

PROTOCOL FOR PUBLIC SERVICE ASSOCIATION DELEGATES WITHIN THE MINISTRY OF BUSINESS INNOVATION AND EMPLOYMENT

This protocol is based on a constructive working relationship underpinned by the principle of good faith and the implied mutual obligations of trust and confidence.

1. Purpose

1.1 This protocol sets out the respective roles and responsibilities of the Public Service Association (PSA) delegates and the Ministry of Business, Innovation and Employment (MBIE) and its managers in respect of union related activities.

2. Introduction

2.1 The PSA is a well organised union that:

- demonstrates sound union principles, based on collectivity; and
- accepts the responsibility of representing its' members in the workplace and within union structures.

2.2 The PSA is a democratic organisation that provides leadership and advice on professional and industrial matters. PSA delegates/representatives play an essential role as the face of the union they represent in both the workplace(s) and in union structures, which includes, but is not limited to the collective and individual interests of PSA members within MBIE.

2.3 MBIE has a purpose to Grow New Zealand for all, meaning providing more jobs and increasing the opportunities for New Zealanders to participate in more productive and higher paid work

2.4 This protocol acknowledges the rights of PSA members and delegates when involved in PSA activities, and sets out:

- the rights, roles, and responsibilities of the parties when PSA members and delegates are required to represent fellow union members in employment matters, on working groups and in union structures;
- the support MBIE and the PSA will provide to ensure the effective operation of delegates/representatives in their roles; and
- the agreement on induction for new staff.

2.3 This protocol acknowledges that some delegates/workplace representatives have a particular role (e.g. National Delegate, National Convenor) which places further demands on their time from both MBIE management and the unions.

- 2.4 MBIE and the PSA will agree to engagement processes and structures for delegates and managers to meet regularly and to further the relationship between them.

3. *Delegates' responsibilities -In the workplace*

- 3.1 Delegates are elected by members in worksites. Their key responsibilities are to:

- Encourage a good working relationship with MBIE provide leadership and advice on PSA issues within the workplace;
- represent and support members in employment and other matters;
- develop and represent the collective view of members;
- hold membership meetings as appropriate;
- identify issues and work constructively with management to seek resolution in a timely manner and at the appropriate level;
- support members to participate in decision-making at the workplace and in union structures;
- receive and disseminate union information so that it is easily accessible to members;
- act as a means of communication between paid union officials, other delegates and members in the workplace;
- advance and promote the strategy and goals of the PSA;
- recruit new members to the PSA;
- participate in committees of delegates within the workplace;
- ensure that they attend relevant educational forums (PSA and MBIE provided) to develop and maintain understanding of employment and workplace relations and related topics;
- promote the objectives of the Health and Safety in Employment Act 1992 and subsequent amendments when working with MBIE on health, safety and wellbeing issues; and
- Represent members and the PSA at pre-negotiation meetings, negotiations, ratification meetings and working parties.

4. *Delegates responsibilities – in PSA union structures*

- 4.1 Delegates are elected to:

- participate in the decision-making processes of the PSA on local and national bodies; and
- represent the PSA on working groups, delegations and at conferences.

National Delegates

In addition to the above, National Delegates will:

- provide leadership to delegates and members in MBIE

- determine and support PSA structures and processes within MBIE
- engage strategically with MBIE and its managers
- maintain a MBIE-wide view
- demonstrate and promote the principles of constructive engagement.

National Convenor

The role of the (National Delegates-appointed) National Convenor is to organise and lead the National Delegates, and be a key point of contact between MBIE and the PSA.

In recognition of the role's requirements, MBIE agrees that the National Convenor will be allowed an appropriate amount of time to be spent on National Convenor business. What constitutes an appropriate amount of time will be governed by the respective complexity and other imperatives of the prevailing issue(s), for example, collective bargaining.

All Delegates

Time spent by MBIE staff in their delegate, National Delegate and National Convenor roles will be taken into account when setting expectations for their performance in the role in which they are employed, and in performance appraisals, so that delegates are not disadvantaged as a consequence of their union activities.

5. *Responsibilities of PSA and MBIE*

5.1 The PSA and MBIE agree to make the following commitments, which are necessary to allow PSA delegates to fulfill their obligations:

5.1.1 The PSA will:

- Promote constructive engagement and acknowledge the value and role of managers in the workplace
- provide MBIE with the names and workplace of all their respective delegates representatives after workplace elections;
- provide MBIE with the names and workplace of all members elected to national bodies
- provide MBIE with details (venue, time) of any on-site and other union meetings to which members and delegates will be invited;
- provide MBIE with the names and workplace of all members elected to negotiation teams as part of the bargaining process agreement for each respective negotiation;
- advise managers (wherever practicable) of delegates' time spent on union activities and give the manager as much advance notice as possible of any activity; and
- have regard to the operational requirements of MBIE

5.1.2 MBIE will:

- Promote constructive engagement and acknowledge the value and role of the PSA and PSA delegate in the workplace;
- allow paid time for union delegates to discharge their responsibilities (see 3.1) ;
- allow time for union delegates to meet on a regular basis;
- allow union delegates/representatives reasonable use of MBIE facilities to discharge their duties, including communication systems, IT systems, and meeting rooms;
- provide paid time away from their regular duties for union delegates representing members and the union at pre-negotiation meetings, negotiations, ratification meetings and working parties;
- provide paid travel expenses for union delegates representing members and the union at working parties, and other union meetings;
- provide paid time away from their regular duties for union delegates who are elected to the wider union structures, e.g. PSA Congress and Sector Committees;
- grant paid time away from their regular duties and expenses for union delegates and members to attend personal grievances and disputes in which they are involved;
- provide the PSA, where reasonable and practicable, with any information relating to the collective agreement, including the location and number of members and employees who come under the coverage clause of the agreement. The information and arrangements for such will be agreed between MBIE and PSA;
- If a manager becomes concerned about the amount of time being spent on delegate duties, or the nature of the activities being undertaken during such time, the matter should be raised with the General Manager, People & Capability in the first instance. The General Manager, People & Capability will then discuss the matter with the PSA National Organiser to resolve any concerns.

6. *Induction for new staff in regard to union membership*

6.1 PSA will liaise with MBIE regarding a process for induction, which will:

- provide new staff with an opportunity to meet the union delegate;
- bring to the attention of and make available PSA membership application forms and promotional material to new staff;

7. *Training*

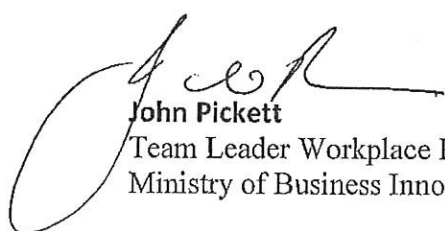
7.1 MBIE and the PSA are committed to having well trained and resourced delegates and acknowledge the benefits of allowing them to attend paid educational leave courses.

7.2 The purpose of the educational leave is to increase delegate's knowledge about employment relations, and to promote the objectives of the Employment Relations Act, especially good faith.

7.3 This training may constitute joint training by the PSA and MBIE or PSA-delivered training. To this end the General Manager, People & Capability and the PSA National Organiser will annually agree on programmes in which delegates and managers may jointly participate.

8 Signatories

Signed on behalf of the Ministry of Business innovation and Employment:



John Pickett
Team Leader Workplace Relations
Ministry of Business Innovation and Employment

Signed on behalf of The Public Service Association



M.J.Chaney
Organiser
Public Service Association