

Autumn/Winter 2021



NUPE News

nupe

*national union of
public employees*

cooperation without compromise

From the Secretary's Desk

Kia Ora NUPE Whanau,

We are now only 2 weeks away from July. I cannot believe how quickly the year is progressing!!!!!! There is so much going on across many of our groups and it has been and will continue to be a busy time.



Janice Gemmell—NUPE Secretary

NUPE has members at the Border and in the MIQ facilities these are our AVSEC members. Most of these members have had (or are having) the vaccination rolled out. For some who have not been vaccinated there is a process NUPE will support them through. The MIQ workers must be vaccinated because they are considered in a high risk area and those members have moved into the wider AVSEC work. The next Health Order may cover all Border workers so the compulsory requirements may extend into those areas. AVSEC will have to demonstrate why the risk assessment shows such a high risk to require compulsory vaccinations if the Health Order does not extend to cover them. Across the wider public sector there is not a requirement for compulsory vaccination although the Public Service Commission is encouraging vaccinations. The NUPE Organisers are now in the process of receiving their vaccinations.

Other busy areas include the public sector bargaining and those affected by the recent freeze type arrangements from the government. In addition, we have an extraordinary number of disciplinary processes happening across certain public sector groups. We are struggling to find good leadership in some agencies – despite being paid a lot of money some managers are not problem solvers – so all very challenging.

NUPE has led the way to put pressure on to achieve a Pay Equity Process for Probation Officers. Quentin really pushed for this and initially it seemed unlikely because originally Probation Officer Work was largely done by men. Pay Equity is about the anomalies regarding female dominated work that is paid less than male dominated work despite the skills etc required to do the role. Probation Officer work is now largely done by women and is behind in pay in NUPE's view. This claim was accepted, and NUPE has agreed to join with the PSA to be part of the Pay

Equity Claim for this group. In addition, we have pay equity claims for Clerical / Admin / support roles. These claims are all in addition to and separate from bargaining.

Before Christmas we put a survey out across the membership regarding the possibility of affiliating to the CTU for 1 to 2 years. We would review this across the membership again at the end of that time. The response was to join for this initial time and pay fees out of the current fees. There were a few members that expressed concern regarding our autonomy, and we heard that and believe me this is key to the NUPE executive and staff. We have just heard back from the CTU (we do not have a letter yet) that our affiliation has been approved and we therefore are now affiliated. This does not alter our own autonomous voice at all we are completely autonomous. What this will mean is that we get included in important processes and announcements and access training opportunities. As already stated we will review our affiliation and you again will guide us.

Take Care

Ngā mihi nui

Janice

Know your rights!!



What to do when a meeting is called:

- DO ASK the manager what the meeting is about?
- DO ASK the manager if the meeting may lead to a disciplinary process?
- (If the answer is “yes” then ...)
- DO TELL the manager you want NUPE support
- DO CONTACT your delegate and/or your Organiser for support.
- DO TAKE notes of all discussions
- DO NOT meet until NUPE support can be arranged
- DO NOT answer any questions until you have NUPE support (anything you say can be used against you).
- DO NOT PANIC—there is a process that the employer must follow.

Phone (03) 377 3582

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Government announces three more years of pay restraint for public servants

Public servants earning more than \$60,000 will only be offered pay increases under select circumstances for the next three years, Public Service Minister Chris Hipkins has announced.

There will be no pay increases for those earning more than \$100,000 or senior leaders, while those earning less than \$60,000 – about a quarter of the sector – will still see pay increases.

The move extends a measure brought in last year, set to expire next month.

It is technically "guidance" but the core public sector must take heed of it, although exceptions could be made in exceptional circumstances. A review of the rules will take place in mid-2023, so there is a chance that freeze lifts early - although the intent of the Government is that it will last three years.

Finance Minister Grant Robertson said the restraint was necessary to keep a lid on public debt, which had skyrocketed during Covid-19 to pay for expensive measures like the wage subsidy.

"As the recovery gets under way, we are keeping a close watch on the debt taken on during Covid to support the economy," Robertson said.

"Just as businesses are making decisions as they plan for the recovery, our responsible economic approach means the Government is faced with choices about where new spending is targeted."

Those earning between \$60,000 and \$100,000 will only be eligible for a pay rise if there is serious recruitment pressure in their area. Robertson was unable to say



Rod Emmerson's cartoons: Week of May 3 - 9 - NZ Herald
Rod Emmerson's take on the week.
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how much money would actually be saved from the changes, but it is likely to be minimal in the context of wider Government spending, as the pay bill total is about \$5b of a \$108b budget.

He said it was important to "show leadership" however.

The guidance applies across the public sector, from ministries to DHBs, through to independent agencies like the police. But the more autonomous entities such as police, the defence force and public media companies have slightly more leeway – they must "have regard to" the pay freeze, while the rest of the public sector "must give effect to" the changes.

The ministers said they had not made allowances for normal inflationary pressure and living-cost increases because prior to Covid-19, public sector pay had outpaced inflation and private sector pay.

NUPE response to the Pay Restraint

As people will be aware the Government recently announced a further extension of the Public Service Pay restraint which was introduced last year during COVID.

The main points of the new restraint are the following

- No increase for those public servants earning over \$100,000 per year.
- No increase for those earning \$60,000 or above – except in exceptional circumstances
- An emphasis on increasing salary rates for low paid workers

The new restraint is expected to last for three years. Although, it will be reviewed in 2022.

- The Pay restraint will not affect

existing terms and conditions that have been negotiated because of bargaining. If you are on a settled document, then pay and increases will proceed as normal.

- Pay equity claims will also not be affected by the Pay restraint – these will proceed as normal.

The response from Unions has been overwhelmingly negative. Unions have made it clear that there is no need for the restraint given that the Government's own books show it coping with the COVID recession. It further penalizes major sections of the public service who remained at

their posts during the lockdown. Further, Unions told the Government that you do not need to freeze wages on most workers to improve pay at the bottom.



Michael Wood

The Government has met with the Unions since the announcement, and it has agreed to implement cost of living increases. NUPE is not satisfied with this response and we are watching the upcoming Nurse's negotiations with considerable interest.

NUPE supports the Nurses in their claim for higher pay and safer conditions.

Additionally, NUPE highlighted a point to the Minister of Workplace Relations, Michael Wood, at a recent meeting, that the new Pay Restraint makes the Public Service Commission a key player in negotiations despite the PSC not actually being directly involved in the bargaining. (The PSC becomes even more important than the relevant Department, Ministry or agency in setting pay rates etc. as it has the final and ultimate say over what can or cannot be approved). NUPE believes that unions should be bargaining with the PSC directly given its new importance in the bargaining framework.

NZNO NURSES on Strike

The NZNO, which represents nurses, recently went on a one day strike in support of its claims for higher wages better conditions. NUPE Organiser, Quentin Findlay attended the picket outside Christchurch Public Hospital in solidarity with the Nurses. The Nurses are heading back into bargaining currently to support their claims.





Will attempted health pay freeze lead to industrial cold war?

Ian Powell

[Ian Powell is a former executive director of the Association of Salaried Medical Specialists. He is now a health commentator based in Otaihangā on the Kapiti Coast].

On May 5, public service minister Chris Hipkins announced that public servants earning more than \$60,000 would only be offered pay increases under special circumstances for the next three years.

Further, there would be no pay increases for those earning more than \$100,000. Pay increases would only apply to those earning less than \$60,000.

Despite denials to the contrary this was a state sector pay freeze. The mechanism was the public service and finance ministers giving "guidance" to the employers of public servants which includes district health boards (DHBs). But this guidance is the kind of guidance you have when there is no guidance; for district health boards and other state sector employers these are instructions.

Weak explanations

The government's explanation was that it was necessary to keep a lid on public debt, which had skyrocketed during covid-19 to pay for expensive, but necessary, measures like the wage subsidy. This argument was weak given the admission there was no estimate of how much money would be saved by the freeze and the subsequent release of the Crown accounts which revealed the government's financial books were \$5.2 billion better off than forecast in December.

A second explanation, primarily from within social media, connected the freeze with the further announcement later in the week of the government's intention to legislate for fair pay agreements to provide industry sector based minimum employment standards. The argument was that the freeze announcement would blunt the effectiveness of public opposition to fair pay agreements (FPA) from business and employer organisations. This is overly speculative.

Wider context: nurses

Instead, the government's pay freeze should be seen in the context of the wider collective bargaining environment in DHBs. The numerical predominance and status of nurses makes the multi-employer collective agreement (MECA) negotiated by the NZ Nurses Organisation (NZNO) pivotal. It doesn't determine but influences subsequent negotiations with other unions.

2018 was a fractious time for MECA negotiations between DHBs and the NZNO, including national strikes. There was much pent-up anger among many nurses after nearly a decade of disappointing negotiations and failure to address safe staffing concerns. While ratified by members it wasn't by a strong majority. Many nurses, including those who voted for ratification, felt devalued by both the negotiating process and outcome. The MECA expired on 31 July 2020.

NZNO has learnt much from this challenging experience taking on board the lessons for its latest negotiations. It can't afford to be perceived as a soft touch for the government. Consequently, its bargaining process is more membership-led than previous negotiations.

After around 10 months of negotiations the parties are still far apart. For a settlement of around two years, NZNO is seeking a 17% salary increase compared with a 1.38% offer from the DHBs. Nurses' sense of being undervalued has intensified with the belief that the government, which calls the bargaining shots (DHBs are their facemasks), is failing to negotiate in good faith. It was unsurprising that NZNO's membership ballot delivered a strong mandate for a national strike on 9 June. The government's pay freeze 'guidelines' compounded the undervaluing and didn't do its credibility with nurses any favours.

Strike strategy

The strike itself is part of a gradual escalation strategy commencing with eight hours from 11am to 7pm. As much as possible the focus is on inconveniencing DHBs rather than patients and delivering a strong public message to the government. It could have easily been a 24-hour strike but the shorter strike time is a warning of subsequent escalation to more and longer strikes.

Patients themselves should not be at risk. There is an obligation in law for life preserving services agreements to be agreed by NZNO and DHBs, including the number of nurses who will be available to work in the event of risk of harm to

patients. Work on this is well underway. Further, NZNO has also committed to nurses being available for covid-19 vaccinations during the strike.

Potential gamechanger

There is a potential game-breaker, however. An important part of the previous MECA settlement was a joint commitment to reach agreement over the implementation of pay equity in DHB nurses remuneration. Progress has been frustratingly slow to the extent that a big part of NZNO's 17% salary claim was to address pay equity.

The government has it within its power to tangibly speed up the resolution of nursing pay equity either away from or at the negotiating table. If this happened then much of the heat and the gap between the parties would significantly reduce. But this would require a level of adroitness from the government it hasn't achieved recently.

The government's most likely reason for its pay freeze announcement was to affect the level of the salary increase in the nursing MECA negotiations by reducing expectations which would then flow on to subsequent negotiations with other health sector unions. It backfired and its position is now morphing into attempted pay restraint.

But unless the government ups its adroitness by promptly addressing pay equity, the freeze will become an industrial cold war in which its credibility with all health professionals and the public will be the biggest casualty

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Pay Equity Claims

NUPE is currently engaged in two pay equity claims across the public sector. The first is the Administration and Clerical claim which has been consolidated with the PSA. This claim covers 47 different state agencies so it a major piece of work which will take a lot of time. (There have been a number of other Unions and associations who have also consolidated on this claim ranging form Taxpro to the Police Association).



The second claim is one that that NUPE has spearheaded is the Pay Equity Claim for Probation Officers. This has been agreed as arguable by Corrections and NUPE and the Department now need to work through the process as outlined by the Act.

Fair Pay Agreements:

The Government has additionally announced a number of significant employment relations reforms. The most notable of those reforms are fair pay agreements.

Fair Pay Agreements are a set of terms and conditions of employment for an occupational group or sector. They will be agreed through bargaining between affected workers and employers and will then become legal requirements in that sector.

The rationale for FPAs is that wages in New Zealand have grown much more slowly for workers on lower incomes, than those on higher wages. Wages have grown more slowly than labour productivity. The OECD has warned that income inequality has a negative and significant impact on economic growth. New Zealand has both an inequality and a productivity challenge.

The Government established the Fair Pay Agreement (FPA) Working Group in June 2018 to consider the concept. The Working Party recommendations were that FPAs could be most useful in sectors or occupations where particular issues with competitive outcomes are identified – e.g. competition is based on ever-decreasing labour costs, rather than an increase in quality or productivity. FPAs could also be used more generally where workers and employers identify scope to improve outcomes across a sector or occupation.

Why NZ Needs Fair Pay Agreements

Annie Newman

OPINION: It has been 30 years since the Employment Contracts Act 1991 removed sector-wide bargaining from our industrial relations system, implementing one of the most radical individualised employment relations systems in the world.

In-work poverty simply was not a reality of New Zealand life at the time, but in the intervening 30 years it has become an albatross around this country's neck, dragging down household incomes, local economies and national standards at work.

The recently proposed law to establish Fair Pay Agreements is about sector-wide bargaining for minimum standards that ensure decent work, where workers earn enough to live on and receive the protections that any developed country should expect for its workforce.

Sector-wide bargaining is just that – it means negotiating employment agreements that cover whole sectors and industries, whether that's



security, cleaning, home-care work or retail (those workers we have come to appreciate as our essential workforce in the age of Covid-19).

Most developed economies have some form of sector-wide bargaining and the OECD promotes the concept as benefiting workers, businesses and the wider community. This is a reversal of the position they held in the 90s, when the experiment of deregulation ran wild. It's time now for us to catch up to the 21st century.

Closer to home, the case for sector-wide bargaining was put forward in independent research conducted by Business and Economic Research (BERL). The evidence is clear: there is no economic reason not to implement sector bargaining but many social and individual wellbeing reasons to do so.

Fair Pay Agreements won't be a return to the awards system or unionism, but will help us re-establish notions of decent work.

Fair Pay Agreements will not be a return to the awards system, nor to the much-maligned compulsory unionism of yesteryear, but rather they will help us re-establish notions of decent work, where workers and their families can thrive and fully participate as active citizens in society, safe in the knowledge that stability, security, safety and liveable incomes are assured.

One problem that highlights the need for workplace transformation is the contracting model. Services like cleaning and security are delivered by businesses that contract to a third party, the "client". The in-built competitive tendering for services drives the cost of the contract down in a race to the bottom, where the most vulnerable workers bear the cost in loss of hours, poverty wages, and inadequate health and safety practices.

Nelson Mandela said:

"Overcoming poverty is not a gesture of charity. It is an act of justice. It is the protection of a fundamental human right, the right to dignity and a decent life." Let's normalise a decent life with Fair Pay Agreements.

Some employers report that they would much prefer to pay decent wages but cannot do so while being undermined by the "cowboys" paying the bare minimum. Fair Pay Agreements

would mean services compete on the quality of the service rather than the cost of the labour.

One problem that highlights the need for workplace transformation is when services like cleaning and security are delivered by businesses that contract to a third party.

Most unfortunately, some commentators have chosen to misrepresent Fair Pay Agreements. It is important that we set the record straight, in order to have a properly informed public conversation. It has been suggested that only a small number of unions and employers will have a say in the negotiation of a Fair

Pay Agreement.

This is categorically untrue.

Every single worker and employer will have the opportunity to be represented in negotiations and to vote on the agreement itself.

Fair Pay Agreements come into force through a majority ratification of the parties. By collectivising and centralising the bargaining process, employers can simply apply the terms and conditions set in the Fair Pay Agreement, knowing they are meeting the market standard (file photo).

Only when bargaining is protracted and ratification fails twice, or because the parties choose to, is there a determination through the Employment Relations Authority. To suggest that a much-improved system for workplace democracy is somehow unfair is quite disingenuous.

Some argue that Fair Pay Agreements would add an extra layer of complexity for affected employers. In fact, the status quo, which sees most workers on individual employment agreements, is far more complex.



Annie Newman is the assistant national secretary of E tū.

By collectivising and centralising the bargaining process, employers can simply apply the terms and conditions set in the Fair Pay Agreement, knowing they are meeting the market standard. It is time we normalise decent work and discourage arguments that anyone – the worker, the business or the economy – benefits from exploitation and poverty. We all lose. The current pandemic has exposed how interconnected all our lives are in this small country.

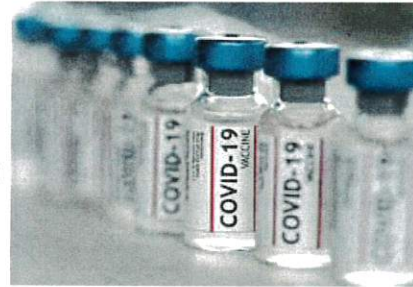
The Government is expected to take Fair Pay Agreement legislation to Parliament before the end of the year. Fair Pay Agreements are just a mechanism to normalise decent behaviour at work, things like the Living Wage, protection against unsafe practices, 10 days of sick leave and the right skills to do the job. Who can argue for less?

We must be on the lookout for bad faith arguments and ensure that our collective will to improve our working lives is the winner on the day.

Stuff 3 June 2021

The Whys and Why nots of COVID Vaccinations

The Government is pressing ahead with the vaccination process. At this point all employees at the Border will have received a vaccination and those employees in front line areas should be receiving it. In May, the vaccination of the general public will begin.



The Public Service Commission has sent out the following guidelines to provide support for staff who have to undertake the vaccination process:

- Employees should be paid for the time required to complete the vaccination process and any time off required to deal with immediate or adverse effects from the vaccine on the individual staff member may be treated as paid special leave.
- Ensure staff are given adequate time to complete the vaccination process and, if off-site, include travel time.
- Acknowledge and support staff who may require more information and time to make an informed decision on receiving the vaccine.
- Support staff choice of vaccination provider such as their own doctor.
- Encourage employees to ask questions that enable staff to make an informed decision on being vaccinated.

<https://www.publicservice.govt.nz/resources/covid-19-vaccination-roll-out-guidance/>

People have asked what would happen if they refused the vaccination. The vaccinations are not compulsory. Legally, the employer cannot force employees to have one. However, if you are in a frontline position the employer can redeploy you into another area due to health and safety concerns.

For more information: <https://www.publicservice.govt.nz/resources/covid-19-workforce-vaccinations-guidance/>



And, the Return of Travel?

Travel to Quarantine Free Zones

As people are aware the New Zealand and Australian Governments have allowed travel between both countries. However, there is an awareness that there could be community outbreaks which might result in lockdowns.

The PSC has issued some guidance for potential travellers in this situation which would include the possibility of being able to work remotely from Australia.

The PSC has updated its advice to people considering travel to Australia or other Quarantine Free Zones. The most important advice is to discuss the situation with your manager before hand and to look at relevant Department policy. There is the ability to work remotely if you are placed in work down and the possibility of being placed on special leave. But this needs to be discussed with your manager prior to you leaving.

For more information: <https://www.publicservice.govt.nz/resources/covid-19-workforce-guidelines/?e6203=6205-alert-level-1>

Office Location and Hours

Postal Address

Po Box 13032, Christchurch 8141

Physical Address

Trade Union Centre, (Northfield Business park) 68 Langdons

Make sure that NUPE has your correct address and details.

Contact the NUPE Office





- **Social Justice and a Commitment to Collectivism and Fair Representation of all members**
- **Valuing the On-going Employment Relationship and focusing time, energy and resources to members needs**
- **National Executive from Elected membership oversees the activities of Union staff and Policy Development**

Now is the time to join NUPE

The power of Collective Bargaining

“Does it pay for you to be on a Collective Employment Agreement (CEA) rather than an individual agreement? The evidence available suggests that yes, workers on Collective Employment Agreements get bigger and more frequent pay rises. They may of course get other benefits aside from a better deal on pay, such as better job security, leave, redundancy pay, and consultation processes, and more say in their working conditions. .” **Centre for Labour, Employment and Work (CLEW) at Victoria University.***

AS EASY AS
1.2.3.

HOW TO JOIN

1

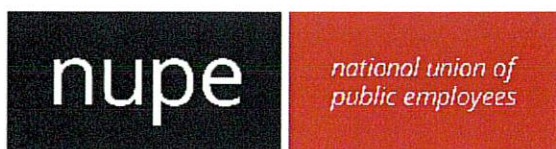
Get a membership form. You can get one from our website www.nupe.org.nz or request one to be sent to you by mailing officeadmin@nupe.org.nz

2

Complete the form. Then scan it OR photograph it and send to officeadmin@nupe.org.nz or post to PO Box 13032 Christchurch 8140

3

NUPE will process the application, notify your employer to commence deductions and send you a membership pack



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