

Employment Mediation Services Proposal

Submission to the Ministry of Business, Employment and
Innovation

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Contact

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About the New Zealand Nurses Organisation

NZNO is the leading professional nursing association and union for nurses in Aotearoa New Zealand. NZNO represents over 47,000 nurses, midwives, students, kaimahi hauora and health workers on professional and employment related matters. NZNO is affiliated to the International Council of Nurses and the New Zealand Council of Trade Unions.

NZNO promotes and advocates for professional excellence in nursing by providing leadership, research and education to inspire and progress the profession of nursing. NZNO represents members on employment and industrial matters and negotiates collective employment agreements.

NZNO embraces te Tiriti o Waitangi and contributes to the improvement of the health status and outcomes of all peoples of Aotearoa New Zealand through influencing health, employment and social policy development enabling quality nursing care provision. NZNO's vision is *Freed to care, Proud to nurse.*

EXECUTIVE SUMMARY

1. The New Zealand Nurses Organisation (NZNO) welcomes the opportunity to comment on Employment Mediation Services Proposal.
2. NZNO has consulted its members and staff in the preparation of this submission, in particular members of [name any that are relevant: Colleges, Sections, regional councils, Board, Te Rūnanga o Aotearoa] and [if relevant, professional nursing, policy, legal, and research advisers].
3. NZNO is affiliated to the New Zealand Council of Trade Unions Te Kauai Kaimahi (NZCTU). We have contributed to and fully support the NZCTU's comprehensive analysis of the proposal and its submission.
4. We are certain that under this proposal, contracted mediators will not be able to deliver the same quality of mediation services as currently exists.
5. Precipitate action on the basis of this proposal, without thorough analysis, testing and evaluation is antithetical to the evidence-based policy and regulation the government espouses.
6. Accordingly NZNO **does not support** the proposal and recommends you **do not proceed** with it.

DISCUSSION

7. NZNO's understanding concerning recent contact with a contract Mediator in Dunedin, (one of the centres directly impacted by the proposals), underscores the concerns as set out at (4) above.
8. Stated briefly and without seeking to identify the parties concerned, NZNO facilitated a terms of settlement document as agreed between a number of NZNO members ("the employees") and an employer. The terms of the settlement were duly forwarded to MBIE for signature under section 149 of the Employment Relations Act 2000.
9. NZNO understands that the terms of settlement were signed by the contract mediator without prior due and direct discussion as between the contract mediator and all the employees.
10. NZNO, as a frequent user of MBIE services on behalf of its members, has not previously encountered such a situation under the current service models.
11. NZNO has real concerns that the new proposed service model will lead to a diminution in the quality of the services provided.
12. Further NZNO has significant concern that in smaller centres across the country, the proposed use of contract mediators may increase the potential for conflicts of interest.
13. In smaller centres the number of contract mediators may be very limited, heightening the likelihood of contracted mediators having a conflict of interest through their personal or business relationships with other employers and employees.
14. As a consequence this may create issues around access to mediation and timeliness of the mediation service in smaller centres.
15. NZNO is concerned that the proposals for future mediation services and the use of contract mediators is motivated by cost savings rather than the provision of a quality service.
16. Nurses and midwives require access to effective, credible, accessible, timely and quality mediation services. Nurses and midwives are in every town and city across the country and delays in mediation potentially can impact directly on the provision of a quality health service.
17. In some situations the nurse maybe the only health provider in a small centre. It is critical that mediation services can be utilised to address urgent employment relationship matters. NZNO believes that cost should not come before the provision of a quality and accessible mediation service.

CONCLUSION

18. In conclusion NZNO recommends:

- That the mediation services in Aotearoa are supported by mediators who have permanent employment as a cornerstone of their employment terms and conditions.
- That the current structure of mediation offices is retained across the country.
- That costs don't drive a new model of mediation services at the expense of the current very accessible and quality service.

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