

Frequently Asked Questions re Merger

Introduction :

At the request of TEU members' at Bay of Plenty Polytechnic and Waiariki Polytechnic, the TEU has prepared this initial document about their employment rights , if a proposal to merger or create, a new entity proceeds. It is recognised that discussions about any merger or new entity are at an early stage and no formal consultation process has occurred to date.

What will happen to my position if the proposed merger goes ahead?

If the merger goes ahead on a specified date your current employer has advised TEU that you will be offered employment by the new employer and your employment will continue.

Am I entitled to the severance/redundancy payment under the collective agreement because my current employer has changed?

No – under the collective agreement there is a clause on Technical Redundancy – This means that if you are employed on existing terms and conditions of employment on the same or similar conditions you would not be entitled to redundancy/severance payments.

Where in my employment agreement does it say that my employment can be transferred on the same terms and conditions, and that if I fail to accept an offer of employment, I will not receive redundancy?

There are clauses in the collective agreements that deal with this matter and this is now as a “technical redundancy” These are as follows:

- The Bay of Plenty Polytechnic Academic Staff Members Collective Agreement – *clause 10.8 Surplus Staffing in Relation to Sale, Merger or Transfer*
- The Waiariki Academic Staff Members Collective Agreement *clause 11.8 Employment Protection Provisions and sub clause 11.8.6 Implications for redundancy compensation of elect to transfer*

What does “existing terms and conditions of employment” mean?

Existing terms and conditions of employment means the Polytechnic (the possible new employer) needs to be offering the same terms and conditions as you currently have with the Polytechnic This means that at the date of merger your salary will not change; your hours of work will remain the same; you will continue to receive superannuation if this is currently a benefit you receive; and the terms specified in your current employment agreement will continue to apply but with the new employer as the party to the collective agreement

What will happen to our current collective agreement?

Possible Merger – Bay of Plenty Polytechnic and Waiariki Polytechnic
Questions and Answers Number 1 - 30 June 2015

TEU is discussing this with your current employer. The proposal is for your current collective agreement to remain in force with the new employer during an agreed transitional period. This will enable the parties' to discuss the long term approach for the collective agreements. The key message that the TEU has had from your employer is that they want stability for current staff.

What does "continuity of service" mean?

This means that your start date with the polytechnic will transfer to the new employer's records. This also means that any leave or entitlements that are based on service will recognise your employment with the polytechnic

Will my job change in the future?

As is the situation now the employer can initiate a change proposal to review staffing and work practices – this could happen under any proposed new employer. The normal consultation provisions of your collective agreement would apply.

Once we have a clearer understanding of what any proposal for merger would be we will be able to provide more information about questions you will have regarding your employment rights during this process.

If you have any other questions please contact your organiser, Jane Adams at jane.adams@teu.ac.nz or (09) 815 8029 Mob: 0274 387 254