

PSA/NZEI AND MINISTRY OF EDUCATION DELEGATES' PROTOCOL

PSA, NZEI Te RIU ROA and Ministry of Education

Protocol for PSA and NZEI members representing union members in the Ministry workplace, in union structures and in collective bargaining

1. Background

- 1.1 The Ministry of Education (MoE), New Zealand Educational institute (NZEI) and NZ Public Service Association (PSA) have developed a relationship agreement which describes the desired relationship between the two unions and MoE as one in which all parties will participate constructively in working to achieve outcomes in a way that best meets the objectives of the parties.
- 1.2 This protocol should be read in conjunction with the MoE, NZEI, PSA Relationship Agreement.

2. Introduction

- 2.1 A well organised union is one with good structures and active, well trained delegates/representatives who have the support and confidence of members; are accepted as leaders; demonstrate sound union principles based on collectivity; and accept the responsibility of representing the union in the workplace and within union structures.
- 2.2 PSA and NZEI are democratic organisations providing leadership and advice, through and for their respective memberships, on professional and industrial matters. Union delegate/representatives play an essential role as the face of the union they represent in the workplace and in union structures.
- 2.3 The Ministry's Statement of Intent sets out the vital few outcomes as agreed with the government of the day.
- 2.4 This protocol recognises the rights of union members to be involved in union activities and sets out for union members and Ministry managers:
 - a. the rights, roles and responsibilities of the parties when union members are required by the union to represent fellow union members in workplace activity, collective bargaining, and as representatives of the union on working groups and in union structures;
 - b. the support the Ministry and the unions will provide to ensure the effective operation of delegates/representatives in their roles;
 - c. induction for new staff

3. Delegates/representatives responsibilities -In the workplace

- 3.1 Delegates/ representatives are elected by worksites to provide a link between members and union policy and staff. Their key tasks are:
 - Leadership on union issues within the workplace.
 - Implementing and promoting the principles and objectives of the union and acting in the interests of the members they represent.

- Identifying issues and using problem solving techniques to work constructively with Ministry management to resolve issues closest to the origin of the issue when they arise.
- Receiving and disseminating union information so that it is easily accessible to members.
- Acting as a means of communication between union staff and members in the workplace and other delegates/ representatives.
- Raising the profile of the union by implementing and promoting union principles and objectives.
- Working with members in advancing the strategy and goals of their union.
- Recruiting new members to their union who are within the coverage rules of their union.
- Facilitating the development of a collective view from members in the workplace.
- Supporting members to participate in decision-making at the workplace and in union structures.
- Participating in committees of delegates/representatives within the workplace.
- Supporting members at meetings with employers as appropriate.
- Promoting the objectives of the Health and Safety in Employment Act and the Ministry health and safety employee participation agreement between the unions and the Ministry.
- Such additional duties and responsibilities set out in policies and plans of the union concerned.

4. Delegates/representatives responsibilities – In Collective bargaining and working parties

- 4.1 Union negotiation teams comprise elected delegates/representatives whose key tasks are:
- Representing the wider membership in pre –negotiation meetings, negotiations and ratification for collective agreements.
 - Collecting information from members to support the union’s position.
 - Communicating with members as part of an agreed communication protocol.
 - Attending paid union meetings including ratification meetings.
- 4.2 The union concerned and the MoE will discuss the relevant numbers of delegates/ representatives attending any negotiations or working party prior to them commencing.

5. Delegates/representatives responsibilities - In union structures

- 5.1 Delegates/ representatives are elected/selected by their unions to:
- Participate in the decision-making processes of their respective unions on national bodies. For NZEI this includes membership of the national executive, Te Reo Areare, the GSE National Reference Group and as a representative at Annual Meeting. For PSA this includes the MoE delegates structure (see annex 3), the PSA Nga Toa Awhina Runanga and Fono structures, the Social Services Sector Committee and the PSA Executive Board, the AGM and national delegates’ congress.
 - Represent their specific union on working groups, delegations and at conferences.

6. Responsibilities of unions and employers

- 6.1 It is acknowledged that for union delegates/ representatives to fulfil their obligations the following requirements are to be met:
- 6.1.1 By the unions
- Providing the Ministry with the names and workplace of all their respective delegates/workplace representatives after the workplace AGM/elections.

- Providing the Ministry with the names and workplace of all members elected to national bodies and the proposed annual schedule of meetings.
- Providing the Ministry with the names and workplace of all members elected to negotiation teams as part of the bargaining process agreement for each respective negotiation.
- Advising managers (wherever practicable) of time spent on union activities and giving the manager as much advance notice as possible of any activity.
- Have regard to the operational requirements of the MoE.

6.1.2 By the employer

- Allowing reasonable paid time for union delegates/ representatives to discharge their function.
- Allowing reasonable time for union delegates/ representatives to meet on a regular basis.
- Allowing union delegates/ representatives reasonable use of Ministry facilities to discharge their duties, including communication systems, IT systems, and meeting rooms.
- Providing paid leave for union delegates/ representatives representing members and the union at pre-negotiation meetings, negotiations, ratification meetings and working parties.
- Providing paid travel expenses for union delegates/ representatives representing members and the union at pre-negotiation meetings, negotiations, ratification meetings and working parties as approved by the HR Manager - Employment and Relationships. Such approval will not be unreasonably withheld.
- Providing paid leave for union delegates/ representatives who are elected to the wider union structures as set out in union structures attached as Annex II and Annex III and approved by the HR Manager - Employment and Relationships. Such approval will not be unreasonably withheld.
- Granting paid leave and expenses for union delegates/ representatives and members involved in personal grievances and disputes.

7. Induction for new staff in regard to union membership

- 7.1 NZEI and PSA will liaise with MoE H.R advisors regarding a process for induction, which will:
- Provide new staff with an introduction to the union delegate/ representative;
 - Make available and bring to the attention of new staff union membership application forms;
 - Provide the opportunity for a union presentation as part of any induction course for new employees.

8. Training

- 8.1 The parties are committed having well trained, resourced delegates/ representatives and recognise the benefits of allowing them to attend paid educational leave courses.
- 8.2 The purpose of the leave is to increase delegates/ representatives knowledge about employment relations among the unions, employees and employer and promoting the objectives of the ERA, especially good faith.

9. Rights of members to be involved in union activity

- 9.1 The parties value the role of the union delegate/representative and agree that the time allotted to this role needs to be recognised when setting expectations for performance

appraisal, so that they are not disadvantaged when performance is reviewed. In effect this means factoring in a portion of their performance to represent the full time commitment.

9.2 This guideline should be applied in a way that recognises that some delegates/workplace representatives have a particular role (e.g. National Convenor) which places additional demands on their time from both management and the unions.

9.3 If a manager becomes concerned about the amount of time being spent on delegate/representative duties, or the nature of the activities being undertaken during such time, the matter should be raised with the HR Manager - Employment and Relationships to address in consultation with the PSA organiser or NZEI field staff.

Signed

For and on behalf of the Ministry of Education

For and on behalf of NZEI-Te Riu Roa

For and on behalf of the PSA