

**Minutes of a special meeting of the NZNO Board of Directors
held in the New Zealand Nurses Organisation Boardroom
Level 3, Crowe Horwath House, 57 Willis Street, Wellington
Wednesday, 15 August 2018 from 11.20am to 3.30pm**

Present

Grant Brookes	President
Kerri Nuku	Kaiwhakahaere (Chair)
Rosemary Minto	Vice President
Titihuia Pakeho	Tumu Whakarae
Juliet Manning	
Cheryl Hanham	
Maria Armstrong	
Karen Naylor	

Apologies

Cheryl Hammond
Eseta Finau
Monina Hernandez

Staff in Attendance

Memo Musa	Chief Executive
Michelle Evans	Minute taker
Cee Payne	Industrial Services Manager
Lesley Harry	DHB MECA Negotiating Team
Georgia Choveaux	DHB MECA Negotiating Team
Chris Wilson	DHB MECA Negotiating Team
Jill Mortimer	DHB MECA Negotiating Team
Rachelle Smith	DHB MECA Negotiating Team
Robyn Hewlett	DHB MECA Negotiating Team
Zenzi Grabowski	DHB MECA Negotiating Team
Karen Durham	DHB MECA Negotiating Team

1.0 Karakia

The Tumu Whakarae opened the meeting with a karakia.

1.1 Welcome

The Kaiwhakahaere welcomed attendees to the meeting and advised that the purpose of the special Board meeting was to have a kōrero and at no point in time does the Board wish to upset/undermine anyone's mana and seeks to have the conversation which needs to be had in an open and respectful manner. The Kaiwhakahaere said that everyone is aware of the hurtful comments made in social media arena.

The Chief Executive advised that today's Board meeting had been called by the President on Tuesday 7 July 2018 under Section 13.2 of the Constitution, the purpose of which was to receive information about the DHB/NZNO MECA bargaining and negotiation process from the DHB MECA Negotiating Team.

He reported that due to multiple factors it had not been possible to hold the special Board meeting any sooner.

Everyone present at the meeting introduced themselves.

1.2 Apologies

Apologies were received from Cheryl Hammond, Monina Hernandez and Eseta Finau.

1.3 Order of agenda items and confirmation of agenda

The order of items on the agenda was confirmed.

1.4 Register of interests

The Register of Interests was updated prior to the meeting and circulated with the agenda.

1.5 Declaration of Conflicts in relation to this meeting

The following conflicts of interest were declared:

- Kerri Nuku re: DHB MECA
- Cheryl Hanham re: DHB MECA
- Karen Naylor re: DHB MECA
- Juliet Manning re: DHB MECA
- Titihuia Pakeho re: DHB MECA
- Maria Armstrong re: DHB MECA

3.0 DHB MECA Bargaining

The Kaiwhakahaere thanked the delegates for their hard work, their dedication and their high energy levels during the DHB MECA negotiating period.

The Chief Executive reiterated the purpose of the meeting and noted that a report prepared by the Industrial Services Manager covering the DHB/NZNO MECA bargaining and negotiation process had previously been circulated to the Board.

The Industrial Services Manager provided background relating to the timeline involved and addressed the key points in her report. The Industrial Services Manager advised that the bargaining had been a challenging process, however the Board had been updated as to progress on a regular basis and she advised that the Negotiating Team had upheld the members' wishes and they should be proud of the outcome.

The Industrial Services Manager touched on the important next steps which are to be taken and advised these steps are a result of the bargaining. The Industrial Services Manager acknowledged that the bargaining had impacted on all parts of the organisation. She said it is very important that a collective sense of kaupapa be maintained during the next steps. The Industrial Services Manager advised that the recruitment of the additional 500 nurses is underway.

The Industrial Services Manager advised that the bargaining process involved a lot of work regarding approach, communications, social media and campaigning which need to be looked at in a review. She advised that she is willing to lead the review which will have input from staff and members as to themes/questions and further advised by April 2019 a set of recommendations will have been achieved for the 2019 AGM. The Industrial Services Manager said that the delegate member education training communications is building on that already established.

The Industrial Services Manager advised the Board that every single day risk management was undertaken and the four top risks at Board level were:

1. Development of additional FaceBook pages.
2. Engaging in lawful and successful industrial action.
3. Maintaining member and public support.
4. Achieving a settlement.

The Industrial Services Manager advised that the support from the Board was welcomed and said that NZNO's life preserving services were second-to-none taking into account that this

was the first NZNO nurses national strike in nearly 30 years and she acknowledged the work of the Chief Executive in this regard. The Industrial Services Manager advised that NZNO has a very high threshold for taking industrial action.

It was noted that one particular success was the #HealthNeedsNursing campaign i.e. being collective and taking action – this was the first time some members had engaged in this type of activity. The online metrics were phenomenal and social media was a good way to ensure that NZNO's message was on-point in the media and that our statements were picked up by the media in full. The posters and placards had NZNO's branding and messaging and the latter had been set up from the start of the negotiating process so it was consistent throughout.

The Board, via the Industrial Services Manager, invited the Negotiating Team to speak.

A member of the Negotiating Team said the negotiating process had started in March 2017 and that it was easy to forget the process which had been followed and that three surveys had been undertaken with members. What was particularly difficult was the moving of the goalposts throughout the process and social media had a lot to say about what members expected. Greater support needs to be put in place to prevent reactive behaviour. The Negotiating Team member said there is a need for organisational rules around social media and a Board member advised that a social media policy is being consulted on at present.

A member of the Negotiating Team said the fact of the shifting goalposts is an important reflection. She would like to acknowledge the work of the extraordinary Negotiating Team.

The Chair invited the Board to ask questions of the Negotiating Team.

The President explained the reasons why he had called the special meeting of the Board. He acknowledged earlier statements by the Industrial Services Manager that the DHB MECA bargaining had not been a normal process and that it had impacted on all parts of the organisation. If it was not for these exceptional features, he said, the bargaining would not be a matter for the Board to address. He acknowledged that a full review of the bargaining was planned, and stressed that the special Board meeting was not intended to replace that process. Rather, the purpose of this meeting was for the Board to put unanswered questions to the Negotiating Team. He indicated that he had prepared a set of questions which covered issues related to bargaining in chronological order, starting with the preparations for bargaining. The Industrial Services Manager requested that the President direct his questions to her and if she needed to, she would ask one of her team to respond.

The President referred to delegate training sessions held nationwide in February/March 2015 designed to improve understanding of the bargaining process among the membership and asked why that had not occurred this time. The President was advised that the 2015 training commenced after negotiations had started. Due to the passage of time, the President's question could not be answered with any great specificity. .

A Board member asked whether the bargaining team was given training once the members were agreed and a Negotiating Team member advised that there are criteria involved and applicants are tested against these criteria. The Board was further advised that one full day of training prior to negotiations commencing is the normal process, but this had to be condensed last year after extreme weather disrupted flights. The Board was advised that the National Delegates Committee (NDC) supports and endorses the Negotiating Team and the NDC do not have any input as to the members of the Negotiating team.

The Kaiwhakahaere wished to clarify to those present that this discussion was not in Committee so minutes are being taken and should there be sensitive content to be discussed, then there will be a formal motion prior to the Board going into Committee.

In response to a question from a Board member, the Negotiating Team confirmed that they believed that one day's preparation was suitable.

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The President referred to the NZNO Bargaining Policy which said that a media plan should be developed prior to the initiation of bargaining and asked if the Board could receive a copy. He also asked why there was only one NZNO media release about the bargaining for the whole of 2017. The Industrial Services Manager advised that communications are not the responsibility of the Industrial Services Team and that communications sit with the Professional Services Team. A Negotiating Team member commented that in terms of media, the Negotiating Team are bound by good faith provisions and the intent was not to withhold information; it was more that there was an inability to release information.

The Chief Executive said there are member expectations as to NZNO's visibility in the media, however there are also media who wish to play NZNO off against others and they are wanting information at a detailed level and this information is held by the Negotiation Team. The Chief Executive said the management of the media is very time consuming and complex. The Industrial Services Manager advised the Board that she was writing key messages every week.

A Board member thanked the Negotiating Team for the work done well above and beyond their roles and said the negotiation process had requested a lot from the team. The Board member thanked the Negotiating Team for their attendance today. The Board member said she found some communication methods utilised by members embarrassing, as did other members.

A Board member said she was pleased to hear there was professional support provided to the Negotiating Team. The Negotiating Team said that the negative comments and bullying, particularly via social media, during the negotiation period was appalling.

A member of the Negotiating Team advised the Board that the Constitution provides information about how to manage members, however this is a slow mechanism which relies on a complaint being made. Another member of the Negotiating Team said she found some of the comments made by members very hurtful and upsetting, that some behaviour was mob bullying and she would like to see the advocates and delegates looked after. A member of the Negotiating Team said she was pleased with the good information provided to members – it was open, easy to read and very accessible. The Vice President reminded the Negotiating Team to keep in mind that the negative comments were from a small minority, however they spoke loudly.

The Industrial Services Manager said the Board needs to understand that negative behaviour needs to be stopped in a responsive way. She further advised that when she checked a sample of a few dozen people leaving negative comments on a Facebook Live video on the NZNO Facebook page, 50% of them were not NZNO members. She believes that NZNO needs to have more direct control of their page. A member of the Negotiating Team believes there needs to be moderation of sites with NZNO's name attached. The President advised that he had looked in February and at that time there were 41 unofficial Facebook sites with NZNO's name attached. He said that he still had many unanswered questions and asked whether it would be helpful to circulate the full set of questions in writing during the lunch break. It was agreed that this would be helpful.

The Board broke for lunch at 12.35pm
The meeting recommenced at 1.05pm

A member of the Negotiating Team advised that it would have been helpful for the President to submit his questions prior to today's meeting and the Kaiwhakahaere advised that this was the first time the Board had received the questions. The President advised that there was no need for the Negotiating Team to respond to all of his questions. A member of the Negotiating Team said that once the Negotiation Team debrief had been held, written responses to the questions would be prepared.

The Kaiwhakahaere said it was intended that the Negotiating Team feels safe during the special Board meeting. She also noted that trust and safety also extended to periods during

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the negotiation process. She queried what could be done to improve the safety of delegates and staff on the negotiating team.

The Industrial Services Manager provided information for the Board relating to the process of negotiation e.g. online voting, the timeframes relating to ballots, communications to members. Tactically and strategically, the Chief Executive strongly believes that putting information online immediately for members meant that the messaging could be consistent and it also avoided the media hounding NZNO for comment.

The Chief Executive said that getting the focus right during the review is important and he reminded the Board that during the communications review, an external representative had advised the Board of the importance of digital media.

A member of the Negotiating Team advised that it was difficult representing both sides of the argument however this had to be done for members. Another member of the Negotiating Team said that the information relating to the negotiation process was structured in such a way that every member had the opportunity to have their voice heard. The Industrial Services Manager advised that digital tools for analysing and weighting themes expressed in free text boxes in the online member surveys were used to ascertain what were the most important things for members' consideration.

A member of the Negotiating Team advised that she does not look at FaceBook any more due to the unfair and negative comments. She said it was difficult to be put into the position of her work colleagues asking her about the process when she could not comment or correct misinformation. The Negotiating Team member said she appreciated the support received from NZNO and she very much appreciated the support, advice and assistance received from the Negotiating Team.

The Industrial Services Manager advised the Board that considered and appropriate decisions were being made by the Negotiating Team during the entire negotiation process and that only she and the Negotiating Team had all the information, that calls needed to be made and trust needed to be expressed in the Negotiating Team. The Industrial Services Manager expressed her pride in the Negotiating Team.

It was moved that the Board go into Committee

Moved:	Karen Naylor
Seconded:	Cheryl Hanham
CARRIED	

It was moved that the Board come out of Committee

Moved:	Karen Naylor
Seconded:	Cheryl Hanham
CARRIED	

With regard to the Negotiating Team, the Kaiwhakahaere spoke of maintaining the education and how to invest in them via resourcing and budgeting. The Kaiwhakahaere said she would like to explore this from the member point of view to make sure that the mentoring, support and the supervisory aspects be covered off now that the negotiations are over.

The Vice President said she did not want the Negotiating Team to be in a position of vulnerability and said that being on the Negotiating Team is a voluntary position. This however does not lessen the Board's responsibility to them as nurses with regard to support being available. A member of the Negotiating Team said that she had been approached by members in her private time, and outside her workplace, and she was spoken to at some length in a manner which was not pleasant. Two members of the Negotiating Team said that their employers had been supportive of them. The Vice President said that it sounded

like informal support processes are in place and are effective, however they need to be formalised.

In response to a question from a Board member, the Industrial Services Manager advised that time will be spent in September to work through the pay equity process. The Industrial Services Manager said that design thinking needs to occur, that research people need to be tapped into and conversations held. The Industrial Services Manager advised that she sits on the Pay Equity Working Group and can see what the other unions are doing about pay equity. A member of the Negotiating Team said that information relating to pay equity is contained within the settlement document.

A Board member said there is likely to be intense scrutiny involved for the Negotiating Team in the pay equity process and the lack of members' understanding around this could mean similar negative behaviour is expressed by members.

A member of the Negotiating Team opted to address a question from the President's list, which asked why the first strike notice was withdrawn when it had been stated in the media that more money was the only thing that would stop a planned nurses strike from going ahead. She said that the notice was withdrawn because good faith obligations, which exist not only between unions and employers but also between unions and members, meant the Negotiating Team had to take out the improved offer for ratification.

The Industrial Services Manager also addressed a question from the President's list, about who should represent NZNO in the upcoming pay equity negotiations. She said that the first thing to do is to complete the necessary research and talk with other unions with pay equity claims about an agreed union position and approach, and then later decide on who will represent NZNO.

A Board member asked whether the planned review of the DHB MECA bargaining should be conducted externally. The Chief Executive said that the first thing to do is to establish the terms of reference for the review, and then determine who has the expertise to deliver.

The Chief Executive said his assessment was that what was needed from a governance perspective is a statement which thanks and endorses the Negotiating Team, to advise members to have trust and respect in the Negotiating Team and that this needs to come from the top. The next step is to ensure there is support and mentorship for individual members of the Negotiating Team and that they do not feel responsible for responding on behalf of the Negotiating Team – there is a line of demarcation and when members of the Negotiating Team enter the workplace, members need to know where they can go for information.

The President moved that the Board issue a statement thanking the Negotiating Team and expressing the Board's support, with the wording to be developed in consultation with the Negotiating Team.

The Vice President advised she will draft the initial wording of the statement, which is to be undertaken this afternoon and it will go to the Board for sign off.

Moved:	Grant Brookes
Seconded:	Cheryl Hanham
CARRIED	

Recommendation

That the Board

1. **Receives** the report on the DHB/NZNO MECA bargaining process.

Moved:	Juliet Manning
Seconded:	Rosemary Minto
CARRIED	

4.0 Safe Staffing & Care Capacity Demand Management Accord

The Kaiwhakahaere asked the Chief Executive to speak on this topic. The Chief Executive provided contextual information in terms of how the Accord came about. The Kaiwhakahaere noted that the Accord did not have reference or inclusion of Te Tiriti and as a bicultural organisation she was of the view this was a significant omission although she understood from the Chief Executive that this will be included at the operational level.

In response to a question as to why NZNO signed the Accord, the Chief Executive advised that it was more beneficial for NZNO to be part of the Accord and therefore able to exert influence on the contents and subsequent monitoring under the Accord.

The Board discussed:

- How the Accord would be applied to those working in the Aged Care and Primary Care sectors.
- How the Accord would apply to nurses working at DHBs and iwi/Māori providers.
- What the Accord would mean for new graduate nurses.

The Chief Executive advised that over the past nine years NZNO has been asking for direct input by the Minister of Health into safe staffing and failed to get it. It was his view that this had now been achieved as the Minister of Health and government were providing assurance to follow through on safe staffing and CCDM.

A Board member spoke of the difference in education and funding for nurses as opposed to doctors and the disparity involved e.g. for a doctor at each step there is a recognised change of title and pay scale whereas a nurse is either a registered or an enrolled nurse.

Poroporoaki

The Kaiwhakahaere requested that attendees take part in a Poroporoaki to bring the meeting to a close. The attendees availed themselves of this opportunity.

Karakia

While the Negotiating Team were still present, the President closed the special Board meeting with a karakia.

The Negotiating Team left the room at 3pm

The Board held further discussions relating to the Vice President writing a letter to the administrators of the FaceBook pages and groups which use NZNO in their name.

Resolution

That a letter from the Board be sent to unofficial NZNO Facebook site administrators requesting that they cease to use abbreviations NZNO and associated NZNO branding on the unofficial Facebook sites they administer.

It was moved that the Board move into Committee

Moved:	Karen Naylor
Seconded:	Rosemary Minto
CARRIED	

It was moved that the Board come out of Committee

Moved:	Karen Naylor
Seconded:	Rosemary Minto
CARRIED	

The Kaiwhakahaere said words of farewell to the Vice President and thanked her for her years of service as a Board member and Vice President. The Kaiwhakahaere asked

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whether the Board would each like to say something to Rosemary. The Board availed themselves of this opportunity. The Vice President was presented with a gift of appreciation from the Board.

Karakia

The President closed this part of the meeting with a karakia.

This part of the Board meeting ended at 3.50pm

Chairperson:



Date:


