



**International Treaty Examination of the
Partnership Agreement on relations
and cooperation with the EU**

**Submission to the Foreign Affairs,
Defence and Trade Select
Committee**

October 2016



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New Zealand Public Service Association
Te Pūkenga Here Tikanga Mahi

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International Treaty Examination of the Partnership Agreement on relations and cooperation between New Zealand, of the one part, and the European Union and its member states, of the other part

PSA submission to the Foreign Affairs, Defence and Trade Select Committee

Introduction

The New Zealand Public Service Association Te Pūkenga Here Tikanga Mahi (the PSA) is the largest trade union in New Zealand with over 62,000 members. We are a democratic organisation representing members in the public service, the wider state sector (the district health boards, crown research institutes and other crown entities), state owned enterprises, local government, tertiary education institutions and non-governmental organisations working in the health, social services and community sectors.

The PSA has been advocating for strong, innovative and effective public and community services since our establishment in 1913. People join the PSA to negotiate their terms of employment collectively, to have a voice within their workplace and to have an independent public voice on the quality of public and community services and how they're delivered.

The PSA is an affiliate of the New Zealand Council of Trade Unions Te Kauae Kaimahi.

PSA submission

The very short timeframe for submissions means that this submission is brief and is unable to canvas the full range of issues raised by this matter.

The PSA has been advocating for strong public and community services since the institution of the Public Service in 1912. Our aim in doing this is not merely to protect the jobs of our members, but because strong and effective public and community services play a central role in the success of our country and its economy, our communities and in positive life outcomes for all New Zealanders.

As the largest public sector union the PSA has a particular interest in the implications of this agreement which sets important parameters for future agreements with the European Union on matters such as trade.

The PSA's policy position is that it supports fair trade agreements that:

- Are in the national interest of New Zealand
- Protect worker and union rights

- Exclude public services
- Respect the sovereignty of nations to regulate for local conditions, including for public health
- Respect the right of governments to use procurement for social, environmental and economic goals
- Do not allow for investor-to-state dispute resolution mechanisms, nor for challenges to legitimate public interest regulations.

We are pleased that this partnership agreement includes as parameters for any future agreements with the EU democratic principles such as dialogue with civil society (including trade unions and employers) and human rights and fundamental freedoms, such as respecting, promoting and effectively implementing internationally recognised labour principles and rights (articles 25, 26 and 51).

However we are disappointed that commitment to internationally recognised labour “principles and rights” in article 51(3) is limited to the ILO Declaration on Fundamental Principles and Rights at Work rather than to the conventions themselves, particularly given that both the EU and New Zealand have ratified many of them. We also note that these commitments unenforceable.

We are concerned that the Government Procurement provision (article 19) risks reinforcing a perception that government procurement should be used for nothing but increasing trade and reducing costs. We are of the view that government procurement and government employment have a wider role in the economy and in New Zealand society.

We recommend that the committee seek clarification from MFAT officials about how this article could be amended to include an undertaking that “reducing costs” does not translate through future trade agreements into forgoing opportunities to raise terms and conditions of employment, including pay, and to require exemplary health and safety standards for those delivering public services in New Zealand.

We urge the Committee to recommend extending and opening the examination of this agreement to provide more genuine opportunities for public input. If the Committee extends the examination process then the PSA will consider contributing a more substantive submission.