

Frequently Asked Questions about strike action

Why is a strike being proposed?

The negotiation teams have had a clear message from the Ministry that the previous offers were the best offer they could make at the time given their financial parameters. Members have decided that the offers did not sufficiently address their needs or the needs of their ākonga. Our negotiation teams believe that industrial action is the best way to get our issues addressed by putting pressure on the government to make more resources available to meet members' needs. A strike is the strongest action union members can take together in support of their collective agreement claims. Many members at paid union meetings in late 2022 called for strike action. A strike crystallises, for our communities and for decision makers, that we are absolutely serious about the need for change. NZEI Te Riu Roa members have taken strike action in the past and have succeeded in making change. This has particularly been the case when members gain the understanding and support of parents for the action.

What is a strike?

A strike is an industrial action where members of a union agree to stop work completely or partially or reduce their normal work or break their employment agreements in some way as a collective action.

Where a strike action (or industrial action) relates to the bargaining of a collective agreement, it is subject to a secret ballot vote by the members of this respective collective agreement.

What is the process for going on strike?

If the majority of members covered by a collective agreement vote NO on an offer to settle a collective agreement, the National Executive of NZEI Te Riu Roa may decide whether to hold a secret ballot for a strike by all members covered by this collective agreement.

The majority of members who vote in the strike ballot must vote in favour of the strike action for the strike to be able to lawfully proceed.

If members vote to strike, we will notify the relevant employers of this outcome in line with the legislative requirements.

What about members affected by Cyclone Gabrielle in Hawke's Bay and Tairāwhiti?

We recognise that industrial action may not be possible for some members living in Hawke's Bay and Tairāwhiti. If the decision is made to take strike action, we will make an exemption process available to members in the affected regions. Members at these worksites could then decide that they cannot take strike action and ask the worksite rep to seek exemption for the worksite. Worksite reps and principals will be emailed details about the exemption process shortly after the result of the ballot is known. Our National Executive has also made a \$15,000 donation to the Red Cross relief fund to support our communities and stand by our members affected by the cyclone.

I am in the Hawke's Bay/Tairāwhiti and my worksite has been granted an exemption from the strike. Will I get paid if I work on strike day?

Yes. We will share the worksite strike exemptions we grant to cyclone-affected schools/kura with the Ministry of Education and we have the Ministry's agreement that they will be honoured. Nevertheless, we recommend that your worksite also fills out the standard Ministry of Education

form to indicate that you and your colleagues are not striking. This form will be sent to you in the coming days.

Can I be fired if I go on strike?

No. Strike action is a right you have as an employee under the law.

You cannot be penalised for taking industrial action.

Is going on strike legal?

Yes. So long as the legal requirements for a lawful strike are met, it is lawful for you to go on strike. Please note that you cannot 'sympathy-strike' for a collective agreement that you are not yourself covered by.

However, as members negotiating your collective agreement at the moment, you are allowed to strike.

Will I be paid if a strike goes ahead?

No. Employers do not have to pay you while you are on strike.

Do all members have to go on strike?

The success of any strike depends on the conviction and commitment of members.

It is the result of a democratic decision taken by secret ballot, and so if the majority support the strikes, it binds all members of the collective agreement.

If you are a member who voted against going on strike, you will nevertheless be covered by the strike notice and the expectation is that you will be on strike.

What might the employers do if we strike?

The employers may 'lockout' employees who have voted to strike. This is an 'employer's strike'. They may do this by:

closing, suspending or discontinuing their business (or part of it)

breaking some or part of the Collective Agreement

not giving employees their usual work, or

suspending employees.

To be a lockout, this action must be done to try to make their employees (or to help another employer make their employees) accept terms of employment or comply with their demands.

However, there has never been a successful lockout in the education sector.

Suspension of striking employees

In order to not pay employees who are on strike, the employer may suspend striking employees.

The suspension lasts until the end of the strike (unless the employer stops it earlier), but it doesn't break the employee's service. A suspended employee keeps being a party to the strike.

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 while they're suspended but their service is continuous.

In the school sector, union members covered by the strike action are by default deemed to take part in the strike unless the school has advised the Public Service Commissioner that the employee did not take part in the strike. The Ministry of Education will provide schools with further information about this.

What about non-members?

If you are not a member of NZEI Te Riu Roa you are not on strike and must continue at work.

NZEI Te Riu Roa welcomes new members, and we encourage you to talk to your colleagues about joining us. You can join NZEI TRR at this link: <https://www.nzeiteriuroa.org.nz/join>

What if I am part-time, and the strike is outside my working days or hours?

This means you will not have to sacrifice a day of pay as you are technically not on strike. You can still join any collective action occurring on strike day, and your participation will build the power of that action.

My employer is trying to talk to me about strikes, what should I do?

Your employer, or a representative of your employer should not be trying to talk to you about strikes, or any other element of the collective bargaining, as this falls outside of good faith.

If your employer attempts to discuss this with you, you should advise them that you do not wish to discuss the matter, refer them directly to the NZEI Te Riu Roa hotline and let your field officer know!

Can NZEI Te Riu Roa support me if a strike will cause my whānau hardship?

NZEI Te Riu Roa is an incorporated society so cannot legally make payments to members. Some branches and worksites will consider how they can support members in hardship.

What about tamariki?

Teachers have strong support from communities for more investment in education – we continue to need the support of parents and whānau!

Strike action is likely to cause some inconvenience to whānau and communities, as well as the employers. Members should not take this decision lightly and must continue to work with families to ensure their ongoing support and understanding.

Our goals should be that families and tamariki feel they can support and participate in collective action alongside teachers, because teachers' working conditions are children's learning conditions.

We will design some activities to help involve communities, and we already have some resources to help you discuss PUMs and strikes with whānau.

Q. Do support staff get paid if teachers are on strike?

Yes, if they normally work on that day. A strike by teachers and principals would not affect support staff so they should be paid even if the school is closed. If it is not and they are required to work they should also be paid. They should not however do the work of a striking teacher member.

