

Māori Enterprise Delegate Guide

Guidance on the role and election of the Māori
Enterprise Delegate

Māori Enterprise Delegate Guide

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Glossary:

Constituency – means any grouping of members within a workplace or enterprise that elects a delegate or delegates. In the context of the workplace and enterprise structures of Te Rūnanga o Nga Toa Awhina the constituency for a Māori enterprise delegate would be the Māori membership within the enterprise. The constituency for a rūnanga delegate might be Māori members within a particular workplace or across a number of workplaces.

Enterprise – one or more workplaces (at which PSA members are employed) forming an organisation with a common employer.

Enterprise delegate committee – a committee of delegates responsible for co-ordinating union activities in an enterprise and liaising with the other relevant parts of the PSA structures. It includes the Māori enterprise delegate, where one is elected.

Māori enterprise delegate - The Māori enterprise delegate is a Māori member elected by Māori members in an enterprise, to represent the interests of Māori members within that enterprise and to provide a point of connection with the wider structures of Te Rūnanga o Nga Toa Awhina (TRONTA) and the PSA. The Māori enterprise delegate is a member of the enterprise delegate committee.

Māori member – for the purposes of the application of the PSA Rules for Te Rūnanga o Nga Toa Awhina, only those who have formally identified as Māori on their PSA application form or updated information on the PSA records, can stand as a candidate or vote in an election of a Māori enterprise delegate.

PSA – the New Zealand Public Service Association Te Pūkenga Here Tikanga Mahi.

Rūnanga delegate – is a Māori member elected by Māori members to be a delegate within the rūnanga delegate structures in an enterprise (see below), where such structures exist. The rūnanga delegates are workplace delegates with a primary focus is on the representation of Māori members on Māori issues in the workplace and to vote for a Māori enterprise delegate.

Rūnanga delegate structures – structures may be established to represent Māori members within an enterprise at levels below the enterprise delegate committee. This will usually be in large enterprises where the general delegate structures exist across several workplaces and/or regions. The structures should allow for rūnanga delegates at all appropriate points in order to reflect the general delegate structures.

Te Rūnanga o Nga Toa Awhina (TRONTA) - means the membership of the PSA who identify as Māori and encompasses the structures provided for in the PSA rules, including the Māori enterprise delegate.

Te Rūnanga Taumata – is the congress of Te Rūnanga o Nga Toa Awhina, held biennially prior to the date of the National Delegates' Congress.

Workplace – a workplace is a place of work operated by an employer containing at least one member.

Māori Enterprise Delegate

1. What is a Māori Enterprise Delegate

The Māori enterprise delegate is a Māori member elected by Māori members in an enterprise, to represent the interests of Māori members within that enterprise and to provide a point of connection with the wider structures of Te Rūnanga o Nga Toa Awhina (TRONTA) and the PSA.

2. What is the role of the Māori Enterprise Delegate?

The Māori enterprise delegate is focused not only on issues within the enterprise but also the governance structures of TRONTA and the PSA.

Within the enterprise the main role of the Maori enterprise delegate is to represent the interests of Maori members to the general delegate structures and the employer. This is *primarily* about the representation of Māori members on Māori issues within the workplace although, if necessary, they can represent any member on general workplace issues. As such the role is *complementary* to the work of general delegates.

The other part of the role is providing a connection between Māori members within the enterprise and the representative structures within TRONTA and the PSA. In this role Māori enterprise delegates are the democratic lynchpin for Māori within the PSA. They channel information and advice up through the structures and information and decisions back to members. Through their involvement in sector rūnanga activities, such as the sector rūnanga hui, they can hold Te Rūnanga representatives accountable on behalf of members. They are also likely to be the ones who go on to fill the representative roles at sector rūnanga hui, on the committee of the sector rūnanga, the sector committee or on the Committee of Te Rūnanga o Nga Toa Awhina.

Specific tasks include:

- a) Acting as a liaison person for Māori members within an enterprise with:
 - The enterprise delegate committee
 - Organisers and other PSA staff (e.g. the membership unit)
 - Sector rūnanga committee members
 - The Committee of Te Rūnanga o Nga Toa Awhina
 - Rūnanga delegates (where there are any)
- b) Assisting Māori members in accessing appropriate advice and responses to queries on matters affecting them as Māori workers;
- c) Providing information to Māori members regarding union activity, political activity, and other issues which may affect them as Māori workers;
- d) Helping the PSA maintain an up-to-date list of Māori members of each enterprise;
- e) Assisting in the recruitment of Māori members;

- f) Identification and promotion of Māori issues in collective bargaining. This may include membership of the negotiating team;
- g) Attending sector rūnanga hui, if possible;
- h) Maintaining contact with other delegates in the workplace and enterprise.

It is worth remembering that the PSA rules contain a 'governance principle'. This says that when someone is elected to a representative body (such as the enterprise delegate committee) on behalf of a constituency (in this case Māori members in an enterprise), while they have a clear responsibility to represent the interests of that constituency, they must also consider the interests of all members who come within the coverage of that representative body (in this case all the members in an enterprise).

3. **How does the Māori enterprise delegate undertake these tasks?**

If you have been elected as a Māori enterprise delegate :

- Make sure that the convenor of the enterprise delegate committee, the organiser, and the PSA membership team have all been advised. Check that you are on mailing and email lists for all relevant union information;
- Communicate with Māori members about their issues e.g. have a time allocated at branch meetings for updates for Te Rūnanga members or arrange to have separate hui;
- Attend meetings of the enterprise delegate committee (or other relevant meetings of the general delegate structure in your enterprise) and feedback information to Te Rūnanga members;
- Ensure you understand the union structure - talk with other members, other delegates, your organiser;
- Make yourself familiar with any applicable collective agreements for your enterprise
- Undertake delegate development training;
- Make contact with other Māori enterprise or rūnanga delegates and talk issues through with them.

4. **How does the Māori enterprise delegate fit within the structures of Te Rūnanga o Nga Toa Awhina and the PSA?**

A diagram of the structures of the PSA including Te Rūnanga o Nga Toa Awhina is attached as schedule B.

Within the enterprise

Every enterprise delegate committee must provide a place for a Māori enterprise delegate, where one is elected (there may not be one elected – see the section on electing Māori enterprise delegates). There is nothing to stop members in an enterprise having more than one Māori enterprise delegate on their enterprise delegate committee if they so agree.

In larger enterprises, which may have a number of different workplaces and cover different localities or regions, general delegate structures may be organised to reflect these complexities. For example, there might be regional structures, workplace representation or occupational representation. In circumstances such as these there should be rūnanga delegate structures that fit with the general delegate structures (see the glossary and section 6 below).

The exact shape of these is a matter for members and delegates in each enterprise but Māori delegates elected at levels that sit underneath the enterprise delegate committee are known as rūnanga delegates. They are elected by Māori members within the constituency they represent, in a manner in accordance with the rules (see section 5 below). They in turn elect those above them in the structure, including the Māori enterprise delegate.

Within the wider structures of Te Rūnanga o Nga Toa Awhina

A hui is held within each sector of the PSA at least every two years and usually annually (current sectors are: community, environment, governance, health, infrastructure, and social services). Given the central representative role of the Māori enterprise delegate they are expected to form the core of attendees at the hui. It is the sector rūnanga hui that appoints 3 representatives (8 in the case of the health sector) to form a committee for the rūnanga in that sector. These 3 representatives are authorised members of both the sector committee and the Committee of Te Rūnanga o Nga Toa Awhina (but only two at any one time can attend the meetings of those two bodies). They may also provide advice and support to the sector committee and the Committee of Te Rūnanga o Nga Toa Awhina.

The convener of Te Rūnanga o Nga Toa Awhina is a member of the Executive Board of the PSA and an officer of the PSA. The Committee of Te Rūnanga o Nga Toa Awhina elects its own convener, although this is subject to the endorsement of Te Rūnanga Taumata, which is the biennial congress of Te Rūnanga o Nga Toa Awhina and is held just prior to the PSA National Delegates Congress.

As described above the Māori enterprise delegate has an important role connecting with these structures and holding their representatives accountable. They are also likely to provide the candidates who go on to stand for positions within the sector and wider TRONTA structures.

5. Electing Māori enterprise delegates

Creating the position

It is the obligation of the enterprise delegate committee to create a position of Māori enterprise delegate. It is appreciated that it will not always be possible to elect someone to that role e.g. because no-one wants to do it, there are no Māori in the enterprise, it is an enterprise in which

Māori predominate and they may not feel the need to have the position. The enterprise delegate committee does not have the authority to refuse to have a Māori enterprise delegate.

Establishing who is entitled to vote

Only those who have identified as Māori are able to stand as a candidate or vote in an election for Māori enterprise delegate. This means those who have identified as Māori on their membership form or who have updated their records. This will be managed in the following way:

- Around 1 April in the year following the national delegates' congress enterprise delegate committees will be sent an updated list of members in their enterprise who are entitled to vote, including those who have identified as Māori. If this doesn't arrive get in touch with your organising administrator (if you don't know who this person is, please ask your organiser);
- If a member who identifies as Māori has not noted this on their original membership form (the PSA has only been gathering this information for a relatively short period of time) they can go on to the PSA website and update their membership records on the 'My Details' page. This page will be available in the course of December 2009;
- If a vacancy occurs and an election is required outside of these times an up-to-date list of Māori members can be accessed from your PSA organising administrator.

NB. Māori members can vote for both general delegates and Māori enterprise or rūnanga delegates, but rūnanga delegates can only vote within the rūnanga structures. That is, they can only vote in elections for rūnanga delegate positions higher up the rūnanga sector structures or the Māori enterprise delegate .

Conducting the elections

Elections for general delegates should take place at an annual members' meeting within the 3 months from 1 April in the year following a national delegates' congress. This timeframe applies to Māori enterprise delegates, although the election is not tied in the same way to the holding of the annual members' meeting.

Rule 8 of the PSA rules sets out some general principles for the conduct of elections, which also apply here. These include:

- Nominations must be supported by two full (Māori) members. Ideally this will happen in advance of the election but if there have been no nominations prior to the closing date for nominations, then nominations may be accepted from the floor;
- There needs to be adequate time between the calling of the elections and the closing of nominations to allow all potential candidates to be notified. This depends on the circumstances but as a guide it should be not less than ten working days;

- There needs to be adequate time between the closing date for nominations and the election to allow time for the candidates' details to be provided to those voting. This depends on the circumstances but as a guide it should be not less than ten working days;
- There needs to be a returning officer in charge of the election, and they should be appointed by the enterprise delegate committee or the other appropriate committee in larger, more complex enterprises;
- Where a position is contested voting is by secret ballot and the candidate with a majority of votes shall be declared elected;
- Where a position is uncontested the person nominated shall be declared elected.

Elections for general workplace delegates usually take place at annual meetings. However, given the range of enterprises and workplaces the PSA covers, and the particular challenges of electing a Māori enterprise delegate (or *rūnanga* delegates), other methods may be considered, for example:

- Election by secret ballot at a special meeting of members called for that purpose. You may be able to take advantage of a hui organised by your employer to bring sufficient numbers of members together to vote, or you may be able to get Māori members to stay on after an annual members meeting;
- Election by secret ballot where the ballot box is circulated around workplaces;
- Election by e-mail where both access and a secret ballot can be assured;
- Election by other means approved by the secretariat.

6. **The role and election of *rūnanga* delegates**

As described earlier, structures may be established to represent Māori members within an enterprise at levels below the enterprise delegate committee. This will usually be in large enterprises where the general delegate structures exist across several workplaces and/or regions. The structures should allow for *rūnanga delegates* at all appropriate points in order to reflect the general delegate structures.

The *rūnanga* delegates are workplace delegates with a *primary focus* on the representation of Māori members on Māori issues in the workplace although, if necessary, they can represent any member on general workplace issues. They can also vote for the Māori enterprise delegate. As such the role is complementary to the work of general delegates

The creation of a *rūnanga* delegate structure within an enterprise, with *rūnanga* delegate roles, is a matter to be decided by enterprise delegate committees working in conjunction with Māori members in that enterprise.

Elections for *rūnanga* delegates can be carried out using the same approaches as for Māori enterprise delegates.

7. Checklist for Māori enterprise delegates

- Do you have an effective display area with current information displayed? (cull regularly)
- Do you have an up to date list of Māori members?
- Is a time allocated to you to address Māori members in your enterprise or workplace?
- Do you know where to go for help?
- Have you read the latest circular/newsletter?
- Do you have a system to encourage attendance at meetings?
- Have you been to a delegate development training session?
- Do you know who the general delegates are in your workplace or on the relevant delegate committees?
- Do you know who the other rūnanga delegates are in your enterprise (if any)?
- Do you have any Māori enterprise delegate contacts in other organisations?

8. Transition to the new structures

Strictly speaking Māori enterprise delegates were meant to be elected in the course of 2009 (preferably by the end of June) but this is a significant new role and some enterprises already have rūnanga structures in place that don't conform to the letter of the rules. We are taking a pragmatic approach which means that enterprises that do not have a Māori enterprise delegate should elect them as soon as possible. Those that elected a Māori enterprise delegate in accordance with the spirit of the rules (but not necessarily the letter) will be able to have them continue in that role until the next election due in 2011. By the 'spirit' we mean that the Māori enterprise delegate has a mandate from Māori in the enterprise. For example, a rūnanga structure in an enterprise may have elected a Māori enterprise delegate but the rūnanga delegates might themselves just be workplace delegates who happen to be Māori, rather than being elected by Māori members. This is not ideal but it would be too disruptive to undo it and it will stand until 2011.

There will be transitional issues associated with the size of the enterprise delegate committee. All enterprise delegate committees should have been in place by 30 June 2009 and resourcing is probably already negotiated with employers. It is not intended that the election of a Māori enterprise delegate should result in one general delegate having to step down from their role on the enterprise delegate committee. It is recommended that enterprise delegate committees should approach the employer to seek an extra delegate allocation. If the employer does not agree, advise your organiser. If there is no progress then organisers should let the assistant secretary know. If there is no agreement on resourcing at the end of this process then the matter will be referred to the secretariat for consideration of what course of action to take.

9. Frequently asked questions

Why do we need the position of Māori enterprise delegate?

The PSA is committed to the Treaty of Waitangi and recognises the role of Māori as tangata whenua of this land. In our rules it says that we affirm the Treaty of Waitangi as “the founding document of Aotearoa/New Zealand” and that we are committed to “advancing the Treaty principles of partnership, protection and participation in activities pursuant to the purpose and objects of the union as they relate to the working lives of members”. It is difficult to meet this commitment without our democratic workplace structures specifically recognising Māori representation.

When we reviewed our structures in 2007/8 it was also clear that the structures of Te Rūnanga o Ngā Toa Āwhina were disconnected from Māori members in workplaces. The representatives who were involved in Te Rūnanga were general delegates who happened to be Māori. They were not elected by Māori, had no mandate from Māori and had only a general accountability back to Māori. There was a need to create a position which was filled by a vote of Māori members, which would in turn vote for representatives in the governance structures of Te Rūnanga o Ngā Toa Āwhina, with an obligation to connect with those wider governance structures, and which would probably be the source from which future representatives in those structures would be drawn.

What are ‘Māori’ issues?

Māori face a number of issues in the workplace that arise because they are Māori. Most public sector workplaces are based on pakeha values and assumptions can be made that exclude or marginalise Māori workers. For example:

- A pakeha concept of the family for the purposes of bereavement/tangihanga leave or domestic leave is not likely to reflect the Māori concept of whanau or the wider set of obligations that Māori workers often have outside the workplace.
- Within the workplace the increasing efforts to recognise the tangata whenua status of Māori in the public sector can mean that there is a general expectation for Māori workers to provide guidance and leadership in matters of custom and ceremony when they arise. How are these extra expectations managed and the contributions acknowledged?
- Significant numbers of Māori work in public sector jobs but they are underrepresented in management roles. How do we increase the number of Māori in senior roles?
- Increasing the proportion of Māori in the workforce.
- Recruiting more Māori members to the PSA.
- Recognition of the value of te reo in the workplace through conditions such as a te reo allowance.
- Ensuring Māori values and attitudes are properly considered when workplace issues are discussed.

Can delegates on an enterprise delegate committee refuse to have a Māori enterprise delegate position?

No. The rules clearly provide for the position and they are to be elected by Māori, not just be delegates who happen to be Māori. If no one stands for the position, for whatever reason, then it becomes a vacancy that can be filled at any time should there be interested candidates.

How do I get to vote for a Māori enterprise delegate (or rūnanga delegate)?

Only those who have identified as Māori are able to stand as a candidate or vote in an election for Māori enterprise delegate (or rūnanga delegate). Māori members may have done this when they applied to join the PSA, but we have only been collecting this information in recent years, so there will be many whose records do not reflect this identification. At some point in December 2009 the PSA website will have the facility for members to update their PSA membership records on a 'My Details' page. Those who identify as Māori will be able to ensure that their record reflects this.

The returning officer should have an up-to-date list of Māori members. This will be sent out around 1 April in the year following the national delegates' congress. If a vacancy occurs and an election is required outside of these times an up-to-date list of Māori members can be accessed from your PSA organising administrator (if you don't know who this person is, please ask your organiser).

How come Māori members can vote for both general delegates and rūnanga or Māori enterprise delegates?

The right to vote in both the general and rūnanga structures arises from the complementary nature of the general delegate and Māori enterprise delegate roles. A Māori member will primarily raise Māori issues through the rūnanga delegate structures (where they exist) to the Māori enterprise delegate, whereas they will still raise general workplace issues through the general delegate structures.

It also needs to be remembered that many enterprises will only have a Māori enterprise delegate, with no local rūnanga delegate in the workplace, so Māori would not have representation at that level if they could not vote for their general workplace delegate. In addition the PSA considers it important that Māori members remain connected to the general structures in support of one union.

Are Māori only able to stand for Māori enterprise or rūnanga delegate positions?

No. Māori members can stand as general workplace delegates as well. It needs to be remembered that the role of workplace delegate on the one hand, and Māori enterprise and

rūnanga delegates on the other, are *complementary*. That is, the primary focus of the Māori enterprise delegate is about the representation of Māori members on Māori issues within the workplace although, if necessary, they can represent any member on general workplace issues. Workplace delegates carry out general representative functions including representing the collective and individual interests of members to the employer.

Won't Māori enterprise and rūnanga delegates just ignore the issues of the wider membership?
While the focus of these roles is on Māori issues, the PSA rules contain a 'governance principle'. This says that when someone is elected to a representative body (in this case the enterprise delegate committee) on behalf of a constituency (in this case Māori members in an enterprise), while they have a clear responsibility to represent the interests of that constituency they must also consider the interests of all members who come within the coverage of that representative body (in this case all the members in an enterprise).

Is the Māori enterprise delegate an extra to the existing numbers on the enterprise delegate committee?

The numbers on the enterprise delegate committee is usually a matter for the delegates on the enterprise delegate committee. Resourcing is usually negotiated with the employer. The requirement to have a Māori enterprise delegate is something that needs to be factored into the usual discussions with employers about resourcing of delegates.

The transitional period through to 2011 is more difficult. All enterprise delegate committees should have been in place by 30 June 2009 and resourcing is probably already negotiated with employers. It is not intended that the election of a Māori enterprise delegate should result in one general delegate having to step down from their role on the enterprise delegate committee. It is recommended that enterprise delegate committees should approach the employer to seek an extra delegate allocation. If the employer does not agree, advise your organiser. If there is no progress then organisers should let the assistant secretary know. If there is no agreement on resourcing at the end of this process then the matter will be referred to the secretariat for consideration of what course of action to take.

Schedule A

Rule 33 defines Te Rūnanga o Ngā Toa Āwhina:

33. Definition

- (1) *The purpose of Te Runanga O Nga Toa Awhina is to provide representation and co-ordination of Maori members within the structures of the PSA. All PSA members who identify as Maori are part of Te Runanga o Nga Toa Awhina.*

Rule 34 specifies that Te Rūnanga will be represented in enterprises through the position of a Māori enterprise delegate.

34. Enterprise Representation

- (1) *Every enterprise delegate committee is to provide a position for a Maori enterprise delegate, where one is elected.*
- (2) *The role of the Maori enterprise delegate is to represent the interests of Maori members within the enterprise and to provide a point of connection with the wider representative structures within Te Runanga o Nga Toa Awhina,*
- (3) *The Maori enterprise delegate is to be elected by Maori members in that enterprise according to the process set out in the regulations and in accordance with the principles in rule 8.*
- (4) *The term of the Maori enterprise delegate shall be two (2) years and shall run concurrent with the term of the enterprise committee.*
- (5) *Where a vacancy occurs in the course of a two year term a by-election may be held according to the process set out in the regulations and in accordance with the principles in rule 8. Under these circumstances the term of the successful candidate shall run until the next election for the enterprise delegates.*

Regulation 13 provides more detail on the Māori enterprise delegate, and introduces the concept of the rūnanga delegate.

13. Māori enterprise delegate

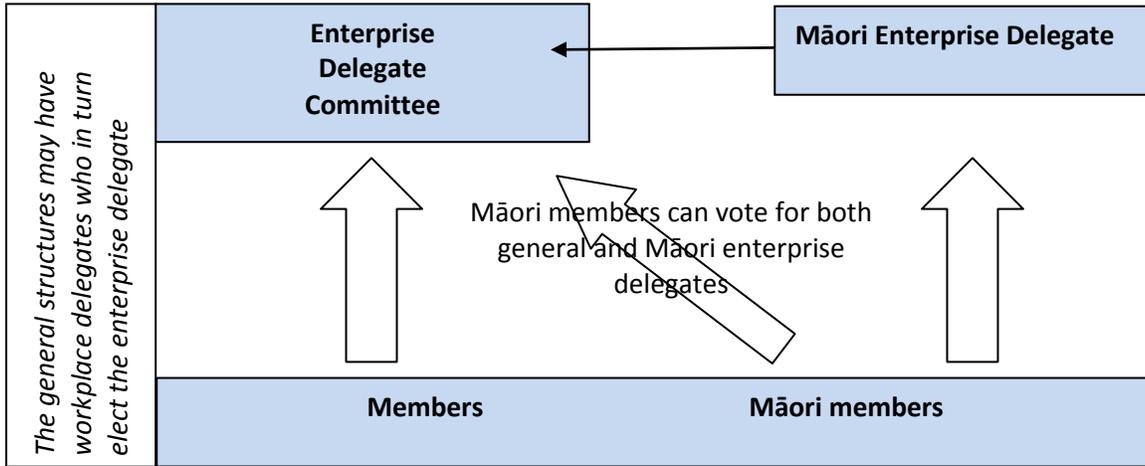
13.1 *Rule 34(3) provides for the Maori enterprise delegate to be elected by Maori members within an enterprise.*

- (a) *The election must be held in accordance with rule 8 and regulation 2.*
- (b) *All those within the enterprise who have identified themselves as Maori on the membership form shall be entitled to vote.*
- (c) *The rūnanga delegate structures within an enterprise should be part of the general delegate structures within that enterprise. Accordingly they should allow for rūnanga delegates (elected by Maori members) at all points of the structure, as appropriate. The rūnanga delegates in an enterprise will ultimately elect a Maori enterprise delegate.*
- (d) *Given the sometimes dispersed nature of Maori membership within some enterprises, consideration should be given to using some of the alternative methods for conducting elections set out in regulation 7.2.*
- (e) *Responsibility for ensuring there is a call for nominations for the position of Maori enterprise delegate rests with the enterprise delegate committee and the process should be conducted at the same time, wherever practicable.*

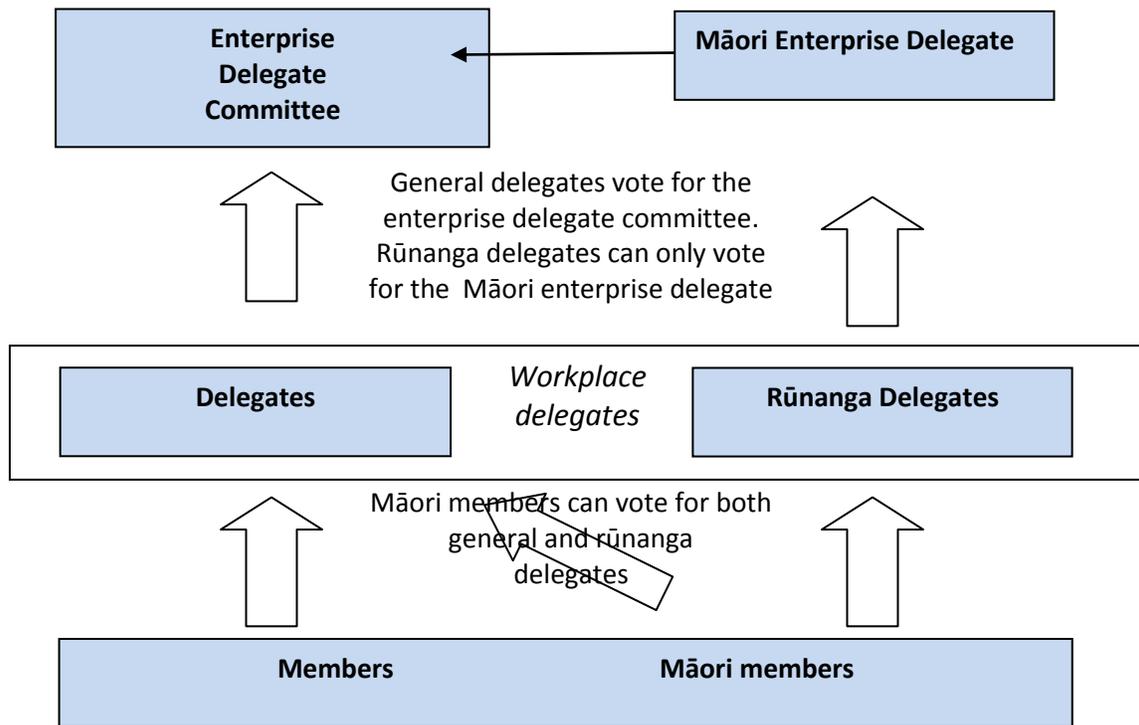
Schedule B – Diagrams of the PSA structures

Note that the diagram of the governance structures uses examples of two particular sectors only.

At enterprise level with a Māori enterprise delegate and no rūnanga delegate structure



At enterprise level with a Māori enterprise delegate and rūnanga delegate structures



Governance structures for Te Runanga o Nga Toa Awhina

ENVIRONMENT

HEALTH

