



co-operation without compromise

A newsletter for NUPE members at IDSS

# NUPE NEWS

AUGUST 2011

## **DHB PROPOSES TRUST OR OUTSIDE PROVIDER**

At meetings called on 22 August, staff at IDSS were asked to comment on a proposal that the NMDHB exit from the provision of residential and day support services for DSS.

Questions for Members:

Would a Trust or Outside Provider be better than the Status Quo?

If so, which is the better option – Trust or Outside provider?

Do we support DSS pursuing adequate funding from MOH for the 50 clients on level one since the service started - using actions including threatening to exit the service?

Response required by DSS on Friday 23 September.

NUPE Members Meeting 10.30 to 11.30am on Thursday 22 September. Venue to come

### **IF THE PROPOSAL WENT AHEAD, HOW WOULD THIS AFFECT MEMBERS' JOBS?**

If the Trust was properly funded (see above) and the whole service was transferred, our Collective Agreement covers this possibility with the following clause: (25.3.12 to 25.3.23)

*"Where the employee's employment is being terminated by the employer by reason of the sale or transfer of the whole or part of the employer's business, nothing in this agreement shall require the employer to pay compensation for redundancy to the employee if:*

*The person acquiring the business or the part being sold or transferred -*

*has offered the employee employment in the business or the part being sold or transferred, and*

*has agreed to treat service with the employer as if it were service with that person and as if it were continuous, and*

*The conditions of employment offered to the employee by the person acquiring the business or the part of the business being sold or transferred are the same as, or are no less favourable than, the employee's conditions of employment, including:*

*any service related conditions; and*

*any conditions relating to redundancy; and*

*any conditions relating to superannuation.*

*under the employment being terminated; and*

*The offer of employment by the person acquiring the business or part of the business being sold or transferred is an offer to employ the employee in that business or part of the business either;*

*in the same capacity as that in which the employee was employed by the employer, or*

*in any capacity that the employee is willing to accept."*

These words provide certainty that DSS employees remain on the same conditions as now if you were to move to the new Trust (or provider). However our experience of such changes is that it is not always that simple. Please attend the above meeting to put your views forward.

**Martin and Shirley**

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