

NZEI TE RIU ROA

For Principals: Frequently Asked Questions About Strikes

Why are members considering industrial action?

NZEI Te Riu Roa members have decided that the collective agreement offers they have received do not sufficiently address their needs or the needs of ākonga. Primary and area school teachers, support staff in schools, kaiārahi i te reo and therapist members will be voting on whether to take strike action on 23 October for a full day.

A strike is one of the most powerful actions union members can take together to pressure the Government (and alert the public to the issues) during collective agreement negotiations. Members don't want to strike, but past experiences tell us that striking is sometimes needed to put pressure on the Government to address members' claims.

What is a strike?

When a collective agreement is being negotiated, employees covered by that agreement can take strike action to put pressure on their employer. A strike involves stopping all or part of your normal work for a defined period of time.

A partial strike is when you reduce the normal performance of your duties. Some examples of this would be teachers refusing to attend after-school meetings, not writing reports, only teaching certain age groups or only teaching from 10am – 2pm.

To go on a strike related to the bargaining of a collective agreement, a majority of members must vote in favour of the strike action via a secret ballot.

Is it legal to strike?

Yes, it's legal to strike if you're a union member covered by an applicable agreement and if certain requirements are met.

To strike over the bargaining of a collective agreement, at least one of the existing collective agreements must have expired and the parties must have begun bargaining at least 40 days prior (the clock starts when the notice to initiate bargaining is issued).

Right now, each of the collective agreements (SSSCA, KRTCA, PTCA and ASTCA) have expired, and the different members have been in collective bargaining for more than 40 days.

This is when the different member groups began bargaining:

- Support staff in schools – 20 October 2024
- Kaiārahi i te reo and therapists – 20 October 2024
- Primary teachers' collective agreement – 8 May 2025

- Area school teachers – 14 May 2025

What is the process for going on strike?

NZEI Te Riu Roa members covered by relevant collective agreements vote via secret ballots on whether to strike. A ballot is done for each collective agreement group. The majority of votes must be in favour in order for the members covered by each agreement to go ahead with a strike.

NZEI Te Riu Roa will use an external organisation to carry out the vote in order to maintain the integrity of the ballot.

If members vote to strike, NZEI Te Riu Roa is required to provide written notice of the strike to the Public Service Commissioner, school boards, and Chief Executive, MBIE (the notice won't list names).

The notice will include when the strike will start and end, where it will occur, whether it will be continuous and the nature of the strike (e.g. complete cessation of all work).

Do I have to pay striking staff?

Employers do not have to pay staff for the period they are on strike. In order to withhold pay, the Public Service Commissioner/Secretary for Education (who essentially takes on the role of employer) can suspend striking employees for the duration of the strike.

The suspension lasts until the end of the strike (unless the employer stops it earlier), but it doesn't break the employees' service.

Employers can also suspend non-striking employees until the strike ends, if the work they normally do is not available because of the strike. The employer doesn't have to pay them during the suspension, but their service is continuous.

In the school sector, union members covered by the strike action are deemed, by default, to be taking part in a strike unless the school has advised the Public Service Commissioner that an employee did not take part.

The Ministry of Education will provide schools with further information about this.

Do non-union members strike?

If employees are not members of NZEI Te Riu Roa, they cannot strike and must continue to work.

What about tamariki?

Every one of your employees would rather be with ākonga, but educators who consider strikes are not only thinking of themselves but of tamariki. Fair pay and conditions attract and retain great people in education. If educators are paid an amount that fairly recognises their highly skilled and complex work, everyone wins.

Still, strike action will cause inconvenience to whānau and communities, as well as employers. We know that members have strong support from communities though – they want more investment in education!

A good way to talk to whānau and the community about why we're taking strike action is to talk to them about the [Kimi Haeata I Back Our Future petition and ask them to sign](#).

If a strike closes our school, do we have to make up that day at the end of the year?

No. If a school needs to close as the result of a strike, the school is not required to make up the day by keeping their school open for longer at the end of the year. There is a special rule that applies in these circumstances that deems the school to be open for instruction even though the school is in fact closed.

How will pay deductions work for full-time teachers?

The Ministry of Education has been calculating the deduction based on the 365-day pay cycle that primary teachers are paid on. By striking for a day, a full-time primary teacher will lose 1/365th of their annual salary (or 1/14th of their fortnightly salary). Deductions will also be made for teachers' ongoing allowances i.e. units, allowances, Māori immersion allowance, mentor teacher allowance, leadership payments, Pacific bilingual and immersion teaching allowance, etc. The calculation for these works in much the same way as the salary deduction, so teachers would lose 1/365th of the annual value of the unit or allowance.

How will pay deductions work for part-time teachers?

A part-time teacher who is not scheduled to work at all on a strike day should not lose any pay. (They are not on strike if they were never expected to work in the first place.) If they were scheduled to work, their employer will be asked to confirm to the Ministry how many hours out of a possible five contact hours they were supposed to be working. If they were expected to work a full five contact hours working day, it is likely that their strike deduction will be for the same amount as it would be for a full-time teacher. If they were scheduled to work for less than five contact hours, a pro-rated deduction will be made.

How will pay deductions work for support staff that are annualised?

Annualisation means pay is spread out evenly over the whole year, even though support staff may be employed during term-time only. Instead of getting paid only during term time, they get paid every week, all year — even in the holidays. Because their pay is spread out like this, their weekly pay is less, but they get regular pay every week, including during term breaks.

If the strike falls on a day that would normally be a working day for support staff during term time, then their pay may be reduced by 1/365th of their annual pay for that week.

If they are part-time and annualised, and the strike falls on a day that would not normally be a working day for them during term time, then their pay should not be affected.

What if staff are on leave on strike day?

If any of your staff are on leave on a strike day, e.g. because a staff member is recovering from surgery and is on sick leave, they will be paid as usual. The reason for this is that the employee had already withdrawn their labour for a different reason (and accordingly they are not on strike). This does not mean, however, staff can take sick leave to strike and get paid.

There are certain situations (school camps, major weather events), where a school could apply for exemption, but this will be treated on a case-by-case basis. If you need help with this, call your union's Principal's Helpline on 0508 PRINCIPAL (0508-774-624-725).