



TEU

TE HAUTŪ KAHURANGI
TERTIARY EDUCATION UNION

FAQs ABOUT STRIKE ACTION

Legal reasons for a strike

Under the Employment Relations Act [ERA] the only two reasons that a strike can legally occur are:

1. For a collective agreement that has expired but is in force while bargaining continues;
2. or if it is justified on health and safety grounds.

Only the Union can call a strike – we have now called a strike.

Members covered, or proposed to be covered, by a collective agreement that is in negotiation can take part in strike action. We have held a secret ballot to vote for this strike action as per the ERA, the majority of members covered by your collective agreement have voted to strike.

Striking is a collective action

Striking is a right we have as union members, under Part 8 of the Employment Relations Act.

Being part of a democratic union means taking collective responsibility for decisions that affect us all. Strong member participation is crucial to achieving the outcomes we are negotiating for.

Members have voted in favour of action; when the Union calls a strike, all members participate in the strike action. While you're on strike, all work stops, including classes, emails, marking or working from home.

Union members should tell affected students on the strike day why we are on strike: our working conditions are students' learning conditions.

If I go on strike, can my salary be deducted, and if so, by how much?

Yes, an employer can legally deduct the salary of any striking employee. But they must give written notice of any deductions by suspending workers party to strike action. The amount deducted will only be for the period specified in the strike notice given to the employer from the union.

Where the type of strike action undertaken is a partial strike, an employer can only make a partial deduction of salary.

If losing pay would cause financial hardship, contact your organiser about accessing TEU's fighting fund.

Can my manager or employer put pressure on me not to strike?

You are acting lawfully and exercising your legal rights in terms of S81 of the Employment Relations Act 2000. You are joining hundreds of members that are also on strike. It is unlawful to be pressured to work while on strike and your union will support you. Reach out to your organiser.

If I have no formal teaching assignments on the day of the strike, does that mean I should get paid?

No, your pay may be deducted if the employer deems that you are participating in strike action.

I am part-time or casual or on leave, can I go on strike?

We are stronger together, all members should support strike activities and actions. If you are a part-time or casual employee and the day of the strike is not an ordinary day of work, then your attendance at the strike is on a day off and the employer should not be making deductions from your pay.

If you are on a form of leave such as annual leave, you can attend a strike, your attendance at the strike is on a day off and the employer should not be making deductions from your pay.

Can my employer direct me to make up lost time?

No. You are not legally obliged to make up time, nor can you be directed to do so. If your employer decides to suspend your pay during the strike, the work you do would be unpaid.

What actions in support of a strike will be happening on strike days?

There will be organised actions on the strike day. All striking members are expected to participate to support the union's claims. Further details of action will be circulated to members.

What about non-union staff who may be contributing to a class on a strike day, eg non-union lecturers/tutors or student demonstrators?

Non-union staff will continue to work during the strike. These staff may still contribute to the class session, but they must not take on the duties of union members on strike. If they are uncertain about whether a class will be held during a strike, they should contact management. Better still, they should join the union and join the strike.

Do I need to supply my name to my manager or employer to inform them I'm on strike?

No, it is for the employer to determine how it intends to monitor the strike and deduct pay. However, any reasonable instruction from the employer should be followed. If, for example, you were formally requested to advise whether you were on strike you should answer this question. You cannot receive disciplinary action for your participation.

TEU SUPPORT FOR STRIKING WORKERS

Any TEU member who suffers severe hardship as a result of loss of salary arising from strike action may make an application for support from the TEU Fighting Fund up to \$150 per day and \$750 over five days.

The application, with details of the hardship caused should be sent to Te Pou Ahurei | National Secretary Amy Ross, strikefund@teu.ac.nz.

Any application will be considered following the criteria in the TEU Fighting Fund policy.

Kia kaha,

Daniel F Benson-Guiiu, Te Pou Ahureu Takirua - Ahumahi | Assistant National Secretary - Industrial