

PSA BARGAINING STRATEGY 2012 - 2015

Status

This policy was formally adopted by the PSA executive board at its August 2012 meeting. It is made pursuant to rule 40 of the PSA Rules and derives its status from and sits under the purpose and objects set out in part 1 of the PSA Rules.

Business owner

Policy / assistant secretaries

BARGAINING FOR A BETTER WORKING LIFE: PSA BARGAINING STRATEGY 2012-15

Preamble

This strategy creates a framework for bargaining that will be applied through our sector-specific bargaining strategies. It should enable members, advocates, bargaining teams and employers to understand how the PSA will operate in bargaining and what we are seeking to achieve, wherever that bargaining occurs.

This strategy is an expression of a collective, whole-of-union approach. It requires discipline and for those involved with bargaining to be aware of how their negotiations impact on others. Bargaining is also one of the most important organising opportunities for the PSA, one that we need to take advantage of.

The theme for this bargaining strategy (*Bargaining for a Better Working Life*) and the bargaining priorities reflect the priorities from our strategic plan.

Context

After one term of the National-led government the New Zealand public sector (and those community organisations funded by the government) is facing ongoing financial constraints. The cumulative effect of these is being strongly felt in all agencies.

State sector employer bargaining strategies are informed by the *Government's Expectations for Pay and Employment Conditions in the State Sector*. This document reflects the Government's aims to constrain the level of wage settlements and oppose incremental progression in pay systems. They also make it clear that the government does not favour back pay and wants to limit precedent setting settlements.

Local government is facing pressure from the public and the government to limit rates increases. The government have backed up this concern with proposed legislation intended to narrow the scope of local government, effectively cap rates increases and enable councils to set staff numbers and remuneration policy. These moves, which are a signal from central government to local government to follow central government policy, will mean members in local government may struggle to gain pay increases.

The community public services sector is also dealing with the tightened fiscal environment as both government and private sources of funding dwindle. For example, DHBs have managed their deficits largely at the expense of community providers, while DHB provided services (the hospitals) have run at a loss. Things are also tight for MSD funded services.

The PSA does not have to accept that these contextual factors should constrain our approach to bargaining. We have our own expectations around pay and conditions that are reflected in the priorities in this strategy and we will pursue them.

Our priorities in bargaining 2012-15

We have identified four priority themes for bargaining. Within each of these themes we have identified whole-of-union **priority issues** which need to be reflected in all our bargaining. These priorities are set out in this section.

In addition, schedule A contains a comprehensive list of issues for bargaining that will also advance these themes. These are not whole-of-union priorities but may assume greater importance in different sectors and different enterprises.

Wage Movement, Fair Pay and Careers

Following several years of wage restraint there is now growing pressure on households and a need for fair pay adjustments to reflect rising costs and the financial pressures faced by members during difficult economic times.

In seeking decent wage movements the PSA's **priorities** will be to:

- Seek wage movements in the short term that at least maintain the current value of wages
- Seek higher wage movements during the life of this strategy, as the economy improves
- Focus on gaining improvements for those on low wages by pressuring funders and employers.
- Fair pay means the negotiation of fair pay systems into CA's that are based on our PSA model pay system, bringing an end to the unjust performance pay systems that dominate much of the public sector. It also means addressing pay and employment equity and exploring the outcomes of the PAEE review processes and further action.

In achieving fair pay the PSA's priorities will be to:

- Include pay systems (including pay scales and rules for progression) in the collective agreement
- Develop an equitable starting salary system based on clear criteria
- Ensure progression to the competent rate is by annual increment
- Have pay rates adjusted by across-the-board increases
- Oppose total remuneration where benefits such as employer contributions to retirement savings schemes, are tradeable for cash
- Agree steps to address the gender pay gap, building on PAEE reviews and pay investigations (where they have been conducted) or putting in place a PAEE review or pay investigation where nothing has been done
- Include an obligation in the collective agreement to monitor, regularly report on and respond to any inequities in pay or other employment matters.

Better careers for our members need to be supported by both fair pay systems and better access to decent training. Our **priorities** for career development are to:

- Ensure that training and skill development is provided to support progression through the pay scale and to new positions both within and beyond the employing organisation.
- Ensure that access to training is equitable to ensure groups such as women, youth, disabled workers and Maori can progress their careers.

Secure work

Job security in the public sector has traditionally been offset against the better pay and conditions in the private sector, but in an environment of cuts our members find this basic need is being undermined with the growing use of fixed term and casual workers, and independent contractors. Insecure work is a common feature of employment among some groups of PSA members.

Our **priorities** for secure work are to:

- Define when casual or temporary workers and independent contractors may be used
- Define at what point casual and temporary positions must be made permanent
- Extend coverage of collective agreements to casual or temporary workers and (where appropriate) independent contractors
- Include comprehensive change and redundancy provisions in agreements where they do not currently exist
- Resist employers' attempts to include 90 day trial periods in collective agreements
- Have meaningful union input into the process of change
- Minimise the need for redundancy by applying the full range of possible alternatives (including redeployment between agencies)
- Increasing the cap on redundancy payments where these are set too low
- Have collective agreements that reflect best practice for blending pay and conditions and maintaining continuity of employment in the event of organisational mergers.

Towards a better working life

The PSA is committed to achieving a better working life for its members and transforming the workplace is a strategic priority of the PSA. All of the priorities in this bargaining strategy will lead to better workplaces for our members and there is much to be done outside of bargaining. The issues set out in schedule A will all contribute to achieving better workplaces and better working lives but our **priority** in bargaining is for flexible work.

We want flexible work arrangements that:

- Are employee initiated (not employer imposed)
- Protect members' jobs, with a right to return to previous working arrangements if desired
- Have a good faith requirement so that no employee can be pressured into accepting working arrangements they do not want.

Ensuring the PSA can better support members

We need to continue our efforts to improve union facilities for recruiting, communicating, meeting, releasing time for delegates, recognising the union's role and generally organising. We need to anticipate employment law changes that may undermine union rights in workplaces and in bargaining.

Our **priorities** for better union rights are:

- More time for delegates and those with a representative role in the PSA beyond the workplace, to fulfil their roles
- Better access to resources in the workplace, such as photocopying, intranet and noticeboards, and enabling members and delegates to access the PSA website and receive e-mails
- Improvements to union access to workplaces
- Clauses that require the employer to offer the collective agreement to all new employees for the first 30 days of employment
- Agreement from the employer to not engage in collective bargaining with non-union representatives.

Relationship to sector bargaining strategies

Sector bargaining strategies work to the same priority areas but may emphasise different issues within those priority areas. They may also introduce other issues specific to their sectors that are not identified in this strategy.

Our approach to bargaining

The PSA is committed to an approach to bargaining which is built on trust, transparency and good faith, and a commitment to blended bargaining (i.e. an interest based bargaining that moves between problem solving and more positional stances as appropriate). We recognise that bargaining need not be about conflict, but can also provide an opportunity to improve relationships through engagement.

It is in the interest of the PSA, members and employers that bargaining is conducted in a timely fashion, without compromising outcomes.

To facilitate this, the PSA will:

- Engage with employers either collectively or individually in advance of bargaining to brief them of our objectives and our intentions around bargaining;
- Work with co-ordinating employer bodies or representatives on ways in which bargaining can be made more efficient and effective, such as setting dates in a block;
- Begin preparations for bargaining well in advance of the expiry dates for collective agreements including the initiating of bargaining as soon as practicable;
- Consider what issues are best advanced through bargaining and what issues are best advanced through other forums with the employer(s), and work these through with members.
- Support training for both PSA and employer teams that enables efficient and effective bargaining.

Our sector-specific bargaining strategies consider the sequencing of bargaining, the length of terms for collective agreements and their expiry dates, in the context of the bargaining environment and the needs of the sector. Union-only benefits will be sought and bargaining fee arrangements may be considered, in order to limit the risks associated with pass-on. Bargaining teams (and Assistant Secretaries) consider these when developing bargaining process agreements and bargaining briefs and plans. The integration of members' issues with the bargaining priorities is done in a way that makes the connection between those issues and the PSA's strategic approach. Meetings held to elicit members' issues ensure that everyone has the opportunity to contribute. Resources such as model clauses will be developed to support bargaining. Bargaining is managed so that the diverse interests of PSA members, such as Māori and women, are reflected in settlements.

The PSA will organise around bargaining and use the opportunities provided to recruit new members to join the union and strengthen delegate capability and structures. This will involve activities such as:

- Planning around how bargaining can be used to attract non-members
- Systematic mapping of the workplace
- Working with the communications team to create enterprise/industry specific recruitment resources
- Training of delegates to utilise opportunities presented by bargaining
- Ensuring delegate structures and numbers are appropriate to support bargaining
- Recruiting new delegates as necessary.

Industrial Action:

While collective agreement bargaining will be conducted in good faith and in a constructive manner, if satisfactory progress cannot be made in support of PSA member interests, industrial action may be considered. Action will only be implemented after a secret ballot is taken by relevant members.

Schedule A – Additional issues for bargaining

Fair pay

Issues for bargaining	Possible provisions
Fair pay systems	Progression beyond the competent rate is competency-based. Market rate surveys are only used in conjunction with other sources of information e.g. LCI, QES, CPI. Employer retirement savings contributions can be directed to student loan repayment.
Career development	Previous service is applied in a flexible way to recognise service with all public employers and those delivering public services with public funding.

Secure work

Issues for bargaining	Possible provisions
Vulnerable workers	That the provisions of Part 6A are extended to other workers who we consider vulnerable and included in collective agreements.
Secondment provisions	No loss of wages for seconded workers. Higher wages or allowances where jobs are more complex/at a higher level. Support for seconded workers on return to home organisation.

Towards a better working life

Issues for bargaining	Possible provisions
Leave arrangements that better support families and communities	<p>Special leave arrangements for those experiencing family violence, and those supporting them.</p> <p>Increase the amount of job-protected parental leave.</p> <p>Provide top-up of pay for parental leave to the worker’s usual salary.</p> <p>Better support for return to work from parental leave e.g. part time working options.</p> <p>Special arrangements for women who give birth prematurely – e.g. an extra week of maternity leave for each week that a baby is premature.</p> <p>Recognition that a miscarriage is a death for many women, so bereavement/tangihanga leave should apply.</p>
Workplaces that reflect the cultural needs of workers	<p>Statutory leave entitlements around adoption also to apply to whangai adoption.</p> <p>Paid leave to attend hui for recognised purposes.</p> <p>Paid time off to attend approved courses in Tikanga Māori and Te Reo.</p> <p>Recognition of the extra contribution of workers required to use their language and cultural skills in addition to their normal duties.</p> <p>Strengthening tangihanga leave provisions e.g. recognition that unveilings are part of the process</p>
Better health and safety provisions	<p>Getting health and safety employee participation agreements as part of the collective agreement, where not negotiated separately.</p> <p>Where employers in high risk sectors are accredited under the ACC Partnership Programme, these agreements enable comprehensive union engagement on injury prevention, rehabilitation and return to work.</p> <p>Processes for dealing with bullying and violence.</p> <p>A process whereby workload concerns can be raised by members and measured and addressed by the union and the employer.</p>
Workplaces that reflect the needs of Deaf and disabled workers	<p>Providing reasonable accommodations where the workplace environment or working arrangements might otherwise make it difficult for a disabled person to do their job.</p> <p>Disability leave for a reason related to someone’s impairment.</p>
Sustainable work systems	<p>Seek a commitment in bargaining to explore SWS in non-bargaining forums.</p>

Making sure the PSA can better support members

Issues for bargaining	Possible provisions
Enforceable agreements	Use of model clauses wherever possible. Provisions of Policy on Negotiation of Collective Agreements are adhered to. Quality control mechanisms are in place.
Pass-on	Union-only benefits will be sought and bargaining fee arrangements may be considered.
Term of agreements	Agreement terms that balance the need to protect members' interests over a period of time with the need to have opportunities to advance members' interests.