

Freed to care, proud to nurse

A HANDBOOK FOR
NEW ZEALAND NURSES
ORGANISATION DELEGATES



NEW ZEALAND
NURSES
ORGANISATION

© September 2007

This material is copyright to the New Zealand Nurses Organisation Inc.

This publication must not be reproduced or electronically passed on to other parties without written permission of the

Chief Executive Officer, NZNO,
PO Box 2128, Wellington

Ph (04) 931 6747;
Fax (04) 382 9993

Email: publications@nzno.org.nz

Web: www.nzno.org.nz

ISBN 978-1-877461-02-6

NZNO acknowledges the Service and Food Workers Union Nga Ringa Tota and the National Distribution Union in the preparation of this delegate handbook. NZNO has adapted the content and structure of their delegates handbooks which they have willingly shared.



Contents

Welcome	4
About NZNO.....	5
Who is NZNO?.....	7
NZNO and the union movement.....	8
The features of organised and unionised workplaces include:.....	9
Delegate Role And Responsibilities.....	10
NZNO's delegate training programme.....	11
Organising your workplace.....	12
Recruitment.....	13
Involving members.....	14
Organising tools	15
Worksite Organising Committees.....	16
Problem solving.....	17
The delegate's role in the disciplinary process.....	18
A problem solving approach to disciplinary action.....	19
Attending a disciplinary meeting with a member.....	20
Personal grievances.....	22
Dealing with workplace bullying.....	24
What happens when bullying issues are raised?.....	25
Bullying checklist.....	26
Health and safety.....	27
Collective agreements.....	28
Legal rights.....	30
NZNO staff roles.....	31
NZNO contact details.....	31
Appendix	32
Websites of interest.....	33

Welcome

Me haeretahi tātou mō te hauora me te oranga o ngā iwi katoa o Aotearoa

Let us journey together for the health and well-being of the people of Aotearoa

Kia ora and congratulations on being elected as a delegate for the New Zealand Nurses' Organisation (NZNO). Thank you for taking on this vital role in our organisation. Professional and industrial activism is the key to achieving our vision – freed to care: proud to nurse.

Yours is a leadership position, working with members to resolve issues in your workplace and engaging members on NZNO campaigns to achieve fair wages and conditions across the health sector and social justice for our families and wider communities.

This handbook will help you be a successful delegate — someone who listens, investigates and works with NZNO members to achieve positive results in your workplace and for patients and their whanau.

You are the first point of contact between members, NZNO staff and the wider organisation. As a delegate you are the face of NZNO and closely in touch with local members' issues. You must balance this with the collective aspirations of all NZNO members as expressed in NZNO's strategic directions. Your foundation will be our policies and processes.

NZNO undertakes its work in accordance with Te Tiriti o Waitangi. Te Runanga o Aotearoa is the Māori partner with NZNO, representing Māori in nursing and health and leading NZNO in Māori development. Tikanga determines our values as we contribute to the health and well-being of all peoples of Aotearoa/New Zealand. You will contribute to the development and success of NZNO's bicultural partnership.

As a delegate you will learn to build the collective power of members. Effective delegates ensure active engagement takes place between members, staff and elected officials. Delegates are the life-blood of NZNO. Success in your role will ensure NZNO's success in achieving the collective aspirations of our members and will enhance the health and well-being of all.

You must never forget, NZNO prides itself on being a membership led organisation. You are NZNO.

As NZNO's cultural advisor, Matua Leo Te Kira, has said:

“Me haeretahi tātou mō te hauora me te oranga o ngā iwi katoa o Aotearoa”

“Let us journey together for the health and well-being of the people of Aotearoa”

Good luck and kia kaha!

About NZNO

Overview

NZNO is the lead professional and industrial organisation for nurses, midwives, caregivers and other health workers, representing over 45,000 members in all areas of the health service.

NZNO is working towards a true bicultural partnership, guided in this process by Te Runanga o Aotearoa. This will ensure that Maori members have a voice in the formation of NZNO's policy at all levels.

NZNO is affiliated to the New Zealand Council of Trade Unions (NZCTU) and the International Council of Nurses (ICN).

NZNO negotiates and monitors employment agreements, and provides professional support and leadership for nurses, midwives and health workers, as well as influencing health and social policy to improve the health status of all peoples of Aotearoa/New Zealand.

NZNO is a complex organisation but the relationship and interconnectedness of all components of the organisation is critical to achieving our goals and realising our vision — that all NZNO members are freed to care and proud to nurse.



The first meeting of the New Zealand Trained Nurses Association in 1909

Our history

1905

The Wellington Private Nurses Association was the first of several small regional nursing associations to form.

1909

Those regional nursing associations evolved into the New Zealand Nurses Association (NZNA), which was nationally constituted in 1909.

1969

NZNA began to develop from a solely professional nursing organisation into one with an industrial role and was recognised by government as the negotiating body for members' wages and conditions in public hospitals.

1972

Branches were asked to set up representation committees, now called delegates' committees or workplace organising committees. Delegates' committees became accepted as necessary in representing members covered by collective agreements.

1973

The New Zealand Nurses Union (NZNU) was formed to fight for fair wages and conditions for private sector nurses, who, until this time, had no awards or union to represent them. NZNU represented members in the private and primary health care sectors, as well as educators and counsellors.

1993

NZNO was formed on 1 April as a result of the amalgamation between NZNA and NZNU.

2006 – 2009

NZNO celebrates its centenary!

Who is NZNO?

Members

NZNO membership is generally open to people who are nurses and midwives, members of the wider nursing team (such as caregivers) and students of nursing.

Delegate

Delegates represent members and must be financial members of NZNO.

Their duties include:

- » enrolling new members;
- » taking up members' issues with the employer and
- » liaising between regional councils, the Board of Directors and their members

Workplace Organising Committees - WOCS

- » Made up of delegates and health and safety representatives
- » Scheduled to meet regularly in paid time
- » Discuss workplace issues and ways to organise around them
- » Provide feedback on regional and national issues through regional councils

Board of Directors

This body is the governing committee of NZNO, which discusses national strategies and directions.

11 Directors including:

- » President, elected by members
- » Vice President, elected by members
- » Kaiwhakahaere, elected at annual general hui by Te Runanga members
- » Tumu Whakarae, elected at annual general hui by Te Runanga members
- » Seven other directors, elected by all members.

Eligibility

- » All directors must be approved by Election Committee against criteria set out in the Constitution, before being allowed to stand.
- » Election Committee made up of two members elected by Membership Committee, two elected by Te Poari and external returning officer.

Term

- » Board members have a three year term and may stand for an unlimited number of terms.

Remuneration

- » President and Kaiwhakahaere are paid positions for a three year term and may stand for an unlimited number of terms.

Roles

- » President and Kaiwhakahaere jointly head NZNO and co-chair (or alternate) Board meetings and Conference.

- » Vice President and Tumu Whakarae assist President and Kaiwhakahaere and may exercise their powers.

Te Poari of Te Rūnanga o Aotearoa, NZNO

Te Poari is a 17 member Standing Committee made up of regional representatives, Kaiwhakahaere, Tumu Whakarae and Kaumatua. Charter in progress..

Membership Committee

17 member Standing Committee including regional representatives, 2 student representatives, 2 College and Section representatives plus the President or Vice President.

Other groups

The Board may appoint sub-committees, taskforces and working groups.

Regional Conventions

- » One day meetings held around the country to run important union training and discuss matters affecting members
- » All delegates and members in the region should be given the opportunity to attend

Annual Conference

Decisions made at Annual Conference are binding for every officer, board member and financial members

- » Sets the overall policy direction of NZNO
- » Considers and decides upon all remits
- » Considers the NZNO annual report and financial reports
- » Has specific business to discuss
- » May direct the Board of Directors
- » Any financial member may attend as an observer
- » Voters can be reps from each region, sections and colleges, National Student Unit and Te Runanga

Regional Councils

Assist the planning of membership activities including the successful operation of regional conventions

- » Ensure members are informed and consulted with on matters of common interest and importance
- » Provide input to the Board of Directors and national office
- » Provide opportunities for members to meet to learn about matters of common interest and importance
- » Assist with the implementation of policy and strategy within the region

National and Regional Sections, and Student Units

Any group of members with a profession or common interest providing there is only one section for each approved interest.

These groups meet regularly to discuss industrial and professional issues and organise and train around them.

National Committees

This group of members has formed a committee to advise the Board of Directors on all aspects of their expertise.

NZNO and the union movement

NZNO is affiliated to the NZ Council of Trade Unions (NZCTU).

The goal of the New Zealand trade union movement is to improve the lives of working people and their families.

The role of the NZCTU is to promote unionisation and collectivism through programmes of active campaigns.

The NZCTU unites democratic trade unions, enabling them to consult and cooperate with each other to achieve the agreed aims and objectives of the NZCTU, in accordance with democratic majority decisions.

The NZCTU supports certain basic rights which are recognised in international declarations for workers and the unions that represent them.

- » The right to useful employment, social security, social justice, human rights and equal opportunity
- » The right to organise and to form and join trade unions
- » The right to bargain collectively with the employer
- » The right to strike.

The NZCTU is committed to:

- » Recognising Te Tiriti o Waitangi as the founding document of Aotearoa/New Zealand
- » Upholding the principles of democracy
- » Championing the cause of peace and human freedom
- » Opposing and combating totalitarianism and aggression in any form.

The NZCTU stands for all workers' right to enjoy equal rights and opportunity at the workplace, within trade unions, and in society at large.

What is a union?

A union is like a team or club that you can join. Its main purpose is to get workers organised so they can look after and promote the interests of the union members. We do not join a sports club and expect someone else to play. We join to participate.

Unions are communities of workers, working in the interest of the individual, the collective and the broader community. Their purpose is to secure jobs, quality services and, through these processes, a quality of life.

Organising unions

NZNO is an organising union. This means we work together to improve the lives of workers. We work together for a fair and just society by organising for strength, unity and power at work, in our industries, our communities and society as a whole.

Through unions workers have a voice at work and influence what happens in their society. When people come together with a common goal, they are far more powerful than when they try to reach goals as individuals.

The benefits most workers receive today are largely the result of union gains in improvements to their members' wages, benefits and working conditions over the last 100 years.

Through collective bargaining and by lobbying governments with other members of the community, unions have won many minimum standards of pay, hours of work, overtime, holiday pay as well as health and safety regulations and human rights.

This has resulted in minimum standards legislation in many areas. Unions were also involved in developing human rights gains and legislation.

NZNO is an organising union. We work to improve the lives of members by organising for strength, unity and power at work.



The features of organised and unionised workplaces include:

- » A culture of collectivism and solidarity
- » Groups of members working together to solve workplace issues
- » Members exercising collective strength
- » Members assisting and supporting each other with workplace issues
- » A collective approach around wages and employment conditions
- » Negotiating collectively
- » Active membership
- » Strong workplace leadership from delegates
- » High union membership

How does your workplace measure up?

Delegate Role And Responsibilities



The role of the delegate is key to NZNO's success, whether you represent NZNO, Te Runanga, students or a college or section.

Your job involves leading, listening, communicating, problem solving, negotiating, recruiting, advising, mentoring and educating.

It's a challenging job. To do it well you need support from NZNO staff and other delegates, but it is you who decides what is realistic. Set yourself up to succeed and decide how you want to take on the delegate's role and responsibilities.

NZNO's delegate training programme is based on the organising approach. It is designed to give delegates the tools and confidence to organise their workplaces. You are required to attend training as part of your delegate's role.

Through the NZCTU, NZNO has access to advanced delegate training for those who want to further their involvement in the wider union movement.

The key to being a delegate is building strength in your workplace. You are not alone. Your workmates, NZNO members and delegates in other workplaces are also working towards this aim, together.

Your aim as a delegate

As you represent all your members, it is important to represent the views of the majority and not just your own views. Always aim to involve other members to take responsibility for NZNO at work.

Delegates' Rights

- » You have the right to represent NZNO.
- » You have been elected as a delegate to protect the rights of all members and ensure that your collective agreement is upheld.
- » Your employer cannot choose to work with some delegates and not others. Members choose their delegates, not the employer.
- » You have the right to recruit new members and activists. Signing up new members is a big part of being a union delegate. We know that your workmates are more likely to join NZNO if you ask them.
- » You have the right to organise your co-workers and they have the right to show support for NZNO. Unless there is a specific dress code clause in your agreement,

that support can be shown by wearing badges etc.

- » You have the right to be consulted if the employer is considering making changes in the workplace affecting members' jobs or income. Ideally you should be consulted first to enable you time to come to a position on the changes and how they affect members. You should be able to discuss change with your employer and members as you may come up with better ideas. After all, it is the members who do the job and are therefore more likely to see ways that the work can or can't be done differently.
- » You have the right to distribute information. Use whatever means is appropriate to do this. You may wish to talk with people, you may be able to secure a NZNO slot on the agenda of the weekly staff meeting, produce a simple newsletter or use a special NZNO notice board. You could make use of special NZNO folders or communication books.
- » You have the right to represent members and raise issues with the employer to reach solutions.

NZNO's delegate training programme is based on the organising approach

Now you know your rights, the job description explains how to exercise those rights

Delegate job description

Goal	Responsible for
To provide leadership, represent members and build organisational understanding	Information flow to members on your job and organisers. NZNO needs to be informed of all issues and problems that arise in your workplace.
Administration	Check membership list details are correct for members on a regular basis. Maintain a notebook of issues on the job.
Make yourself known	Does everyone on the job know that you are the NZNO delegate? Assemble an NZNO resource file for work area. Use: <ul style="list-style-type: none"> » Staff meetings » Notice boards » Delegates badge » New staff orientation
Collective Agreement (CA)	Have a reasonable knowledge of your CA and participate in negotiations.
Recruitment	Encourage all to join NZNO. Aim for 100% membership. Attend induction meetings where possible.
Education	Equip yourself. As a delegate you will be expected to attend and participate in the NZNO delegate training programme.
Organising	Ensure members' voices are heard in decisions that affect them. Keep your wits about you. Always be on the lookout for issues to organise around and get members involved.
Work committee	Meet regularly with other delegates.
Stop work meetings	Hold regular meetings with members to keep them informed of NZNO business.
Publicity	Ensure NZNO has a presence and notice boards have NZNO information on them. Posters and leaflets are available from your local office. Take all NZNO information sent to you to work for members to read and discuss.
Speak up	Lead the way at union meetings. Always keep in mind that you are equal to your employer and that you are the spokesperson for the collective.
Report serious incidents to NZNO	Contact NZNO immediately on 0800 28 38 48 if you hear of a serious incident likely to result in a formal investigation, involving the Coroner, Nursing Council, ACC or Health and Disability Commissioner. NZNO needs to notify our insurers for indemnity cover. Members need access to legal advice and support.

Organising your workplace

The delegate's key role is to organise your workplace.

Workplaces

Any group of members may, subject to the approval of the regional council, define themselves as a workplace.

1. Any funding to workplaces shall be the responsibility of the regional council.
2. Workplaces shall elect a delegate(s) and/or delegate organising committee by vote of individual members at the workplace on a two year cycle, in terms of any guidelines for workplace representation determined by the Board of Directors. We are aiming to achieve a ratio of 1 delegate per 10 members.
3. Elected workplace delegates can represent members to their employer or employer's representative.
4. Elected workplace delegates shall be entitled to send to the regional council one representative for every 50 members or part thereof in the workplace.
5. In larger workplaces (over 50 members), nominations for regional council representatives shall be sought from workplace committees. Such nominees shall be members of the delegates committee. A workplace meeting shall be called no sooner than two weeks in such a way as to ensure the maximum number of members are given the opportunity to attend. An election shall be held for the required number of regional council representatives at the meeting.

Mapping

To organise your workplace you need to know where everyone is. Mapping is an easy way to understand things about the people in your worksite. Mapping is often used to identify where the recruitment needs are. Once you know exactly who the non-members are it is much easier to plan how to recruit them into NZNO.

Maps can be used to find out:

- » Who is in a department, work area or team (research tool)
- » Who are members and non-members (recruitment tool)
- » Who wants to be active members (research tool)
- » Who wants to be delegates or union contact people (identification tool)
- » What the issues are for the workplace or group of members (organising tool)

Using a map, you can establish:

- » A workplace organising committee, as a network for a workplace or group of workers (organising tool)
- » A plan of action to deal with a workplace problem (organising tool)

Mapping is an easy way to understand things about the people in your worksite.

Different kinds of maps

Floor plan Map

- » Identifies who is within an area, and who are the members, non-members and delegates in a work area

Relationship Map

- » Identifies the work and social relationships and can be used to establish a communication network

Profile Map

- » Identifies who is where based on work areas or type of job
- » Identifies who needs to be recruited, and who are the delegates and contact people
- » Identifies workplace issues

Profile Map (2)

- » Identifies who is where based on the member's name.
- » Identifies who needs to be approached to join the union and a plan of action for doing this
- » Can be used as a research, recruitment and organising tool

Recruitment

Recruiting new members is one of your most important tasks. If everybody in your worksite is a member of NZNO the employer has a clear message there is strong support for issues and claims.

Your first step is to identify who the non-members are. Your organiser has membership lists for your work area to help you do this. Once you have identified the non-members, develop a recruitment plan that will systematically involve and train other NZNO members to meet all of the identified non-members.

Seven simple steps to recruit a member

1. Introduce Yourself

Introduce yourself to the non-member by name and as the NZNO delegate. Chat about their new job, their old job, their life, etc. Remember to let the non-member do most of the talking and listen to them.

2. Talk NZNO

Talk about NZNO in your workplace:

- » What has been won in the past: "In the latest collective agreement we gained a pay rise."
- » What is going on right now: "There's an issue around about people not getting their tea breaks."
- » Ask them if they want to join NZNO. We know that most people who aren't in a union have never been asked to join one!

3. Listen

Listen to their responses. Give them a chance to ask questions or voice concerns. Instead of jumping in to answer each question or objection, ask another question to learn more, like:

- » "What's an example of that?"
- » "How would you like to see things changed?"
- » "What happened next?"

4. Raise things you have in common

When you do respond, talk about what you have in common, what you share. By establishing this common ground you show you are not quick to judge or criticise. You also show that, faced with the same problem, you decided to get involved. Use phrases like:

- » "I know what you mean. I used to think that too."
- » "Yes I find it hard to find time too."

5. Education

Educate the non-member to change their view and move beyond any objection they may have to joining NZNO.

6. Closure

Closure is a technique to gain commitment. There are different kinds of closure. Here's some suggestions for using those techniques.

Direct Close

You tell them what to do by giving them a task. "So join now. Here's the form."

Suggestion Close

Make a suggestion, such as: "I suggest you join and then you can attend the meeting where we are all going to start resolving these issues."

Choice Close

Give them a choice on what they can do, such as: "Would you prefer to attend the gam or lunch time meeting?"

Summary Close

Provide a short overview of what you have discussed and then ask them to do something: "We have talked about the importance of this issue and of people working together. So all that is left is for you to join."

7. Follow Up

Ensure the non-member knows how to find you if they have questions.

Deal with any immediate questions or concerns, but be honest if you can't. Promise to get back to them, or even better, get them to come with you to find out from someone who knows.

Exchange phone numbers and set up a time for your next conversation and tell them who else is involved.

Most people who aren't in a union have never been asked to join one!

Involving members

The strength of NZNO is in full participation of all its membership throughout the organisation, whether it is in the workplace, in colleges and sections, Te Runanga or the National Student Unit.

When a member comes to you with an issue, your role is to listen to them and assist them. It is important to communicate with members so they know what is happening and how it may affect them.

The best person to convince someone is themselves. You can enable the member to do this if you listen and acknowledge their objections to joining NZNO before trying to overcome those objections.

Listen to objections, then:

Explore

Explore the objection, by asking open questions to find out more about it and to get the person to start thinking through their objections. You might say: "Why don't you want to come to the union meeting?"

Empathise

It is important for people to feel you understand their concerns. You might say: "I sometimes feel that way too. But if we work together we're more likely to get what we want."

Educate

People often have objections about things they don't understand.

Follow up

If you have agreed to do something or find something out, make sure that you get back to the person with any information or support needed within the timeframe you said you would.

Give people something to do no matter how small, instead of doing it for people or allowing them to off-load issues onto you. This is very important as it allows the member to participate in the resolution of an issue.

Remember, not all issues get the same responses. Some issues motivate members more than others. Choose an issue that will make the most difference to your members.

Most people learn, change and grow in the process of doing something. Ask: "Will you take this leaflet?" or "will you pass it on to your friend?" or "will you sign this petition?" If you want to develop new leaders, you must give them something to do, however small that first task is.

When an issue is identified, give members some hope. Show them that things could be different if they got involved.

Once they see they can make a difference, ask for commitment to take an action. Ask them to fill out an incident form, or attend a meeting. If they will not commit, go back to the original issue and confirm how they feel about it.

When someone agrees to do something, follow up. Ask: "How did it go?" or "what needs to happen now?"

When members do something, no matter how small, they begin to get involved. That provides an opportunity for them to demonstrate their involvement.

When members do something, no matter how small, they begin to get involved.

Ask: "How did it go?" or "What needs to happen now?"

Most people learn, change and grow in the process of doing something.

Organising tools

There are lots of organising tools you can use to get members active. The first tool you will need to organise your workplace is planning.

Any plan you and the members develop should focus on an issue that is:

1. Widely felt (many members are concerned)
2. Deeply felt (members are angry and upset)
3. Winnable (you assess a small collective action can resolve this issue)

When you have assessed the issue, you can develop the plan around this issue.

There are lots of organising tools you can use to get members active and these tools may also encourage potential members to join the union.

Surveys

Three questions asking members/workers views on hot issues

Petition

A statement and action we ask for signatures of support

Accountability Delegations

Affected staff led by you, meet with management

Group letter

A letter to management summarising members views with a requested outcome and timeframe

Wearing badges

An act of solidarity showing management member support

Meetings

Management attend a membership meeting and are accountable for their decisions

These are all ways members can make a safe collective response to an issue of concern.

The SMART plan.

Specific

» identify the issue

Measurable

» have milestones that indicate progress toward your goal

Achievable

» the goal must be achievable

Realistic

» have member support for the plan

Timebound

» set a reasonable timeframe for activities and an end point for the plan



Worksite organising committees

A worksite organising committee (WOC) is one way of making sure other members and delegates have a forum in which ideas and issues can be discussed and decisions can be made about issues and campaigns.

Your WOC will ensure continuity of workplace activity and build involvement among workers. It doesn't have to be formal.

Why set up a committee?

- » To spread the workload
- » To encourage more involvement
- » To create a pool of ideas and experience
- » To produce a wider spread of contacts and skills.

A WOC should include:

- » Delegates and members so that it is visible and is in contact with all members
- » Someone from each job, shift, ward/department/section, work area
- » People from relevant ethnic and age groups
- » Workplace leaders that others turn to for advice and help
- » Health and safety representatives

The Role of a WOC

- » Communicating quickly and personally with each member
- » Identifying issues through surveys and one-to-one discussions
- » Building organisation in the workplace and recruiting new members and activists
- » Educating members about the things that concern them
- » Dealing with day to day issues on the job and taking them up with the employer
- » Planning and coordinating campaigns in the workplace.

Regional Organising Committee (ROC)

A regional organising committee (ROC) can be another way of getting members and delegates together, especially for a combination of sites like aged care facilities where there are maybe only one or two active members/delegates. These should operate on the same basis as WOCs.

Leading membership meetings

Training is available for those appointed as chair, vice-chair or secretary of the workplace organising committee.

Below are some handy hints for getting the most out of your workplace meetings.

Meetings allow groups of people to:

- » Share information
- » Make collective decisions and action plans
- » Allocate tasks
- » Develop policies and make recommendations

Everyone's time is precious.

Meetings need to be planned and dates, times, venue and agenda communicated in advance. A well run meeting starts on time, is well chaired and follows the agenda. Any information and resources are available. Members have reports ready and have prepared themselves to speak on their reports or agenda items.

The delegate's role is to:

- » Discuss agenda items with colleagues in their work area
- » Report new issues
- » Express the views of their workmates

Meeting checklist

Our meeting skills – do we:

- » Listen to each other?
- » Ask questions and debate the issues?
- » Participate and give our opinions?
- » Report collective views of the members even if they differ from your personal views?
- » Make decisions as a team?

How do we operate – do we:

- » Set goals as a team?
- » Deal constructively with conflict?
- » Take the initiative to improve things?
- » Share information?

Keeping our values – do we:

- » Treat each other with respect?
- » Keep our agreements?
- » Take responsibility?
- » Maintain open communication between work area, workplace organising committee and NZNO?
- » Accept and action allocated tasks, reporting back to the chair
- » Report back to members in their work area

Problem solving

A key part of the delegate's role is problem solving. Effective problem solving uses the same strategy as the nursing process which is familiar to most delegates. Each step is outlined below and has a specific result. Only when you achieve that result should you proceed to the next step. For best results, don't skip any step.

The problem solving strategy could be applied to issues such as:

- » Staffing levels
- » Workload issues
- » Rostering concerns
- » Skill mix

Problem Definition Process	Result
1. Recognition Discuss and document individual views, proven facts and relevant symptoms until everyone involved accepts that there is a problem.	Agreement that an issue needs resolution.
2. Label Clearly document all sides of the exact conflict or problem you want to resolve.	An agreed statement of the problem.
3. Analysis Find and agree on the fundamental source of the problem.	Unanimous identification of the root cause which needs correction.
Solution decision-making process	
4. Options Brainstorm all alternative strategies that have the slightest chance of resolving the problem and its root cause.	A complete list of possible solutions.
5. Decision-making Choose the best solution by objectively evaluating the optional strategies.	A firm joint decision on the chosen solution.
6. Action Plan Organise systematic steps with timeframes, resources identified and allocate responsibilities to implement the decision.	A complete step-by-step road map to translate the decision into reality.
Implementation and Evaluation	
7. Implementation and Monitoring An identified person manages and monitors all implementation phases, amending the plan as issues arise and ensuring progress is made.	Implementation occurs and progress is monitored.
8. Evaluation On completion of the problem, solution or change, the process and outcomes are evaluated and points noted to take into consideration prior to the next problem resolution cycle.	Lessons learned from the process are documented as a quality improvement strategy for the next problem.

The delegate's role in the disciplinary process

An organiser may attend disciplinary meetings with members depending on the seriousness of the situation. At times though, you may find yourself attending a meeting with a member that is disciplinary in nature. Here are some points to assist you.

Fair notification

The member should be advised in advance if it is a disciplinary meeting and the reasons for it. They should not just be called to the office. A member is entitled to have an appropriate support person attend the meeting with them. Members should not attend a disciplinary meeting alone.

Representation

A delegate, supporter or organiser should be with the member at all times during a disciplinary meeting. If representation cannot be arranged, adjourn the meeting until a representative can be arranged.

Disclosure

The member has the right to know exactly what is the complaint against them. The employer should disclose the complaint before questions are put to the member.

Adjournment

You have the right to an adjournment at any time during the meeting. If necessary, call an adjournment after the employer presents their case to discuss the matter with the member before any response.

Consistency

The employer's decision must be consistent with other matters dealt with on the site.

The right to offer an explanation

The delegate and member have the right to have their side of the story heard. The employer must give due consideration to the explanation and will usually require an adjournment to do this.

Punishment fits the crime

Disciplinary action taken against a member must be in accordance with an alleged breach of rules or policy. The employer may only instantly dismiss for serious misconduct. Otherwise disciplinary action should only result in issuing a warning or, if appropriate, counselling for the member.

A problem solving approach to disciplinary action

A process for problem solving in the workplace is:

Gathering the facts

You need to establish the facts by interviewing the member and checking the employment agreement and relevant policies.

- » What actually happened?
- » Why did the problem arise?
- » How does this affect you?
- » Are there other people who know about this situation?

Make sure you keep a written record of the facts and include dates.

Read the notes back to the member to make sure they are accurate.

Remember that facts are important, as a reminder and for legal evidence.

Determine the issue

You need to identify what kind of problem you are dealing with. Gathering facts allows you to determine the issue and for it to be resolved. Does the problem result in:

- » A breach of agreement or policy?
- » Disadvantage of employment; some form of harassment or discrimination?
- » Unfair treatment of the member?

Identify the outcome

- » Decide on the outcome that you would like to achieve.
- » Remember not to promise the member a particular outcome, as it may not happen.

Determine the action

Identify the steps you could take to solve the problem.

There may be more than one way of attempting to solve the problem. You may need to identify the options and discuss these with the member(s).

If you are unsure about something or need some support, talk to other delegates, your organiser or individual case organiser (ICO) about the issue.

Identify whether there are other members affected by the issue.

Do other members want to support the member?

Respect the member's confidentiality. Check if it's ok to talk to or involve others.

Tips for meeting with your employer

1. Never go into a meeting alone. Take any members who are involved with you.
2. Take notes, or get another member to take notes. These could be important later if there is disagreement over what was discussed.
3. Be as prepared as you can. Know what happened. Know your employment agreement, what you want to say and what you want to get out of the meeting.
4. Don't be afraid to ask for extra time. If you need to prepare or talk to an affected member, even in the middle of a meeting, take a break. This is called an adjournment.
5. Listen. Listen to the members and to management, especially when they are making offers. Don't be afraid to ask for something to be repeated.
6. Show unity to management. Don't argue with members in front of management. Ask for an adjournment if you need to talk to a member in private.
7. Don't make deals without member agreement. How will you know if they are happy with the deal if you don't ask them?
8. Report back. Go back to the members concerned and to the wider membership when appropriate. Keep people informed, go over the notes, and talk about how you think any meetings went.
9. Be polite, stay calm. You don't need to be aggressive or rude. But do be firm. You have your members and the rest of the NZNO standing with you.

What is the delegate role?

- » Information gathering and sharing
- » Documentation
- » To be objective
- » To ensure the process is followed
- » To be a role model
- » To advocate for the member
- » To represent the union
- » Knowledge of how the process should be
- » Feeling supported
- » Not being intimidated by management

What makes it easy?

- » Having the facts
- » Having a plan
- » Having rapport with the member
- » Feeling confident

What makes it hard?

- » Unrealistic member expectations
- » Not liking the member
- » Not trusting the member
- » Feeling you don't have all the facts
- » Not having access to policies
- » Hostile management

Tips for delegates

Find a time that suits you and the member.

Ask the member and HR people how long they think the meeting will take and leave enough room for time delays.

You may want to go through issues with the member beforehand or debrief afterwards. You can ask for the room to be booked a little earlier or later to allow this to happen or have a private area where you can meet.

Try not to meet at the member's home, as this can be a risk to you and can also add to the stress on the member.

Attending a disciplinary meeting with a member

Here is a guide to help delegates who are attending disciplinary meetings. The information is intended to be helpful tips and reminders and not hard and fast rules or legal advice.

Seek advice early

Senior delegates and organisers are there to support you. If you need advice, get in touch.

Disciplinary processes must be fair and reasonable

Employers have a legal obligation to act in a fair and reasonable way. There is no hard and fast list of legal rules, but below is a list of characteristics for a fair and reasonable process to give you an idea of what to look for. What amounts to fair and reasonable will depend on the circumstances. Trust your instinct. If something feels as if it is not fair it probably isn't.

An employer also has an obligation to comply with any processes set out in the employment agreement or their policies. Check these documents to make sure that the employer is following them.

A fair and reasonable process will have the following characteristics:

- » The employer informs the member they are entitled to have a representative or support person present. This can be a union delegate, organiser family member or friend.
- » The member is told in advance what the meeting is about and what the possible consequences of any decision may be. This will most likely be in a formal letter.
- » The member is given enough notice about any meeting or investigation to arrange for a support person or delegate and prepare a response.

- » Any information or evidence to be relied upon by the employer when making the decision is shown to the member beforehand with enough time to adequately read and respond to this information.

- » The allegations or issues are specific and clear.
- » The employer clearly explains the purpose of the meeting, the process for the investigation, including what else may need to be done or who else may need to be spoken to and any possible outcomes or consequences of the meeting for the member.
- » The member has been given a fair opportunity to put their side of the story and to put forward any information they consider relevant.

- » The member's explanations and responses to questions are listened to and considered fairly by the employer.
- » The outcome is not predetermined before the investigation has been carried out.
- » The member is given enough time to think about and respond to questions from the employer. This includes taking a break and/or talking to the delegate about how to answer the question.
- » The employer answers the member's questions, explains and elaborates where the member doesn't understand what is being asked of them or what to expect from the process.

- » The employer does not pressure the member into answering or agreeing to anything they are not comfortable with or have not had a chance to seek advice about.

- » If a member has been suspended while an investigation is being carried out, they should be paid during the suspension.

- » The employer keeps the process confidential and does not discuss what has been alleged with other staff (except those interviewed as part of the investigation).

Minimising the stress

Disciplinary processes can be stressful and upsetting. Here's some tips for dealing with that.

- » Make sure the member knows there could be disciplinary consequences so they can prepare for any outcome.
- » Make sure the member knows that the process can be stressful so they can make arrangements for support, especially after the meeting. You could organise for them to go home, or suggest that they have someone at home afterwards.
- » At the meeting take a break if the member needs to collect themselves.
- » Inform them of available options, such as Employee Assistance Programme (EAP) or other counselling.
- » Don't forget - you are an advocate, not a counsellor. Advise members that

counselling is available but don't provide it for them.

- » Maintain your boundaries. People under stress can be demanding and cause you stress. Try not to let members become too demanding on you or your time. Don't give out personal phone numbers and feel free to hand the case on to an organiser if you are unable to continue to help them for any reason.

At the meeting

Each meeting will be different but the following tips are useful to keep things under control:

Walk in with and sit beside the member so they feel more secure and can give you a nod if they need to take a break or write you a note.

Take notes at the meeting or get the member or their support person to take notes. These are a useful record of what has happened if there are further problems in the future or you pass the case on to an ICO or organiser.

Take a break if you need to think or talk something through. If the employer has put questions to you or made an offer and you need to consider your response, ask for 10 minutes break (either party can go into another area).

Don't feel rushed or pressured to respond immediately. Particularly when the meeting is to investigate an incident making sure the person is able to think about the question calmly before responding is really important. The employer has to give the member a reasonable and fair chance to think about and respond to their questions.

If you feel the meeting has reached a stalemate or that the conversation has become hostile or unconstructive take a break and talk through whether it is a good

idea to respond or continue on with the meeting. It may be better to call the meeting to a close and either reschedule or pass the case on to an ICO or organiser as mediation might be more suitable for the parties.

Don't panic!

If something comes up unexpectedly, take a break and think about whether you are able to respond. It is okay to say that you don't know the answer or that you're not sure what to do and you would like to find out. If you think that things are completely out of your league, bring the meeting to a close and say that you will get back to them about what will happen next. This gives you a chance to either find out what to do or pass it on to someone more appropriate.

The outcome of the meeting

An employer may not be able to make a decision on the day and so may arrange another meeting where the outcome of the investigation can be communicated to the member. A member is entitled to support and representation at this meeting also.

Possible outcomes may include:

- » No further action being taken
- » A verbal or written warning
- » Final written warning or dismissal
- » Remedial steps such as training, supervision or mentoring.

Other outcomes, such as an apology, taking leave or accessing EAP, may also emerge from the meeting.

Make sure the outcome is clearly recorded and communicated. The member should usually receive a letter setting out the outcome or findings of any investigation and

what action, if any, will be taken in response.

Be aware of details such as timeframes for warnings or supervision, whether the member is required to hand back any items such as keys or uniform if they are dismissed, when the employee is expected to return to work, what happens if issues come up in the future and who to talk to if there are further issues.

If the member is a nurse or midwife there may also be professional consequences such as referral to Nursing Council or a Health and Disability Commission investigation.

If it looks likely that this may be an outcome let an organiser know so that an indemnity insurance form can be sent off and legal representation can be organised.

Next steps

If the member is unhappy with the result of the meeting it may be appropriate for them to challenge the outcome through a personal grievance. Discuss this with an ICO or organiser and refer the member on to the appropriate person. There is a 90 day limit on raising a personal grievance and it is a good idea to do this as soon as possible.

Refer to page 34 for a checklist on everything you need to be a successful advocate in a disciplinary meeting.

Personal grievances

NZNO may take a personal grievance (PG) against an employer if a worker has been:

- » Unjustifiably dismissed
- » Disadvantaged by an unjustifiable action by their employer
- » Discriminated against on the basis of their colour, race, ethnic or national origins, sex, marital or family status, age, disability, religious or ethical belief, political opinion, employment status, sexual orientation, or involvement in union activities
- » Sexually or racially harassed at work
- » Subjected to duress because of their membership or non-membership of NZNO

The personal grievance must be raised with the employer and the member must formally request a remedy of the employer within 90 days of the action complained of, or the date they became aware of it, whichever is the latter.

If the employer is not told about the grievance within 90 days, the employer is not required to consider it unless the Employment Relations Authority accepts that the delay was caused by exceptional circumstances.

Remedies for personal grievances

The union may claim for the following remedies:

- » Reinstatement back into the previous position or a similar one that is not worse for the member
- » Reimbursement of lost wages or other money lost as a result of the grievance

- » Compensation for any effects on the member personally, such as humiliation, loss of dignity or injury to his or her feelings, the loss of any benefit that the member might reasonably have expected if the grievance had not arisen
- » When a member has been sexually or racially harassed, make recommendations to the employer on what to do about the harasser, such as transfer, disciplinary action, or helping to change his or her behaviour to prevent them harassing again.

Mediation Service

Mediation is a service that is provided for both unions, members and employers to help solve employment-related problems. Mediators bring the parties together, help the parties decide on the process that is most likely to resolve the problem, and help them work through the issues. If a settlement is reached the parties can agree to ask the mediator to sign it. Once signed, the settlement is binding and cannot be legally challenged.

Employment Relations Authority

The Authority is an investigating body that looks at employment-related problems. It looks at the facts and makes a decision based on the merits of the case. The Authority can use a variety of ways to sort out issues, such as holding pre-investigation conferences to determine procedure, calling for evidence from the parties or anyone else, holding investigation meetings, and interviewing the parties or anyone else. Full judicial appeal hearings of the Authority's decisions can be heard in the Employment Court.

Here are some examples:

Most PGs are either for unjustifiable disadvantage or unjustifiable dismissal. An unjustifiable disadvantage PG is where the employer has altered an employee's working conditions for the worse, and cannot justify having done so. Some examples are cutting allowances, demoting the worker, or warning the member without good reason.

When does a member have a sexual harassment grievance?

When a member is subjected to unwelcome or offensive behaviour through words, visual material or physical behaviour of a sexual nature, and this behaviour is of such a nature, or is repeated so often, that it has a negative effect on the member's employment, work performance or job satisfaction. Sexual harassment occurs also where a member is asked for sex, or some form of sexual activity, with either the promise of a preferential treatment in the job or the threat of worse treatment or dismissal.

When does a worker have a racial harassment grievance

When a member experiences hostility, ridicule or contempt based on their race, colour, ethnic or national origins through language, visual material or physical behaviour that the member finds hurtful or offensive. This behaviour is of such a nature, or is repeated so often, that it has a negative effect on the member's employment, work performance or job satisfaction.

Minimising Risk

What do I do when I don't believe what the member is telling me?

It is always difficult when you are helping a member who has been accused of something and you don't believe what they are telling you about what happened.

Try to be as non-judgmental and supportive as possible. If the person believes you are judging them they are less likely to tell you what really happened and give you all of the information you need. Creating an environment where they feel safe to tell you the whole story is essential. Try reminding them that everything they say is confidential and that you are not going to say or do anything that they don't want you to. Try using phrases like, "I need to know exactly what happened, good or bad, so I can find the best way to help you and decide on the best strategy."

Remember it is not your job to decide whether the member did what is alleged. That is the employer's job. Your job is to help the member to put their side of the story forward and get a fair process. You can't control the outcome.

Some people cannot accept the allegations or the outcome. Give them time to get to grips with the allegation. EAP can help with this.

Let them know that sometimes it is more successful at a disciplinary meeting to admit the wrongdoing, apologise and learn than to deny something has occurred. Let them know that everyone makes mistakes and that an employer may be more willing to give someone a second chance if they own up and are willing to learn from their mistakes.

If the employer is hostile and unreasonable

Although employers are required to be fair and reasonable and to act in good faith they don't always do so.

When this happens you may need to remind them that you have a right to be heard and given a fair opportunity. Put the issues in writing to the manager. Keep notes of what is going on.

Talk to someone more senior and explain that you have concerns which are not being addressed. Talk to other union delegates or your organiser about their dealings with the manager and ask if they have any tips or can talk to them for you. Your organiser may identify these behaviours as part of a pattern which need to be dealt with through a broader organising strategy.

If the person is stressed and not coping

Employment problems can be very stressful and where these problems occur on top of other issues in the person's life or where they have existing mental health problems, it can start to have a serious impact on them.

You are not a counsellor and are not responsible for the way the member feels. You can suggest the member seeks assistance from EAP or their GP. If they have mental health problems you can remind them that this process will be stressful and they may want to talk to their healthcare provider or counsellor.

Practical suggestions such as having a support person at the meeting or afterwards to talk about things can help them access the support they need.

If the member agrees, let the employer know so they can offer help with leave, additional EAP or other support.

When it goes badly and you don't know what to do

Sometimes meetings or complaints don't go well and the member is unhappy with the outcome. Talk to other delegates or your organiser and ask them for advice. It may be that any further action needs to be taken by the legal adviser or that they can suggest something for you to try. The issue could be one which affects a lot of members and may be a useful organising issue or priority for the organiser in another forum. It may also be that there is nothing more that can be done because the procedure or outcome was actually fair and reasonable despite the person being unhappy. If that is the case an organiser should handle the situation and let the member know that.

If the process drags on without a resolution

Unfortunately some issues can drag on longer than we want them to despite our best attempts to get a resolution. An employer may take a long time to get back to you with an investigation or outcome or despite numerous meetings nothing seems to be getting done. In the first instance try and take stock of what has happened and see if you can talk to the people involved and speed things up. Sometimes HR people get busy with a lot of other issues and your problem gets moved to the bottom of the pile. A friendly reminder may be all that is necessary. If you are making no progress, talk to your organiser for advice and support. They may be able to put some weight behind an issue or follow up with management.

Dealing with workplace bullying

As a delegate you could be asked by a member to assist in a bullying situation. Here's some advice on how to deal with bullying.

What is bullying?

Bullying is behaviour that is:

- » Unwelcome offensive, abusive, intimidating, malicious, insulting and insidious
- » Persistent, prolonged and happens over a long period of time

Examples of bullying behaviour include:

- » Spreading malicious rumours
- » Insulting someone by word or behaviour
- » Competent workers being constantly criticised, having responsibilities taken from them, being set trivial tasks, being blocked from promotion, being isolated from activities or set up to fail by being required to work long hours or meet impossible deadlines.
- » Consistent attacks on a member's personal or professional standing or regularly making them the butt of jokes.

A bully has power, sometimes sanctioned, and sometimes perceived. Bullying can come from individuals or groups.

The target of bullying will feel upset, threatened, humiliated and vulnerable. Their self confidence will be undermined, which can cause them to suffer from stress.

Raise it with the employer

An employer has an obligation to provide their staff with a safe working environment. Bullying in the workplace is a health and safety issue.

If bullying arises in the workplace the employer needs to deal with it and ensure that it stops occurring. An employer can only deal with the problem if they are aware of it.

Follow the policies and procedures of that workplace on how to raise a claim of bullying. If there are no policies, send a letter setting out the allegations to the manager.

Deal with issues early

The longer a bullying situation is left the harder it is to resolve it.

If the situation has only just begun consider meeting with the people involved and the manager and try to find a way forward before things escalate.

Sometimes communication issues and personality clashes may exist rather than a situation of bullying. If this is the case, try talking to the manager about a facilitated meeting, training in communication or team building.

Support those involved

Suggest to the manager that they could move the bully or victim to another area or to different shifts where they do not have contact until the employer has investigated the claim and decided on the best course of action.

Suggest ways that the person can be made to feel safer in the workplace.

Help the victim or the person accused to access EAP or other support or suggest to the manager that they may need time off.

Deal with the issue collectively

Bullying is not just an individual issue. It is an issue for all staff. Bullying affects the culture, environment, communication, trust and relationships within a workplace.

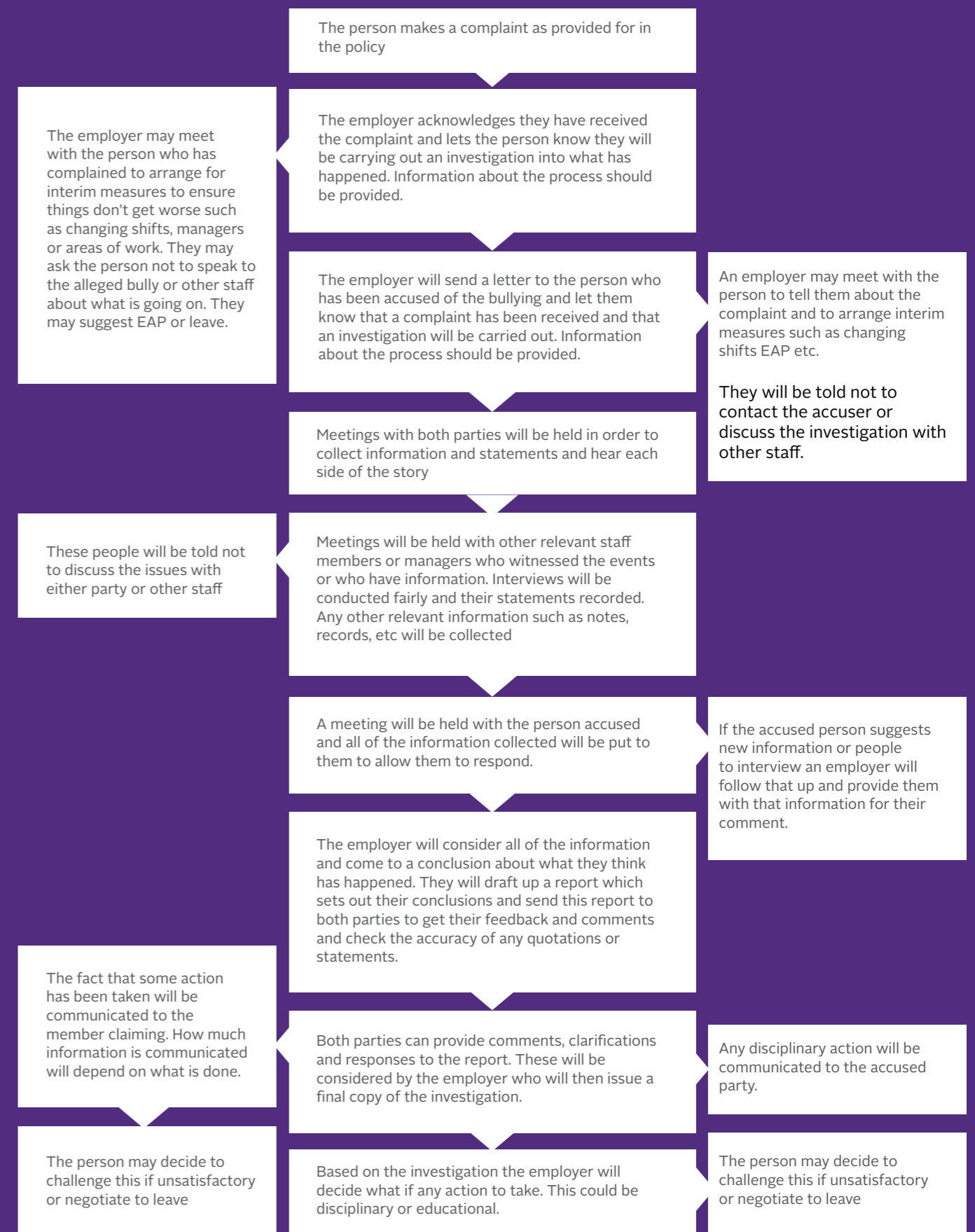
Be a role model and help create an environment where bullying is not acceptable and does not happen.

Work with delegates and members to make a bully free environment a priority for staff.

Bullying in the workplace is never acceptable.

A resource list about bullying is available from the NZNO library. Email library@nzno.org.nz

What happens when bullying issues are raised?



Bullying checklist

Sometimes, organisational factors can contribute to an atmosphere that leads to bullying behaviour. The checklist provides some pointers – you can add more that may be relevant to your workplace.

	Yes	No
1. Is there a “No Bullying” policy developed in consultation with members?	<input type="checkbox"/>	<input type="checkbox"/>
2. Are grievance procedures in place?	<input type="checkbox"/>	<input type="checkbox"/>
3. Are supervisors and managers aware of workplace bullying?	<input type="checkbox"/>	<input type="checkbox"/>
4. Do they do anything to stop it?	<input type="checkbox"/>	<input type="checkbox"/>
5. Has the workforce had awareness-raising training on bullying and harassment?	<input type="checkbox"/>	<input type="checkbox"/>
6. Is the organisation undergoing restructuring, redundancy?	<input type="checkbox"/>	<input type="checkbox"/>
7. Are job descriptions clearly defined?	<input type="checkbox"/>	<input type="checkbox"/>
8. Are members encouraged to speak up about health and safety concerns?	<input type="checkbox"/>	<input type="checkbox"/>
9. Are work rosters fairly distributed?	<input type="checkbox"/>	<input type="checkbox"/>
10. Is work monitored?	<input type="checkbox"/>	<input type="checkbox"/>
11. Are long hours of work routinely expected?	<input type="checkbox"/>	<input type="checkbox"/>
12. Do managers expect members to comply with impossible workloads?	<input type="checkbox"/>	<input type="checkbox"/>
13. Are members shouted at or picked on?	<input type="checkbox"/>	<input type="checkbox"/>
14. Are there high levels of sick leave?	<input type="checkbox"/>	<input type="checkbox"/>
15. Are there high levels of absenteeism?	<input type="checkbox"/>	<input type="checkbox"/>
16. Do members understand that workplace bullying is an occupational health and safety hazard?	<input type="checkbox"/>	<input type="checkbox"/>

Health and safety

Every NZNO workplace should have elected health and safety representatives. Either a delegate or another member is elected to this role. The delegate still has a role supporting the health and safety rep and being aware of health and safety issues as they arise. Being healthy and safe at work is our right!

Under the Health and Safety and Employment Act workers and unions have rights and a vital role to play in ensuring safe and healthy workplaces.

Under the act your employer is responsible for providing a safe working environment and ensuring that:

- » machinery and equipment is kept safe
- » workers are not exposed to hazards
- » procedures are developed for dealing with emergencies at work
- » Health and safety issues are ideal issues to organise around because everybody wants to feel safe in their work place.

Health and safety rights

By law, members at your workplace have the right to request and agree on a good health and safety participation process or system. That includes:

- » Holding elections for health and safety representatives (H&S reps) from each area or shift, so the entire workplace is represented.
- » Agreement and sign off on the terms of reference for the participation process including how often the group meets, the recording and format for minutes who actions decisions and how outcomes are reported back to members (for example through meetings, team briefings or a noticeboard).

- » Agreement that the H&S rep assists in the development of a hazard ID system and safe systems of work which eliminate, isolate or minimise the identified hazards on site.
- » Requirement that systems be set up informing H&S reps of accidents, ill health or near misses and involving H&S reps in safety inspections and audits.
- » Training for H&S reps and on-going review of the effectiveness of training.

Training

Each rep is entitled to at least two paid days of specialist health and safety training provided by the union. (This is in addition to current paid union education leave.) Check this entitlement with your organiser if your site has more than 280 workers.

Health and safety reps functions and rights

- » To actively support good H&S practices in the workplace
- » To identify hazards and talk with the employer about how to address any hazards
- » To be trained to issue a hazard notice to the employer.
- » To talk with the OSH inspector on H&S issues.
- » To speak up for workers on H&S issues, especially if members are on rehabilitation plans.
- » To explain to members their rights regarding refusal of unsafe work.

Raising a health and safety issue with the employer

If you identify a hazard you need to notify the employer. Once you have done this the employer must address the hazard and either fix it or explain in writing why it has not been fixed.

If you are not satisfied with the steps taken you should contact NZNO. You and your members have a right to a safe and healthy workplace

Health and safety gear

The employer is required to provide all suitable clothing and equipment to protect workers from harm.

Stress and fatigue

Stress and fatigue are serious health and safety issues. The law now reflects this by specifically stating that physical or mental fatigue and other temporary conditions affecting a person's behaviour are hazards.

Safe staffing

Safe staffing levels are key to a safe and healthy workplace. The delegate, along with the H&S rep, has a key role in identifying unsafe staffing levels, asking management to address any unsafe staffing levels and contacting NZNO if the issue is not addressed.

Collective agreements

As a delegate you have an important role to play in the negotiation of the collective agreement covering your workplace.

The bargaining process

1: Initiation of bargaining

Your organiser sends a letter to the employer advising that NZNO will be negotiating a collective agreement.

This must happen within 60 days of the expiry of the existing agreement. The letter contains a coverage clause and a list of good faith bargaining rules for the negotiations covering such things as:

- » The employer's agreement to release delegates on full pay and agreement to pay all costs relating to delegates involvement in the negotiations.
- » The parties' agreement to make reasonable time available for each meeting that takes place during the course of bargaining.

2: Claims

Putting claims together to negotiate your collective agreement is an ideal time to organise your work place and recruit new members.

Members are invited by delegates to submit claims for negotiations.

A meeting with all members is held to formulate claims and to set the ratification ratio. The ratification decision is also conveyed to the employer, formally, by the organiser.

Talking to members and getting their ideas and suggestions is

vital. You can put a notice up asking for input from members. This is also the time where you can address some of those issues that have been raised by members previously.

You will also become familiar with your agreement at negotiation time. Your task is to go through the agreement and look for areas where improvements can be made to your wages and conditions of work.

Be aware there will also be common claims NZNO is promoting across your industry.

3: Notification

The employer is required to notify all members who may be covered by the coverage clause that the union has initiated bargaining. The employer must advise union and non-union members.

4: Code of Conduct under the Good Faith provisions of bargaining

The duty of good faith includes a duty for both the employer and the union to be communicative and constructive. There are fines for serious breaches of good faith. It is unlawful for employers to advise or try to persuade members not to be involved in collective bargaining. It is easier to enforce the duty to bargain in good faith.

5: Negotiations

Before negotiations can

begin the bargaining process agreement (or BPA), which sets the bargaining rules, should be signed off. Once they have been agreed, negotiations begin. The negotiating team is made up of delegates and an organiser.

During the bargaining the negotiating team may hold report back meetings to seek direction from members on the bargaining.

6: Ratification

The ratification ratio is generally 50% + 1 which is a simple majority. Some jobs determine their ratification higher, for example, 60% or 75%.

Ratification of a collective agreement is usually voted on at stop work meetings but can also be done by postal ballot.

If and when a recommended agreement/settlement is reached the negotiating team reports back to members at a ratification meeting. Members hold a ballot to decide whether they accept the settlement (ratify it), or reject the settlement which means the team goes back to the negotiating table.

If a settlement is not reached, the options are mediation or industrial action. Mediation is an option to try and resolve any outstanding issues that the parties cannot agree on and can assist both sides to reach a settlement.

When you are on the negotiating team

If you are involved in your agreement negotiations there are a few do's and don'ts that you may not be aware of. At pre-negotiation meetings your advocate is chosen. You may have your organiser as the advocate but delegates often lead the negotiations on particular claims. This needs to be decided before negotiations begin.

Once you have chosen your advocate(s), leave it to them to put up the arguments. Avoid being taken in by the employer, who may direct questions to delegates and ask them to respond. If that happens you can say: "We will answer that question after an adjournment", which gives you time to discuss the issue collectively.

Stick together especially in front of the employer

If you disagree with what the advocate is saying or you have come up with a new idea, ask for an adjournment and discuss the issue and who is going to present it. Don't nod, as the employer may think you are agreeing.

Don't lose your cool. Keep cool till after school!

Think of good examples to back up your claims. This is really important and can make or break a claim!

Passing notes

You can pass notes between your negotiating team but not with the employer. If the employer passes you a note, share it with your negotiating team, no matter what it is.

Before you leave the negotiating table get the proposed terms of settlement signed by both parties and circulate to all delegates. This is really important as if you don't you then have to rely on who said what and that can be misconstrued.

Short line-outs

Short line-outs can be used depending on the situation. The employer may ask to talk to just the advocate. A good advocate will always ensure they have a delegate with them and endorsement from the negotiating team to have an informal discussion with the employer. Whoever is involved in the short line out should not agree to anything until discussions have been held with the full negotiating team.

Act in a polite manner

There's no need to be overly familiar with the employer, but it is important to treat the employer team with respect and expect the same respect from them.



Legal rights

As a delegate, it is important to have a good understanding of union rights and minimum legal entitlements. Below is some information about some of New Zealand's legal minimum standards. Your collective agreement can and should provide for much more. That depends on the strength of your workplace!

Minimum wages

Minimum Wage Act 1983

There is a minimum wage. Go to the NZNO website for more information.

Your employer generally needs to get your written consent to make deductions from your pay, or to pay your wages in a form other than cash, unless your employment agreement allows otherwise.

Equal Pay & Equal Rights

Equal Pay Act 1972 & Human Rights Act 1993

Your employer cannot differentiate in pay rates between workers if the only difference is their sex. Also, in most cases, your employer cannot discriminate in hiring or firing, training or promoting because of your race, colour, national or ethnic origin, sex or sexual orientation, marital or family status, employment status, age, religious belief or political opinion, or if you have a disability.

Redundancy

There is no legal right to redundancy. If you have not negotiated redundancy compensation into your collective agreement you are entitled to nothing.

Holidays Act 2003

(From the Department of Labour website)

Under the Holidays Act 2003, employees are entitled to a minimum of four weeks annual holidays after the first year of employment. Employers and employees must:

- » Work out and agree what the entitlement to four weeks paid annual leave means for them
- » Ensure the employee is correctly paid when they take annual holidays or their employment ends.

On the anniversary of the date of commencing employment, the employee is entitled to four weeks paid annual holidays, to be taken at any time agreed between the employer and the employee. Employees must be given the opportunity to take at least two of the four weeks leave in a continuous period.

Payment for annual holidays

Payment for annual holidays is at the greater of the ordinary weekly pay at the time the holiday is taken or the employee's average weekly earnings over the 12-month period before the annual holiday is taken.

When an employee is to take annual holidays, the first step is to determine what portion of the entitlement is being taken, taking into account any agreement of what a week means for that employee. This portion may be a period of weeks, or a period of less than a week.

For example, an employee works 3 days per week and has agreed with their employer that their four

week holiday entitlement will be 12 days. When the employee takes a day off work this will be one third of a week of annual holidays.

In this case payment would be a proportion of ordinary weekly pay or average weekly earnings based on the period of leave taken, namely, one third of the greater of those weekly amounts.

Employees during their first year of service

During the first year of employment, three circumstances can arise requiring the calculation of annual leave payment:

- » The employee may seek, and the employer may approve, the taking of annual holidays in advance.
- » The employer may have a regular annual closedown of the workplace.
- » The employee may resign or the employer may terminate the employment.

For information on Holidays Act issues, go to: www.ers.govt.nz/holidays_act_2003/

When should annual holiday pay be paid?

Employees are entitled to receive their pay for annual holidays before the holiday commences, unless the employer and employee have agreed the normal pay cycle will continue. Check your collective agreement.

NZNO staff roles

Although, as delegates, your main point of contact is often with the organiser allocated to your workplace site, you are able to access all NZNO services by simply calling our Member Support Centre on 0800 28 38 48.

They will refer to the appropriate person or people within the organisation.

NZNO's legal advisers specialise in industrial law and medico-legal law. They become directly involved with members where there is a formal legal investigation. NZNO also has a competence adviser who works with individual nurses undergoing competence and health committee reviews with the Nursing Council of New Zealand.

The work of NZNO's professional nursing advisers includes regional and college and section issues, and national portfolios and policy. Industrial advisors coordinate sector groups, plans, campaigns and bargaining and provide specific industrial advice.

Other staff such as the communications and media adviser, the campaigns advisor and educators work behind the scenes. Two policy analysts, one of whom is a Maori advisor, assist in the development of NZNO policy, lobbying the government and coordinating submission work for NZNO.

The librarian provides a comprehensive library service and a newsletter for members wishing to subscribe by email.

Three co-editors prepare NZNO's flagship publication *Kai Tiaki Nursing New Zealand* every month.

NZNO contact details

Email: nurses@nzno.org.nz
Website: www.nzno.org.nz
Phone: 0800 28 38 48
Facebook: [NZNursesOrganisation](https://www.facebook.com/NZNursesOrganisation)

National Office

Level 3, Willbank Court, 57 Willis Street, Wellington 6011
PO Box 2128, Wellington 6140
Fax: (04) 382 9993
Membership Fax: 0800 466 877

Whangarei

The Strand, Suite 1, Cameron Street, Whangarei 0110
PO Box 1387, Whangarei 0140
Fax: (09) 430 3110

Auckland

11 Blake Street, Ponsonby, Auckland 1011
PO Box 8921, Symonds Street, Auckland 1150
Fax: (09) 360 3898

Hamilton

Perry House, Level 1, 360 Tristram Street, Hamilton
PO Box 1220, Hamilton 3240
Fax: (07) 834 2398

Palmerston North

PSA House, Suite 1, 1st Floor, 49 King Street, Palmerston North 4410
PO Box 1642, Palmerston North 4440
Fax: (06) 355 5486

Wellington

LG House, Level 3, 35-37 Victoria St, Wellington 6011
PO Box 2128, Wellington 6140
Fax: (04) 472 4951

Nelson

Ground floor, Monro Building, 190 Bridge Street, Nelson 7010
PO Box 1195, Nelson 7040
Fax: (03) 546 7214

Christchurch

17 Washington Way, Christchurch 8011
PO Box 4102, Christchurch 8140
Fax: (03) 377 0338

Dunedin

10th Floor, John Wickliffe House, 265 Princes Street, Dunedin 9016
PO Box 1084, Dunedin 9054
Fax: (03) 477 5983

Appendix

NZNO is the largest organisation of nurses, midwives, students, kaimahi hauora, health care workers and allied health professionals in Aotearoa New Zealand.

Leadership: Rangatiratanga

NZNO members are leaders in

- » health and nursing policy
- » union policy and activity
- » nursing education and research
- » the organisation of health services and
- » building a strong public image of nursing in New Zealand

Quality: Tikanga

NZNO members work towards providing the right care in the right place at the right time.

Unity: Kotahitanga

NZNO provides strength and unity for members across cultures and workplaces. We know when we stand together we can succeed together.

Growth: Whakatupu

NZNO provides professional development, education and opportunities to grow in your career.

Equity: Mana Taurite

Nursing and midwifery in New Zealand is a mostly female workforce. NZNO advocates for equity for all women.

NZNO is Aotearoa New Zealand's largest organisation of Māori nurses. We advocate to be the lead voice for Māori nursing in New Zealand. We advocate for pay equity for all our members.

Involvement

NZNO members are active in

- » colleges and sections for speciality practice, eg perioperative and primary health nursing
- » Te Runanga o Aotearoa
- » workplace delegate meetings and
- » regional councils and conventions

Education

NZNO members have access to education and training through a range of seminars and activities

- » worksite-based education sessions
- » professional conferences
- » locally-run education days and
- » scholarships and grants

Information

NZNO members have access to a wide variety of information and resources

- » *Kai Tiaki Nursing New Zealand* 11 times a year – a magazine devoted to the issues that affect you
- » *Kai Tiaki Nursing Research* published annually
- » journals and newsletters published by Te Runanga and NZNO colleges and sections
- » regular newsletters for the DHB, aged care, primary health and private health sectors
- » Position statements, fact sheets and guidelines to assist you in your professional practice
- » a specialised union and nursing library

- » NZNO members can get information from trained NZNO workplace delegates and college and section representatives.

There are also union organisers, industrial advisers, professional nursing advisers, policy analysts, researchers and lawyers available to help.

Advocacy

NZNO provides practical information and advocacy for workplace issues, eg

- » if you have questions about your pay, your holidays, scope of practice, investigations or professional development plan
- » if you think you have been treated unfairly
- » if you could or have been dismissed
- » if your job is being changed or you are made redundant
- » if you think something unethical is happening
- » if you are concerned about your health and safety
- » if you are undergoing a competency review

Legal Costs

NZNO provides indemnity insurance for members for claims related to professional practice. NZNO indemnity insurance is included in your membership fee and gives you

- » free legal advice and representation in relation to professional practice matters
- » cover for any legal costs or fines up to \$500,000 for each claim, to a total of \$1,000,000 per year and
- » 24/7 cover, whether you are on or off duty.

Websites of interest

<http://www.nzno.org.nz>

<http://www.nzctu.org.nz>

<http://www.labourstart.org>

Government Agencies

<http://www.treatyofwaitangi.govt.nz>

<http://www.stats.govt.nz/> get CPI info

<http://www.dol.govt.nz> get minimum wage update

<http://www.kiwisaver.govt.nz> – superannuation info

<http://legislation.govt.nz>

Health and Safety and Employment Act fact sheets:

<http://www.workinfo.govt.nz>

<http://www.worksafereps.org.nz>

Non Government agencies

<http://www.tradeaid.org.nz/> <http://www.makepovertyhistory.org/>

Resource list

Bullying and workplace violence - NZNO Library guide

The NZNO library is often asked by staff and members for information on workplace violence or bullying (horizontal violence). This list has been compiled in response to those requests and offers sources of information that can be provided by the NZNO library, or located via the internet. This service is available to NZNO members and staff.

Websites - bullying

A more general workplace bullying site by a New Zealand organisation.

<http://www.bulliesincorporated.co.nz/information.html>

<http://www.bullyonline.org/workbully/amibeing.htm>

Websites - violence

Workplaces against violence in employment (NZ)

<http://www.wave.org.nz/index.html>

Most of the Australian union sites have something on bullying or workplace violence

<http://www.anf.org.au/> for links through to the different state sites

American OSH fact sheets and guidelines on occupational violence – includes in healthcare settings

<http://www.osha-slc.gov/SLTC/workplaceviolence/>

Nurse Abuse/Workplace violence bibliography of resources prepared by the Nurses of Alberta, Canada

<http://www.nurses.ab.ca/issues/HWHNBiblio.html>

The following RCN documents are available from the library:

Bullying

Beale, Diane and Leather, Phil (2005). Working with care: improving working relationships in health care. Self assessment tools for health care teams. London : Royal College of Nursing,

This publication is a suite of tools for work teams at any level of an organisation.

<http://www.rcn.org.uk/publications/pdf/working-with-care.pdf>

Bullying and harassment at work: A good practice guide for RCN negotiators and health care managers. (2001, January).

<http://www.rcn.org.uk/publications/pdf/bullying-managers-guide.pdf>

Challenging harassment and bullying: Guidance for RCN representatives, stewards and officers. (2001, January).

Dealing with bullying and harassment: A guide for nursing students (2002, August).

Dealing with bullying and harassment at work: A guide for RCN members. (2001, January).

RCN model policy on harassment and bullying. (1997). London: Royal College of Nursing.

Violence

Dealing with violence against nursing staff: A RCN Guide for nurses and managers. (1998, April).

The management of aggression and violence in places of care: A RCN position statement. (1997, April).

Violence and community nursing staff: Advice for managers. (1994, March).

The NZNO library can also access BOOKS AND ARTICLES on bullying and violence.

Who you need to know

It is useful to have names, addresses and contact email and telephone numbers for:

- » Workplace organising committee chair
- » All other workplace delegates
- » Your organiser and other local NZNO staff including the administrator(s), ICO and professional nursing advisor
- » Regional council chair and secretary
- » NZNO national office
- » Local section or college representatives
- » Local union contacts
- » Nurse leader of your workplace and other key managers

- » Your local member of Parliament
- » Local health groups
- » Local women's groups
- » Local Grey Power/Aged Concern Groups

Relevant Information

You will be provided with an orientation package and resource materials on becoming a delegate however the following documents and resources will be useful to access:

- » Employment agreements operating in your area
- » Your employer's management and organisational structure
- » Pamphlets from the Industrial Relations Service of the Department of Labour outlining minimum

entitlements to holidays, wages, special leave, parental leave and personal grievance and disputes procedures

- » Recommendations from the Committee of Inquiry into Safe Staffing and Healthy Workplaces, 2006
- » Employer's disciplinary policies
- » Medication and intravenous policies
- » Your employer's strategic plan
- » Statements by politicians, government policies and management about developments which will impact on your workplace and service delivery
- » NZNO leaflets and policy documents (see list of publications on website)

CHECKLIST

Being a successful advocate in a disciplinary meeting

- ✓ Speaking up for the member and explaining their side of the story
- ✓ Asking questions
- ✓ Putting forward information and evidence on their behalf
- ✓ Being realistic about what might happen
- ✓ Being honest with the member
- ✓ Helping the member to understand and engage with the process
- ✓ Knowing the policies and rules
- ✓ Understanding the dynamics of that workplace
- ✓ Identifying issues and problems
- ✓ Seeking help
- ✓ Working collectively with other delegates and members to find solutions
- ✓ Suggesting options and creative solutions
- ✓ Challenging the employer and keeping them honest
- ✓ Being supportive and non judgmental





Level 3, Willbank Court, 57 Willis Street, Wellington 6011
PO Box 2128, Wellington 6140
Phone 0800 28 38 48

www.nzno.org.nz