

Delegate Training



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The Purpose of this Booklet

The intention of this booklet is to provide a basic and quick overview of Trade Unions, NUPE, the role of the delegate and some legislation which could be useful in overcoming basic issues and problems at work.

Organising Collectively – Solidarity and Strength

When you get organised collectively you are acknowledging that within your workplace, sector or the “global economy” there are groups and agendas whose interests and power are working against your interests.

No-one understands this better than employers. Employers are some of the most organised and well-resourced groups in the country. They belong to Federated Farmers, Employers Federation, Chambers of Commerce, the Business Round Table, Business New Zealand etc and their membership of ‘unions’ proportionately far exceeds that of workers who belong to trade unions.

Despite the partnership rhetoric and dominant view within business, workers interests do not directly overlap with those of their employers. Even the issues that are of mutual interest are not common interests for the same aim or purpose. For example, workers want pay systems so as to improve their wages and conditions. Employers want pay systems to have predictability and to buy labour at the cheapest price so as to maximise profit.

Workers in real terms have more in common with each other than they do with the employer, yet they are constantly asked to see their circumstances predominantly from the perspective of their employer as though a workers viewpoint and interests are not a legitimate aspect of our social and economic framework.

Paid employment is one of the most significant aspects of the majority of our lives, yet in real terms very few workers understand the dynamics of their employment relationships and their rights, or how to make the most of their interests and a share of what they generate within the employment relationship, whether that be profits or community services or support.

What are Trade Unions?

A trade union is an organization of workers who have united together to achieve common goals such



as protecting the integrity of their trade, achieving higher pay and benefits such as health care and retirement, safety standards, and better working conditions. The trade union, through its leadership, bargains with the employer on behalf of union members (rank and file members) and negotiates labour contracts (collective bargaining) with employers. The most common purpose of these associations or unions is

"maintaining or improving the conditions of their employment". This may include the negotiation of wages, work rules, complaint procedures, rules governing hiring, firing and promotion of workers, benefits, workplace safety and policies.

The agreements negotiated by a union are binding on the rank and file members and the employer and in some cases on other non-member workers. Trade unions traditionally have a constitution which details the governance of their bargaining unit and also have governance at various levels of government depending on the industry that binds them legally to their negotiations and functioning.

NUPE – The History and Philosophy of our Union

NUPE Philosophy, Expertise and Democratic Structure

- NUPE was formed in 1992 as an alternative public sector union, initially in the Health Sector. Since then NUPE has grown substantially with members in public sector agencies, ministries and departments from Auckland to Invercargill. We also represent members across the country in a variety of health and community agencies, including DHBs and Non-Governmental Organisations (NGOs).



Social Justice and a Commitment to Collectivism and Fair Representation of all members

- NUPE has a commitment to social justice and a belief in the principles of collectivism to ensure the fair and reasonable treatment of all our members in their employment. NUPE believes that only by standing together will workers be able to protect and improve their rights and conditions.

Valuing the ongoing Employment Relationship and focusing time, energy and resources to members needs

- NUPE seeks to ensure that organisers use their expertise and experience to support members on employment matters with their employer. Organisers are available to advise and represent NUPE members to achieve the best possible outcomes, while recognising the significance of an ongoing employment relationship.
- NUPE will ensure will we represent the members issue to their employer. NUPE will cooperate with the employer to progress the concern/issue.

Co-operation without Compromise

- NUPE will not compromise the advocacy of the issue being presented. NUPE's philosophy can be summed up by the phrase '**Cooperation without Compromise**' – Your issue will get presented to be heard we will not compromise on advocating your issue. NUPE will work very hard to get the best resolution for you.

NUPE Organisation and Structure

National Executive from Elected Delegates Oversees the Activities of Union staff and Policy Development

- The activities of the Union Secretary and Organisers are overseen by the National Executive whose function is to uphold the Constitution of the Union and oversee the affairs of the union between the Annual General Meetings. The Executive Committee meetings are held quarterly or as required. The Secretary is responsible for implementing the policy decisions of the Executive and running the day to day affairs of the Union.
- The Executive Committee is comprised of one member from an employment unit. The employment unit may be more than one employer group but will result in 1 representative for every 100 members or part thereof. The office bearers of the Union include the Secretary (an appointed position) and The Convenor, Deputy Convenor and Treasurer which are all elected positions of the Executive. If you are interested in being on the Executive or would like to know more please contact the Union Office.



**Janice Gemmell,
NUPE Secretary**

Joining NUPE

A worker in NUPE's coverage can apply to join NUPE. As soon as NUPE receives a membership form from a new member we will represent them. Membership forms are available from the NUPE office.

If a new member has joined but already has an employment problem then please contact the Organiser to discuss this.

The Organiser – Roles and Responsibilities



**Janice Gemmell
Lead Organiser**



**Les Bryce
Organiser**



**Quentin Findlay
Organiser**

NUPE's organisers are paid employees of the Union.

The organiser's role is:

- To be Accessible and responsive to the NUPE members.
- To be Available to Represent Members in their employment matters with their employer.

- To be Available to advise and support membership in individual employment matters
- To provide support and advice when there is organisational change.
- To Advocate Collective Employment Agreements.
- To Advocate at Mediation and the Employment Relations Authority.
- To Recruit New Members

It is expected that the Organiser will have a good working relationship with all the delegates in their portfolio groups.

The Delegate – Roles and Responsibilities

Delegates are elected or appointed by their Union colleagues at their workplace. They act as the Union's representative on site. They are often the first point of contact for members with the union and are usually the person members / staff come to if they have an employment problem or need advice.



The Delegate is the person that union members come to when they believe they have a problem or difficulty at work. The Delegate will work with the member to provide support, to either fix the problem or to help the member understand their rights and obligations.

If the problem is too serious, or if the advice is too complex, the Delegate will ensure that members are put in touch with the Organiser.

In some workplaces the Union might have negotiated that Delegates are entitled to additional benefits, such as time off work to conduct interviews and hold meetings etc.

NUPE does aim to negotiate union benefits for delegates in workplaces and or in the Collective Employment Agreement.

A Delegate's key tasks:

- **Being identifiable to members** and acting as a first point of contact in the event of their questions or issues in workplace matters.

If a member wants a Delegate involved in a matter, and the delegate feels unsure about getting involved or they don't know if they can help, the Delegate should contact the Organiser.

- **Distributing union material and information / keeping members updated on Union News**

NUPE will produce quarterly newsletters and the Organiser will put out regular e mail updates (where possible). The Delegate may be asked to distribute this information to their workmates and talk about any issues that arise.

- **Ensuring union notices are pinned up in the workplace and kept up to date.**

Many workplaces have union notice boards. The Delegate is expected to maintain the information on notice boards, and get rid of any outdated fact sheets/pamphlets.

- **Attend Orientation:** It is great if you can attend the orientation of new employees. At the orientation the delegate will tell new employees a bit about NUPE and the value of joining NUPE at their worksite.
- **Introduce** yourself to new staff as the union delegate in your work area. Delegates have a conversation with new workers, identify if they are union members, and if not, ask them to join.
- **Establish a regular link with the NUPE Office to get up to date membership details.** Often the Office is not aware of changes a regular link helps ensure our records are up to date.
- **Have a copy of your Collective Employment Agreement** – get familiar with this agreement.
- **Encourage and develop** a collective perspective on issues and for Collective bargaining.
- **Attend Union /Management meetings,** represent members views to management
- **Attend meetings and advocate (as required)** for members on low level employment concerns. (Note if the matter is disciplinary then contact the relevant union organiser prior to any meeting as the Organiser may attend)
- **Link the member** with their Organiser as required
- **Informing the Health and Safety Committees** in your workplace about current or potential risks issues. Your workplace may have committees set up to deal with Health and Safety. Delegates are expected to either directly participate in these committees, or notify them and the Organiser of issues that come to either their or their members' attention.
- **Larger worksites** may call (either occasionally or regularly) union meetings for Delegates. These meetings may be information or campaign updates, or general Union site maintenance meetings.
- **Make sure NUPE is seen and is active across your site and assist members when they ask for help:**

Experienced Delegate's key tasks:

The longer Delegates spend in their role, the more accustomed they get to the complexity of the collective agreement and their workplace's custom and practice. Experience in dealing with matters brings knowledge.

Experienced Delegates can liaise with and talk to members about the Union's work on a variety of workplace issues. This includes listening to what members say, correcting rumours or misunderstandings, and providing information to members about offers or concessions.

The experienced Delegate keeps an eye on workplace decisions and the conditions of workers, particularly after a formally agreed change.

The first point of contact if any situation arises should be with your delegate. Delegates can provide basic support if necessary. If the situation is more complicated then you should contact your organiser.

What delegates do not do?

- Delegates are not required to be all things to all the membership.
- Delegates are not required to be taking calls and concerns about work at home in their own time.
- Delegates are not required to represent members in disciplinary matters unless there has been involvement with the organiser on that matter. Delegates do have a status and if they are attending a meeting in an official capacity and agree on matters outside of their understanding it can complicate any legal process later if the union is challenging a matter.
- Delegates are not lawyers and must not represent members as though they were.

Delegates are not on their own and if in doubt or uncertain on any matter should contact their Organiser for advice and support at the earliest stage email is great for this.

Organising a Meeting with Your Employer/Manager

Occasionally, you might be asked to arrange or attend a meeting with your employer or manager. Remember that presentation and planning are critical for successful negotiation and representation.

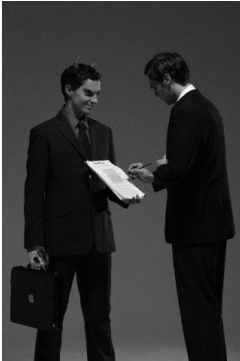
Make sure that you have –

- Clear objectives. Ask yourself what do you want to achieve?
- Workplace support. Your colleagues and you have discussed this matter and are in agreement with your objectives
- All the relevant facts – use the experience and knowledge of the members in your workplace
- The key arguments of your case
- Anticipate management's response. If you know their argument this will help you prepare your argument to counter it
- A fall-back position or second option

You might consider letting your employer or manager know about the issues you want to discuss prior to any meeting. This can help speed up the process and avoids the response, "We need to think about this." It also allows you to set the agenda of the meeting.

If the issue is too large or complex then adjourn the meeting and seek advice from your Organiser. Don't get in over your head.

Employment Agreements



Under the Employment Relations Act 2000, there are two types of employment agreements. These are individual employment agreements and collective agreements. Individual employment agreements are negotiated between an individual and their employer, and bind only those parties.

Collective agreements are negotiated between a registered union and an employer. A collective agreement will only be binding on employees who are members of the union and whose positions are covered by the coverage clause of the collective agreement.

An employment agreement sets out the terms and conditions of your job. Under the law, your employer must provide you with a written employment agreement, no matter what kind of job you do.

Collective Employment Agreement

A collective employment agreement (CEA) is an agreement negotiated "collectively" between management (on behalf of the company) and unions (on behalf of employees who are in the Union). The collective agreement regulates the terms and conditions of employees in their workplace, their duties and the duties of the employer. It is usually the result of a process of collective bargaining between an employer (or a number of employers) and a trade union representing workers. The objective of collective bargaining is to establish or renew a collective employment agreement.

A Collective Agreement must comply with a number of legal requirements.

It must:

- Identify who is covered by the agreement — this is the “coverage clause”
- Include a plain language explanation of the services available to sort out any future employment relations problems
- Include a clause stating how the agreement can be changed
- Include the expiry date (or the event that will trigger expiry)
- Include a provision that complies with the Holidays Act 2003 requirement for employees to be paid at least time and a half for work on public holidays.

In most cases, it must also include a provision setting out how the employer will protect his employees if the business is sold or contracted out.

When a new Employee starts they go onto an Individual Employment Agreement based on the Collective Employment Agreement.(CEA)

If a CEA is in operation in a workplace then the Employment Relations Act 2000 stipulates that at the end of a month of employment workers must be offered the choice of whether they wish to continue on an Individual Agreement based on the Collective or join a Union and be represented

under the terms of the Collective Agreement. The new employee can join the union at any time either before the end of the month or later.

An Individual Employment Agreement (IEA) is negotiated between an individual and their employer, and binds only those parties. An IEA regulates the terms and conditions of employees in their workplace, their duties and the duties of the employer. Those on an IEA can choose to join the Collective Agreement at any time if the Collective Agreement covers the type of work they do.

What if there is more than one Collective Employment Agreement on Site?

In many of the worksites that NUPE is present there is more than one union. The staff at these worksites have choice in their union representation. If this is the situation at your worksite then please ensure new employees understand they have choice and understand what makes NUPE different to other unions on site.

If a staff member is with another Union and they want to change representation then they can do this at any time. The staff member should resign from their current union by writing to the Union and advising them they are leaving. If the Union fee deductions are arranged through payroll then they should advise their payroll that they are leaving that union and tell payroll to cease the union membership fees to that union. The staff member can complete the NUPE membership form and send this to the NUPE office. These actions are straight forward and can occur at the same time.

The staff member changing to NUPE will be fully represented by NUPE from the time NUPE receives their membership form. If this staff member has left the other union when there is a current Collective agreement in place for that Union then they will be represented by NUPE but they will remain on the other Collective terms and conditions until that agreement expires.

Delegates or new members unsure on this can contact their Organiser for clarification.