

MECA NEWS

4 July 2008



Dear Colleagues

Just a brief note this time coming so soon as it does from the information circulated two days ago. Things are however "hotting up": with our decision to formally vote on strike action, the DHBs have started to react.... Nothing new there!!

First, thanks to those emailing us with questions. Members appear to have understood the issues well with only a few (so far) points of clarification being sought (as well as some commentary concerning our employer's behaviour thrown in). Please feel free to email us with any issue you have; we will try and respond in a timely fashion and we are also compiling a Q & A from the queries received, which we will circulate late next week (all going to plan).

What follows now is a quick update on what has happened since that MECA News. So you can get the entire picture, we have attached letters between NZRDA and our employers, the ministry and the Minister for your information. These letters are also available on the website as are press releases on all the pertinent issues which have been circulated to the media.

Letter to David Cunliffe

NZRDA has written to the Minister following on from the ERA finding that the DHBs have failed in their obligations to act in good faith towards us and disclose information substantiating their claim that the offer made to us is consistent with that made to others. The Minister also made similar claims, both publicly, in Parliament and in correspondence directly with RMOs; something we believe he should now retract.

Those that received letters of this nature from Mr Cunliffe may wish to take the matter further on your own behalf – we leave that with you.

Announcement of the "Independent Commission"

This suggestion has been made in bargaining by the employers and rejected by NZRD for reasons detailed in previous MECA news. However at 1505hrs yesterday NZRDA received the following press release from the Principal Advisor – Industrial Relations at the Ministry of Health:

"RMO Workforce Commission

The Ministry will begin work immediately on establishing an independent commission to look at the way resident medical officers or junior doctors are employed. Director-General of Health Stephen McKernan says the commission was first suggested by the DHBs in the current pay talks as a way to help resident medical officers and district health boards find a settlement.

"We need to find sustainable ways to train, employ and pay junior doctors in New Zealand and ensure we have a workforce that meets the changing needs of our health system now and in the future."

Mr McKernan says the Ministry will fund the Commission, provide secretariat support and consult with the resident medical officers union (the NZRDA), DHBs and other stakeholders.

"The aim is to look at the junior doctor workforce and provide independent and evidence-based recommendations on how hospitals employ and pay them." "Consultation on the terms of reference will commence shortly and I expect to be able to announce the terms of reference for the Commission by the end of the month."

First the technical stuff. As this "initiative" is the subject of bargaining, to proceed behind our backs as the DHBs and Ministry have done, breaches (yet again) their obligations of good faith, undermines bargaining and bypasses NZRDA. The fact that NZRDA rejected the offer makes no difference – it is still the subject of bargaining.

"ways to train, employ and pay junior doctors in New Zealand" are all matters of bargaining (training is a condition of employment for RMOs in NZ) contained in our MECA. At law in NZ the determination of such is a matter for employers and employees through their union and the process of bargaining, not to be unilaterally imposed by a government department.

As for the suggestion of (meaningful) consultation when it is clearly a devised strategy by the employers and Ministry – say no more. If the Ministry wishes to get involved in this matter which it would appear they do, they must attend the bargaining table.

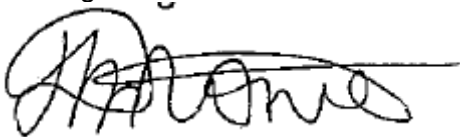
Letters on this matter are as follows:

1. To DHBs advocate regarding the breaches of the legislation this provides.
2. To Stephen McKernan, Director General of Health.

We will let you read these letters for yourself and not reiterate their contents again here. We have also made Official Information Act requests of every DHB individually concerning communications over the setting up of this commission. Another letter to the Minister is also under consideration by the Executive.

The key issues here are an attempt by the DHBs and Ministry of Health to bypass bargaining, undermine NZRDA and set our conditions of employment unilaterally. Having waded into bargaining, the Ministry or more specifically the Minister, must now front up. On top of the DHBs failure to act in good faith and the suggestion that Government top ups at least in part assisted in the settlement of other MECAs (including the SMOs), it is time for the "authorities" to come clean.

Kind regards

A handwritten signature in black ink, appearing to be 'A. Jones', written over a horizontal line.

On behalf of the National Executive