



MEDIA RELEASE

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Employment Relations Authority finds DHB failed to act in good faith

DHBs have been found to have breached their obligations to act in good faith during negotiations with resident (junior) doctors following a ruling made by the Employment Relations Authority.

The ruling means DHBs must now provide evidence to substantiate their claim that their offer to junior doctors was “consistent” with what Salaried Medical Officers (SMO’s) were offered during their negotiations.

New Zealand Resident Doctors Association (NZRDA) general secretary Dr Deborah Powell says the ruling is indicative of what they have been up against during negotiations. “We have been negotiating with a party that is willing to make bold statements while knowingly withholding information that could substantiate that claim. We have all been left wondering what have they got to hide?”

Under the requirements of good faith in bargaining for collective agreement, both parties are required to provide “information that is reasonably necessary to support or substantiate claims or responses to claims made for the purposes of the bargaining”.

Whilst David Meates has dismissed the matter as a “storm in a tea cup”, it is anything but. “DHBs based their whole campaign around the assertion that junior doctors were offered the same benefits as SMOs. We asked on what basis? Despite this request, which is our right to ask, DHBs refused to provide the information. Rightfully the Employment Relations Authority has asked them to front up with it.”

The Employment Relations Authority ruled DHBs had not met their good faith obligations under s32(1)(e) to provide requested information for the purposes of bargaining. DHBs are now required to

comply with their obligations by providing the requested information directly to NZRDA or to a mutually agreed independent reviewer within 21 days of the date of the determination.

Dr Powell says the whole process has been unnecessary. In addition, junior doctors felt DHBs were telling them and the public that they were being greedy by not taking their offer. "Articles appeared in national newspapers stating that what they were being offered was consistent with what SMOs were given."

"This placed undue stress on junior doctors who, while sticking up for themselves against DHBs, felt that their names were being blackened because they were not accepting the offer which was supposedly in line with SMOs."

ENDS

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Background

Junior doctors or Resident Medical Officers (RMOs or Resident Doctors) are registered medical practitioners, and range in experience from first year qualified doctors to those with more than 12 years experience. They work almost exclusively in the public sector, and are employed by all 12 District Health Board's.

