

2018 MECA BARGAINING

protect & improve



19th March 2018

Dear Colleagues,

Bargaining 2018 is underway! We realise it seems like only a short time ago that we last sent out a bargaining newsletter and you would be correct; it is only a year ago that we last were in bargaining, however here we are again and off we go.

Firstly the NZRDA bargaining team is as follows:-

REGION	NAME
Auckland Region	Tim Hopgood, Kathryn Foster, Kate Gordon, Joel Kranz, Patrick O'Regan
Waikato Region	Sam Anderson
Provincial Rep	Philip Fox
Wellington Region	Courtney Brown, Cathal McCloy
Canterbury Region	Vanessa Bowden, Jonathan Davis
Southern Region	James Anderson, Layla Hehir

Melissa Dobbyn is advocating with David Munro as co-advocate and assistance from Tara Martin. We have set up lines of communication between those participating in the bargaining itself and other delegates across the country so that even if your individual DHB is not represented in the table above, your local delegate should be aware of where the bargaining is at and can respond to any queries.

So having done the preparation work of determining the claims and the basis for them, assembling and engaging with the team we met the employers to get bargaining underway on 6th March. Unfortunately this was not to be.

Firstly, the weather gods were not on side with half the DHB team being unable to get into Auckland due to fog preventing planes from landing which delayed the full teams getting together until 3.00pm.

The second issue that caused delay was the continued insistence of the employers to secure a Bargaining Process Agreement (BPA) before the bargaining could begin. BPAs outline the process of bargaining, everything from who pays for lunch to how to handle LPS requests during strike action. BPAs are 'nice to have' if they can be readily agreed, but at law the failure to achieve one cannot hold up bargaining so long as the parties are using 'best endeavours' to achieve one. Notwithstanding ongoing best endeavours to achieve a BPA for this years' RDA bargaining it is no surprise to anyone after the bitterness from last year that there are many issues to resolve. We are making good progress, but we were adamant that bargaining must begin and continue while we keep working on it. Pleasingly, albeit reluctantly, the employers acknowledged our stance and began bargaining proper once their full team was assembled.

The claims (ours are the red claims and the DHB claims are blue).

Pay

First off we raised the major issue being encountered by members; low pay. We discussed the identified low hourly rate, explored how this had previously been hidden due to the high hours worked by RMOs, compared the rates to others in the health sector and said it was simply unacceptable for employees with the level of qualification and level of responsibility that RMOs have to be paid as little as you are. The DHB response was that they were happy to discuss this further...

Steps on the scale

The previous discussion then led onto our next claim; steps on the salary scale and the need to extend the registrar scale. We provided some detail around the reasons behind why this was now a problem such the increase in dual trainees, the impact of parental leave or part time work, and later entry into training programmes. The DHB response was that they were not clear around the reasons and just because there are members hitting the top of scale does not automatically mean the scale needs to be extended. They did agree they needed to think a bit more about this however and we also agreed to do some more investigation as to the reasons why ten steps is insufficient.

Change to frequency of weekends

We want to change the current “every second weekend free from duties” to 1 in 3 weekends maximum based on the impact of working weekends on family life and unsocial working hours. The DHB were not convinced but wanted to look into this further particularly around the impact on rosters.

Medical Education Leave

This was particularly in relation to courses such as Diploma of Surgical Anatomy being quite lengthy and necessary before even getting onto a training programme and still needing the 12 weeks to complete training. The DHB response to this claim was a desire to have a wider conversation around training in general and not only what courses are being undertaken but also when in the career pathway.

Increase in “no 8 hour break” penalty payment

We identified how long it is has been since this payment increase (not since 2002) and talked about whilst it is rarely claimed it needs to be sufficient to act as a deterrent. The DHB team wants to look at the wording in this clause altogether as felt it needed updating.

Increase in the on call allowance

We concentrated here on the impact that being on call has, the restrictions that come with being on call and that such shifts are not the same as not being rostered off. DHB open to increasing this.

ED rosters and Schedule 4

As a result of work carried out in the last round of bargaining, it became apparent that Schedule 4 (that limits ED rostering in urban DHBs) was being used and liked. We therefore want to move the rules into the body of the MECA. We also wanted to change the weekend frequency on urban ED rosters to no less than 3 weekends in 5 being off duty. The DHB didn't have a problem moving the clauses but was a bit more concerned regarding the change to the weekends.

Cross cover payment increase

Once again we raised the \$150 cross cover payment and looked at the instances of cross cover over the last three years. Whilst for most DHBs there was a dip in the frequency, the figures show that cross cover is on the increase once again. We claimed that the cross cover should be paid in the same way and at the same rate as additional duties. The DHB team disputed that cross cover should be paid at additional duties rates as the RMO concerned is already being paid to be at work and that additional duties are also paid in recognition of the short notice and increase in time spent at work.

Protected Teaching Time

We tabled a claim to have protected teaching time increased to 4 hours for all, regardless of which DHB and what type of RMO. The entitlements to such time should also move into the body of the contract as a tidy up. Their response was that didn't have a problem with this claim in general but did want to have a further conversation around what should be and shouldn't be considered as part of

protected teaching and also exploring whether it could be aggregated such as having a whole day set aside as PTT particularly close to exam times.

Transfer Expenses

As many of you will have noticed the transfer expense clauses in the MECA are somewhat archaic and confusing and hopefully this will finally be the bargaining round when we can get them updated and simplified! DHBs agreed that these clauses need looking at.

Then apart from a few tidy ups (changing mileage rates to IRD mileage rates, moving schedule 8 into the body of the collective, removing Waitangi Day and ANZAC Day from clause 18.4.4) we moved to...

Moving Schedule 10 limits into the body of the collective and thereby making them applicable to all rosters and requiring compliance. As you will appreciate, this took us to the end of day one (their responses to our claims were given on day two).

We began day 2 with the DHB team talking at length regarding the context and environment in which we are bargaining. Finally they then moved to their claims which were somewhat vague as you will see below but hopefully will become clearer as we move forward: but we think their claims are...

Differentiation of arrangements for different RMOs

What, we hear you say? After a bit more explanation from the DHB team we think they are going back to the "one size fits all" issue that will sound familiar to some of you, particularly with regard to rostering.

Delivery of training

This was their way of saying they want to look at transfer expenses but also this relates to their response to the medical education leave claim above.

2/3rds Agreement (or what the employers call "service change")

Yes, its back! They want to look at the 2/3s agreement provision that requires agreement from 2/3s of the affected RMOs before a run description change can go ahead.

Remuneration model

The employers indicated a continuing interest in a new remuneration model that does not include 8.1.2. We pointed out that changing what is essentially just a longstanding method of establishing fair salaries for a variety of hours of work patterns will inevitably create 'winners and losers'. We noted that experience dictates that successful change of this sort inevitably depends on an injection of money to smooth the 'humps and hollows' and ensure that no-one is worse off when the changes are implemented. Aaron Crawford took the point and remarked that the employers are 'prepared to invest in achieving change'. Whether that is simply a teaser to keep the matter on the table or is a genuine reflection of employer understanding that change cannot be achieved within the previous bargaining guidelines (e.g. the 1.7% annualised ongoing cost of settlement - AOCs – which was their constant reference point last year) will be revealed as we get further into bargaining.

Schedule 10

The DHBs claim they want to take another look at Schedule 10. Whilst they assured us this was not to roll back the schedule they did feel there were issues with the schedule such as impact on training. We responded that lack of implementation was the issue and that if there were other challenges or implications these can be addressed on a case by case basis once the rosters are implemented as until then there is no certainty or knowledge of exactly what problems there are.

And finally they would like to look at tidying up what exactly is an **SHO** given there are various references to this in the contract and they can appear to contradict one another.

In summary then a mixed bag. Frustration at the delays was balanced by a preparedness from the employers to seriously consider the 'minor issues'. But the big issues, a genuine nationwide commitment to speedy implementation of the Schedule 10 rosters and their inclusion into the body of the MECA together with a serious discussion about the real pay of RMOs, remain largely untested at this stage. We will now be working to ensure that these issues can be seriously considered when the bargaining teams next meet. That means the employer team must have a mandate to tackle the big issues and be prepared and willing to bargain on those issues from the get-go when we get back around the table.

If you have any queries or concerns please get in touch either with your local delegate or as always directly with us.