



PPTA TE WEHENGARUA ANNUAL CONFERENCE 2020

REMOTE VOTING

ANNUAL CONFERENCE REPORT



RECOMMENDATIONS

1. That the report is received.

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1. INTRODUCTION

- 1.1 The following resolution passed in general business at the 2019 PPTA Annual Conference:
“THAT PPTA investigate methods of allowing remote voting for those members who, for genuine reasons, are unable to attend a paid union meeting in person, provided that proxy votes be always disallowed.”

2. METHODS

- 2.1 At a practical level, it is possible for the Association to provide remote voting systems. The e-voting system Electionz was used for an industrial action ballot in May 2019 and the membership database Stratum also has an e-voting add-on.

3. RISKS

3.1 Legal

There are a number of legal risks in giving members the ability to vote remotely on matters that are being discussed or voted upon at paid union meetings (PUMs).

PPTA would need to ensure that the members voting remotely on the matter have exactly the same information as those voting at the paid union meeting. This is likely to be difficult and creates risks.

There is a real and potentially significant legal risk of breach of good faith claims by members against the union if members can vote remotely without being present at a paid union meeting, where there is a difference in information provided to different members. It is likely to be very difficult to ensure those wishing to vote remotely get the same information, as there is normally a presentation, discussion, questions and answers at a paid union meeting.

There have been a few claims taken by members against their union where an issue has arisen out of what they thought they were ratifying or what information they had at the time they voted on a settlement of a collective agreement.

For example in *Nathan Peter Frahm V New Zealand Dairy Workers Union Te Runanga Wai U Inc [2013]* the member claimed that there was a breach of good faith, namely that “DWU officials made statements that either mislead, or were likely to mislead, members voting on the terms of a prospective collective agreement during ratification meetings. He says it was deliberate.” On the facts of that particular case the Authority found that there was no deliberate breach of good faith.

There have also been cases where there was a breach of good faith claim against the union by the employer for what was allegedly said in ratification meetings.¹

¹ New Zealand Public Service Association Inc v Chief Executive in respect of the Ministry of Agriculture and Forestry ERA 8/12/2005.

3.2 Engagement

Members will have views on whether allowing remote voting would have a positive or negative impact on member engagement. In other words, would allowing remote voting encourage a lower participation rate in face-to-face paid union meetings because an option of not attending exists?

The Kaikōura High School branch and Canterbury region of the Association currently operate a model that other regions and branches may be interested in. A video conference platform is used to allow Kaikōura branch members to join the Christchurch-based meeting. This removes the need to drive long distances in both directions, while being able to hear the same speech, participate in debate and ask questions. An image of the branch voting summary is then sent by email to scrutineers in Christchurch. This method removes many of the legal risks canvassed in section 3.1, as members are in receipt of the same information before voting.

3.3 Administration

Allowing for remote voting would increase the administration involved in running paid union meetings. For example, there would need to be a reconciliation of who has voted in person against those opting to vote remotely. Moreover, vote counting often occurs under time pressure, especially when the ballot relates to the ratification of a collective agreement. Members need to weigh up the ability to vote remotely against the additional time that would be required to announce ballot results.