

NZNO Pay Equity Claim for Primary Practice & Urgent Care Centres

Why is NZNO raising this claim?

NZNO is seeking to remove gender discrimination from nurses pay rates using the pay equity legislation and processes because this has a material impact on equity of access to quality health service delivery.

Bargaining alone has not closed the pay gap that leads nurses to make decisions about where they will practice based on economics rather than their passion for particular practice settings.

Achieving pay equity rates across the health sector will assist with the recruitment and retention of the New Zealand nursing workforce and will encourage more people, particularly Māori to enter nursing and remain in nursing roles.

Primary Practice context

NZNO is currently party (with PSA and E tū) to a Care and Support pay equity claim which covers support worker roles. This claim was raised with a “representative group” of 15 employers on the basis that there was legislation in place that support this pay equity claim to be extended to the rest of the Care and Support Sector once settled. That legislation the Support Workers Act, is due to expire at the end of 2023, so there will no longer be a mechanism for the outcome of this pay equity settlement to be extended. As a consequence, the same parties to the first Care and Support Claim have raised a second claim for the rest of the Care and Support Sector.

On the basis of this situation NZNO has decided to raise the Primary Practice and Urgent Care Centres pay equity claim with all employers in this part of the sector where NZNO has at least one member employed.

What happens next?

Essentially the Equal Pay Amendment Act sets out the processes that must be complied with in order to progress a pay equity claim. Generally, the process is a collaborative and joint process by the union and employer parties involved. The Primary Practice and Urgent Care Centres pay equity claim is complex only to the extent that the parties will have to reach and commit to Process Agreements both between the union / employer parties and for the employers between themselves and how they will be represented in the claim.

As part of this set up process once we are clear about who will be directly involved in terms of union and employer representatives, agreements to how and when communications are developed and circulated, frequency of meetings and how the parties will resource the process, for example the work assessment phase.

Support

We have found that the Public Services Commission has been very helpful for both guidance and support in our previous pay equity claims. They are able to assist both parties but in particular the writing up of the milestone papers.

Pay Equity Process – What happens?

Raising a claim

1. A union can raise a claim on behalf of its members with those members employers. Claims can be with a single employer or multiple employers.
2. The claim must describe the work that is done by the claimants that the union believes has been either currently or historically undervalued based on gender.
3. When the claim is received by the employer, they must express a view on whether the claim is arguable.

4. The employer must notify all affected employees and relevant unions that a claim has been raised. Employees include workers who do the same or similar work that has been described in the claim whether they are union members or not.
5. The unions and the employers must agree on a bargaining process agreement between them [a BPA]. If the claim is raised with multiple employers, the employer parties must also agree a multi-employer pay equity process agreement [MEPEPA].

Assessing the claim

1. The union and the employer will need to meet to agree a bargaining process agreement which will identify the timeline and information needs that will be required to progress the claim.
2. Agreement will need to be reached on which work assessment tool will be used to assess the work. Currently the Te Orowaru Pay Equity Tool that was jointly developed by the Public Services Commission and NZ CTU unions is being used in the live pay equity claims underway.
3. Decisions on how the work assessment interviews will be conducted, how many interviews and who will be the interviewers and the selection of roles that will be interviewed will be made.
4. Training for interviewers on using the work assessment tool is provided and supported by PSC Pay Equity Unit.
5. Comparators are identified and where necessary interviews of the comparators is undertaken. There is now a significant body of data already collected through other pay equity claims that may be accessed.
6. Remuneration of claimants and comparators is collected and compared.

Settling the claim

1. The information and data that has been collected is compiled and analysed. Conclusions are drawn on undervaluation.
2. Negotiations commence to conclude a pay equity claim.

Review

1. A review process of the pay equity settlement including terms and conditions must be conducted within three years of the settlement to ensure ongoing maintenance of the settlement agreement to the review process must form part of the settlement.

Various milestone reports are required throughout the process that the Public Services Commission can help with.

Milestone 1 – arguability is agreed

Milestone 2 – the development of the initial bargaining strategy

Milestone 3 – the work assessment process

Milestone 4 – assessment of remuneration and terms and conditions

Milestone 5 – settlement bargaining strategy

Milestone 6 – Settlement reached

Milestone 7- implements post settlement review process