

On the case

Advice, support, and representation from NZNO staff: a guide for members

NZNO's commitment to you

NZNO is here to consider and respond to your requests for advice or support on any work-related matter, professional or industrial. Your NZNO staff representative will act promptly and conscientiously on your behalf and will keep you informed throughout the process.

Your privacy will be respected. Your NZNO representative will receive your information and discuss the nature and progress of the case with you and no one else, unless further NZNO staff expertise and input is required. Your information will remain confidential and NZNO will observe its obligations under privacy legislation.

As part of its commitment, NZNO will keep you updated on any policy change that relates to the support and advice it is able to provide. NZNO will clearly outline the areas for which it can and cannot provide guidance or advocacy.

Unfortunately, NZNO can provide only limited support for members who work overseas (with the exception of issues relating to the NZNO members' indemnity insurance scheme. Please review the indemnity insurance questions and answers if you are planning to work overseas either temporarily or permanently. NZNO recommends nurses join the professional association and union in the country in which they are working.

Student members should refer to the NZNO student member policy (2011) which outlines services to student members.

Your rights

You have a right to receive NZNO's support, guidance, or representation, regardless of:

- > ethnicity, country of origin, religion, gender, or sexual orientation; and
- > any complaints you may have previously made about NZNO.

Your NZNO representative will promote your interests, to the best of their ability. If, after careful consideration, NZNO is unable to support your request for advice or representation, you will be given a clear explanation.

You are welcome to bring a support person to any meeting with your NZNO representative. However, if NZNO believes an open and frank discussion could be compromised by your support person, your NZNO representative may ask you to review this decision.

NZNO's rights

NZNO is unable to provide advice or support on any matter that occurred before you joined NZNO or during any period when you had resigned or were unfinancial.

In employment matters, NZNO reserves the right to decide the nature and extent of the support it can provide, who will deliver the service (staff member or delegate), and whether NZNO needs to appoint an external individual or organisation to support you.

NZNO can only deal directly with you in matters relating to your issue, and we can only take instructions from you and/or communicate directly with you as the NZNO member. We will not communicate or correspond with another person except in exceptional circumstances e.g. you have lost capacity to manage your own affairs.

In certain situations, NZNO may decline to provide or deliver support. These include, but are not limited to, situations in which you:

- > ask an NZNO representative to act improperly or unreasonably;
- > use threatening or abusive behaviour towards others;
- > harass your representative or any member of NZNO staff; or
- > your NZNO representative has reason to believe a case is based on untrue or unfounded statements.

Legal claims

Our industrial services staff are competent to provide advice and representation in the management of your issue up to and including mediation. Should your case need escalating to a formal process e.g. The Employment Authority, we will consider what support we can offer. NZNO will only support employment claims it considers to have a reasonable chance of success and/or meaningful remedy. NZNO may decline to support a claim, if it believes litigation would have a negative impact on the wider interests of NZNO and its members. In these situations, NZNO will advise you promptly of its decision, together with details of alternative means of legal support. NZNO will also inform you of any issues (such as time limits) that could affect the success of your case.

NZNO will provide legal representation for all medico-legal matters relating to your practice.

To ensure thorough investigation of the background to your claim, NZNO asks that you respond promptly to any request it makes for relevant information or documentation.

NZNO may decline to offer advice or be able to offer only limited advice in specialised areas of law which lie outside the expertise of its staff. In some cases, NZNO will refer you to a lawyer outside NZNO.

If you choose to consult your own lawyer, NZNO will not be responsible for any fees incurred.

Conflicts

Should a conflict of interest arise between two or more NZNO members, NZNO will arrange for separate advice and representation for each member.

In very rare circumstances, a conflict may arise between your rights and the collective interests of NZNO. Should this occur, NZNO may be unable to offer you individual support. This will be fully discussed with you.

Finally, NZNO may be unable to provide specific advice to managers (including a proprietor of a health care business) relating to their discharge of management responsibilities, e.g. disciplining staff or resolving a workplace issue. NZNO will, however, always provide a member with support, regardless of their employment status or position, if they are at risk of disciplinary action or possible dismissal.

Complaints

You are entitled to complain about the service you receive from NZNO, in accordance with the organisation's complaints procedure. A copy of the procedure is available in the members' area of the NZNO website at www.nzno.org.nz

Any complaint you have about an individual or organisation NZNO appoints to advise or represent you, should be addressed to the individual or organisation concerned, in accordance with that individual's or company's complaints procedure.

Acknowledgement

NZNO acknowledges and thanks the Royal College of Nurses (UK) which consented to NZNO basing this document on their publication *On the case: advice, support and representation from the RCN (2005)*.

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Mission statement

NZNO is committed to the representation of members and the promotion of nursing and midwifery. NZNO embraces Te Tiriti o Waitangi and works to improve the health status of all peoples of Aotearoa/ New Zealand through participation in health and social policy development.

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