Members are those people whose services to the Union and its members are considered outstanding, and who have been a member of the DWU for at least 14 years and have retired from the Dairy Industry.

DWU Life membership is not given lightly. It is not given for long service, but rather exceptional service to the Union and its members.

We all owe a huge debt of gratitude to our DWU Life Members for their hard work and commitment to better the lives of all dairy workers.

The DWU Runanga/Fono performed a haka powhiri while gifting 'Te Kotahitanga' to the Union in a very moving ceremony at the 2009 DWU National Congress. As the tangata whenua and manuwhiri exchanged karanga (call of welcome and reply) the DWU Runanga/Fono performed a haka at the same time. These continued as the taonga was carried in to Congress. The taonga was then unveiled and Justin Dick (then DWU Runanga/Fono Convenor) gave a karakia (prayer/blessing).

Mark Apiata-Wade (DWU Runanga/Fono Co-Ordinator) then gave the explanation of what the carving means:

- The taonga is named 'Te Kotahitanga', meaning unity;
- The pounamu is the foundation stone of our Union and depicts the membership, which is our most valued asset. It sits within the waka where the voyagers would normally sit, guiding the waka into uncharted waters, which is our unknown future;

—DWU Life Members—

Johnny Allison	1979	Colin Ridley	2004
Donald Adamson	1983	Ray Potroz	2005
Joseph Emery	1983	Peter Jenkins	2005
Bill Cuttle	1985	Keith Liddington	2006
Bob McMillan	1985	Barry Ferguson	2007
Alan Lee	1987	Dianne Dwight (Lady Di)	2008
Harry Widdup	1987	Keith Booth	2011
Bill Timmer-Arends	1988	Brian Wooller	2015
Ted Treweek	1995	Frank Lancaster	2015
Clive Meads	1996	Glenn Barnes	2019
Graeme Day	2003	Angus McConnell	2019
Graeme Campbell	2003		

—Te Kotahitanga— 'He waka eke noa'

('We are all in this waka together')



• The carved backpiece of the waka signifies the battles we have been through with the carved front representing the battles yet to be had;

• The backboard depicts Tawhirimatea (God of Weather) seen very rarely in this pattern and represents the changing weather/environment throughout our voyage. Each DWU Life Member has a nameplate on this backboard;

• The Captain is carved at the rear of the waka. Appropriately, this was passed on from Angus McConnell

(when he retired in October 2019 after 35 years' service) to Mark Apiata-Wade, who is now the Unions current and longest serving official with 28 years' service.

The pounamu was gifted to the DWU Runanga/Fono by Harry Parker (Ngati Waewae/Ngai Tahu) who was a DWU delegate from Westland Dairy, Hokitika.

The carving was done by NZ Maori Creations Ltd from Rotorua.

**Prepared by
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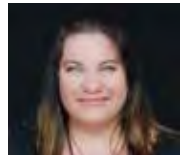
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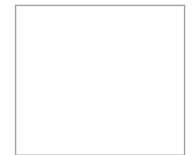
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Vacant
Support Services Organiser

DWU Representatives

National President: *Barrie Kanara*

National Vice President: *Vacant*

National Executive:

Rima Strickland (Northern), Chris Jones & Jodi Middleton (Waikato/BOP), Peter Daymond & Bill Bryant (Central), Tom Faulkner & Mark Holmes (Southern), Non-Fonterra Reps: Vacant (South Island) and Rob Nixon (North Island), Darryn Anderson (Runanga/Fono Rep), Nici Benington (Women's Committee Rep)

NZCTU representatives:

*NZCTU Runanga Rep: Darryn Anderson
NZCTU Women's Rep: Nici Benington
Nat Affiliates Council Rep: Chris Flatt*

DWU Welfare Committee:

Frank Lancaster (Northern & Convenor), Christina Phillips (Waikato/BOP), Bernice Mills (Central), Ian Turner (Southern), and Sally Wilson (Co-ordinator)

DWU Women's Committee:

Nici Benington (Southern & Convenor), Renee Ormsby (Southern), LaVina Ireland & Iona Ngapera (Northern), Francie Cook & Camille Rondon (Waikato/BOP), Helen Rowe & Julie Bengston (Central), and Carne-S. Greenbank (Co-ordinator)

DWU Runanga/Fono:

Darryn Anderson (Central & Convenor), Rama Phillips (Central), Kim Phillips & Glenn Stirling (Northern), Karangi Jones & Tupaea Ahomiro (Waikato/BOP), Paetau Wynyard & David Hemopo (Southern), Andrew (AJ) Johnson (Pacific Island Rep), and Mark Apiata-Wade (Co-ordinator)

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Barry King—Five Decades in Dairy



This photo was taken at the Fonterra Takaka Site 2019 DWU AGM, where Barry was awarded his DWU Certificate of Service and DWU merchandise including a DWU jacket and pen. Pictured here from left; Tim Morgan (Fonterra Takaka DWU Site Delegate), Chris Flatt (DWU National Secretary), Barry King, Barrie Kanara (DWU National President), Barry's son Jason King (Fonterra Takaka DWU Transport Delegate), and Daniel Needham (DWU Upper South Regional Organiser).

In 2019, Barry King—a driver at the Fonterra Takaka site—celebrated 50 years of working in the Dairy Industry.

A well-attended Company event was held in April 2019 to celebrate Barry's 50 years of service. Barry started working in the dairy

industry when he was 16 at the Rockville Cheese Factory in Golden Bay. Other companies that he has worked at during these 50 years include the Collingwood Cheese Factory, the Golden Bay Dairy Company, Tasman Milk Products, and Kiwi.

As well as working as a tanker driver, Barry has been a cheese plant supervisor and cheese maker.

Barry's son, Jason King is also a tanker driver at the Fonterra Takaka site and is also the DWU Transport Delegate.

Farewell to Gwyn Stevenson

The DWU would like to wish Gwyn Stevenson the very best in his new role as an Organiser for the Etu Union, working from their Dunedin office. Gwyn started at the Gardian's Balclutha Site in 2012 and joined the DWU in the following year.

The site was purchased by Danone in 2014. As a DWU Site Delegate, Gwyn played a significant role in establishing the first Collective Employment Agreement (CEA) at the site. In 2016 he was elected as the South Island Non-Fonterra Representative on the DWU National Executive. We look forward to continuing to work with Gwyn on wider union movement issues in the Otago/Southland region.

Gwyn receiving his DWU Certificate of Service from DWU National Secretary, Chris Flatt (at Left) and DWU National President, Barrie Kanara (at Right).



This publication for the information of members of the NZ Dairy Workers Union Te Runanga Wai U ONLY