



New Zealand's specialist union for allied,
scientific and technical employees

2019 ANNUAL GENERAL MEETING PRESIDENTS REPORT

APEX has continued to grow and this growth as mentioned in previous reports is leading to a consideration at AGM of a change to our structure. The difficult industrial climate this year has amply demonstrated the necessity of being nimble and able to change tack quickly.

But so to our growth: we wish to welcome all our new members, including our increasing number of non DHB employed members and most recently those into the new 'Trades division', and trust the association will be positive.

It is a fundamental right to have the freedom to join any union and be free from any form of discrimination because of that choice. I would encourage every member to remind candidates for board elections if they are able to do so that:

Everyone has the right to work, the right to equal pay for equal work and the right to a decent income and working conditions. - Universal Declaration of Human Rights, Article 23

(Source: The Human Rights Commission, Te kahui Tika Tangata)

Is your employer a "Good Employer"? The Human Rights Commission also has this to say.

Under the Crown Entities Act 2004, Crown entities are required to be 'good employers'. 'In a general sense, the Employment Relations Act's good faith requirements complement and reinforce these 'good employer' obligations. The Act's good faith requirements are also very relevant to the development of human resource strategic plans in general and bargaining strategies in particular.'

And goes on to list the following obligations for at least some employers:

Crown entities have to provide employees with the following:

- *Good and safe working conditions; and*
- *An equal employment opportunities programme; and*
- *The impartial selection of suitably qualified persons for appointment; and*
- *Recognition of-*
 - *the aims and aspirations of Māori; and*
 - *the employment requirements of Māori; and*
 - *the need for greater involvement of Māori as employees of the entity, and*
- *Opportunities for the enhancement of the abilities of individual employees; and*
- *Recognition of the aims and aspirations and employment requirements, and the cultural differences, of ethnic or minority groups; and*
- *Recognition of the employment requirements of women; and*
- *Recognition of the employment requirements of persons with disabilities.*

In 2018 DHB's reported compliance of between 65% and 100% in so much as they have Equal Employment Opportunity policies and/or procedures. This is a pretty simple test and doesn't measure whether a DHB is actually doing it, just that they have a policy that "says" they do. This allows DHB's to say they are meeting their obligations as 'good employers' and they list examples that they meet 100% of leadership, accountability and culture elements etc.

I think we can all think of recent examples where it is challenging to believe DHB's are acting in good faith let alone as 'good employers': for some of our groups in bargaining offering salary rates so low they are less than the minimum wage clearly isn't acting as a good employer.

Not doing what they said they would do, promising time and again and then not delivering, presenting significant clawbacks in conditions as technical changes; all these are decisive reasons to disbelieve the 'good employer' status.

And choosing to behave this way has led to members responding industrially, sometimes just to get offers tabled. This is bringing significant increases in workload for particularly the CNS team as they navigate Life Preserving Service (LPS) negotiations on top of an already busy schedule. Ironically, for some of the employer bargaining teams this may give them a better insight into what we do, maybe a small positive amongst a lot of not so constructive engagement.

For members, keep the communication lines open to your delegate and read your emails. Communication at these times is critical. For those groups who have issued some form of industrial action it is likely that employers will pressure you in some way not to go through with it. Maybe even ask you to sign something to say you won't take the action. Remember it is your legal right to take industrial action in support of your expired collective. It is the employers' responsibility to ensure patients are not harmed within the bounds of LPS negotiations.

On behalf of APEX's executive team I wish to thank CNS for particularly, the level of responsiveness, knowledge and skill over the last year and hope that next year brings positive changes to the industrial climate.

Stewart Smith

APEX President