

Resolutions

Background: The DHB MECA negotiations have just concluded. They were a time of extraordinary drive and determination on the part of NZNO and members alike. We collectively fought for the rights and dignity of ourselves and of our patients.

However there were areas of the negotiations that did not work as smoothly as they could have. Some members were left feeling confused, uninformed, and disempowered. As things got more heated and the pressure grew more intense, fractures began to appear between members, and between members and NZNO representatives.

While there were triumphs, the negotiating process from start to finish was often inefficient and inconsistent. At times, members were unable to actively participate and their considerations often went unheard.
snip

There appears to be a divide between the experiences and needs of many rank and file members providing direct patient care, and the people paid to advocate for them.

Evidence for this includes:

- Inconsistency in voting methods. Members were initially required to attend in person meetings and sit through a half hour to an hour presentation. At some meetings if members weren't able to arrive at the beginning they were turned away from being able to vote. This was later changed to online voting run through an external agency.
- As per a remit put through AGM in 2015, delegates were supposed to be given the training and ability to run MECA meetings. This was applied inconsistently throughout the DHBs.
- Members were not made aware of changes to the negotiating team, such as when one member moved abroad and was unavailable. Alternates were not given training and were not called up to replace members who were unavailable.

- First strike withdrawn without consultation with members.
- Lack of forward planning and inability to leverage momentum after strike action.
- Inconsistency around recommendations from the negotiating team.
- Insufficient evidence that issues based bargaining is resulting in better outcomes for members than a different strategy (such as positional bargaining) could achieve.
- Staff from NZNO giving recommendations via the media in favour of acceptance. This is blatantly anti-democratic and designed to sway how members vote.
- Lack of active consultation with rank and file members in developing the negotiating strategy.
- Lack of clear goals for members to rally around.
- Resistance to leveraging a variety of communication methods to ensure that members voices were being heard.
- It is arguable that every improvement made to the various offers was driven by member engagement rather than effective advocacy on the part of the negotiating team.
- Over-reliance on delegates to perform the planning and execution of life preserving services.
- Inconsistency between DHBs around what constitutes LPS, leading to some wards being better staffed on the day of the strike than during a typical shift.
- When the DHBs broke good faith by leaking incorrect information to the media, the response from NZNO was toothless. There were no consequences for this breach of good faith.
- However members were consistently told that no advance planning could occur as it would breach good faith bargaining. This gives the impression that good faith only applies to one party, and would only be enforced by NZNO and not by the DHBs.
- Reticence to utilize digital options for member engagement such as online voting. A completely foreseeable consequence of this is that voting numbers are reduced.

- When NZNO did seek member feedback it was done by funnelling members ability to give feedback into preselected options, giving an appearance of consultation without actually seeking a wide range of feedback.
- Decision to participate in the independent panel process without consulting members.
- Inability to effectively make our case to the public. Constant refrain of inaction due to “good faith” bargaining. However other unions seem able to do things such as purchase ad time to support their cause without any issues (cf teachers union), calling this interpretation of “good faith” into question.
- Negotiating the staffing Accord with the Labour government without any consultation or input whatsoever from members.
- Inconsistent advice from industrial advisors around the legality of back pay, balloting for strike action, and the definition of “good faith”.
- Disenfranchisement of members who were unable to vote, as they were unable to get access to online voting despite multiple attempts and phone calls.

Due to the above, and according to Clause 25.3.7 of the NZNO Constitution, the Greater Auckland Regional Council moves that the 2018 NZNO AGM places on the agenda and decides the following resolutions:

1. That an external independent evaluation of NZNOs DHB MECA negotiating process and the NZNO Bargaining Policy is conducted.
2. The terms of reference for the external independent evaluation include consultation with all NZNO staff and all members covered by the DHB MECA
3. To lead the external evaluation, NZNO contracts an independent person who is widely respected across the union movement, with extensive experience in collective bargaining

and gender equity issues, such as former First Union Secretary and Trade Union Federation President Maxine Gay.

4. To ensure democratization of the negotiating process for pay equity, a new negotiating team is to be elected by all DHB Sector members.

5. An independent advocate is to be hired to the pay equity negotiating team, with experience negotiating pay equity settlements.

6. A clear mandating and reporting process to members is instituted during pay equity negotiations to allow for transparency and member feedback.

7. The upcoming review of the NZNO Constitution and Strategic Plan, announced by the Board of Directors, includes extensive opportunities for member input at every stage, both through existing consultation processes with member groups and appropriate use of direct-to-member communications.