

**PLEASE DISPLAY ON YOUR WORKSITE UNION NOTICE BOARD FOR INFORMATION**

## **Sleepover Ban on Monday 29 March**

On Monday 29 March we start our first ban on sleepovers, with union members in residential facilities finishing work at 10 pm and coming back to work at 7am the next morning.

This ban is in addition to the continuing bans on non-essential paper work, using personal vehicles on IHC business and working more than 80 hours a fortnight.

IHC management have responded to the union ban by illegally telephoning union members asking them whether they will work sleepovers or not.

Any member who has been pressured into working need simply phone, text or e-mail their manager and tell them that due to the union ban they will not be working.

Even though we were not legally required to do so, the Union has given IHC a month's notice of this action so that they could make arrangements for the night time support of service users.

In some parts of the country IHC has asked relatives to take the service users back home for the night, but in other parts they are relying on management staff to cover.

**The law gives the absolute right of union members to refuse to cover for other members who are on strike.**

**Even if you are a manager or an administration worker you cannot be disciplined for refusing to strike break**



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**For more information call  
0800 UNION1 (0800 864 661)**

## **What are we fighting for?**

We are carrying out this action to impress on IHC that we are not going to accept a freeze on our wage rates and want our claim for 2% to be met in full.

The 2% increase will only take the CSW base rate up to \$14.48 per hour and is far less than we need, it keeps our wage rates up with the current 2% inflation rate.

For the last eight years we have worked with IHC to obtain greater funding from the Ministry of Health on the understanding that whatever percentage increase they received would be passed on to our members' wage rates.

While we still believe that disability support workers are underpaid, IHC has stuck to the pass-on deal.

This year they are determined to make a break with the past and have determined that transport, food, building and other costs are more important than their front line staff. They have refused to pass on the 2% increase they have received from the Ministry of Health (backdated to 1 July 2009).

We have not taken strike action against IHC for a long time, but unless we do something to break the wage freeze this year we may be stuck with frozen wages for a much longer period.

## **Mediators step in**

The Labour Department Mediation Service has stepped into the dispute and has organised a meeting between the Union Negotiating Team and IHC on Monday 29 March.

Should there be any wage offer from IHC this will be reported back to members to consider.

We are not confident of settling in mediation and so need to focus on the action.

If we do make progress we will put the action on hold, but until you hear otherwise it's all on!

## **IHC still refusing to pay sleepovers**

Despite an Employment Court ruling in December that IHC were liable to pay workers on sleepovers the minimum hourly rate of \$12.75/hour IHC have still done nothing to address the issue.

The Union has written to them on at least three occasions informing them that their non-payment is illegal and urging them to immediately commence paying our members on sleepovers the \$12.75 an hour.

Meanwhile IHC have filed a claim in the Court of Appeal seeking leave to have an appeal heard against the two aspects of the case:

- whether "sleeping over" is work and is covered by the Minimum Wages Act
- whether you are able to offset the above \$12.75/hour rates you get for your ordinary work on your sleepover hours to comply with the Minimum Wages Act through an averaging exercise.

The Union will be telling the Court that we do not agree that an appeal should be allowed because the two points are quite clear.

The leave to appeal case will be heard in the Court of Appeal in Wellington on 18 May.

**For more information call  
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**SFWU**  
Nga Ringa Tota