

Under the Microscope

November 2020



THE YEAR OF THE LABS

THE DHB CAMPAIGN

What a year for labs. When 2020 began our DHB labs were already well into a titanic battle with their employers to secure a reasonable offer for settlement. Smelling the opportunity to draw blood from a union that actually battles for its members, the DHBs position was to lock the APEX MECA into pay rates one year behind the equivalent rates in the PSA Allied MECA, forever!

Meanwhile, as the strike campaign geared up - with the tough getting going - a lone brave doctor in Wuhan was trying to warn his authoritarian masters that there was a new bug that needed some attention. And then the world went crazy.

Our DHB members had a carefully planned campaign of escalating strike action scheduled right through until the end of May. This was at exactly the same time that a new star of the public health service was bursting into our consciousness at 1.00pm every day. In fact, in an ironic

coincidence, the notice and press release for one of the proposed strikes was issued the same day as Ashleigh's first 1.00pm stand-up, which was noted with some disfavour by the great man.

Clearly we had a conundrum, at the same time as medical laboratory workers were finally having the spotlight shone on them and their crucial 'backroom' work, we still had an unsettled MECA and could risk a huge public backlash from further strike action. On radio Heather Du Plessis-Allan even suggested that lab workers striking during a pandemic should be considered treason.

What to do? Well, we certainly needed to move quickly, that much at least was certain. Having been turned down for facilitated bargaining before Christmas we reapplied and sought urgency. In the event we were successful, the Employment Relations Authority granted urgent Facilitation and it was set down to occur on



Friday 27 March, despite employer attempts to delay proceedings for a further month at least. On Wednesday 25 March New Zealand went into lockdown.

Facilitation is always a risky process. Because it usually ends up with the Employment Authority Member making a recommendation for settlement, it is a process in which each side is at risk of losing control of the agenda. That is because although the Member can only make a recommendation, it carries huge moral weight which means it becomes a very brave move for one-or-other side to reject it, especially in a pandemic crisis. As with other recent facilitation hearings that APEX has been involved with, we went into it understanding that any emerging recommendation would be put to members to vote on.

It was a strange and unique facilitation. It was done by e-mail exchange and then a final ZOOM meeting on the Friday. In the event the Authority Member – Vicki Campbell – did an excellent job of apprising herself of the key issues. (She had not been helped by having her home printer run out of ink on the last day before lockdown and not getting to PB technologies for a new cartridge until three minutes after it had closed!?) So, with no printer, an avalanche of emails between her, APEX advocate David Munro, and Susan Hornsby-Geluk representing the DHBs, and with a Zoom meeting on the Friday with six representatives from each side, Vicki Campbell retired into her home office and produced a recommendation by 5.45 pm that same Friday evening.

There is an old saying that if both sides leave a mediation unhappy then the mediator has done a good job. The recommendation was a little like that, but in the cold light of day was certainly a decision that vindicated the APEX position and unravelled the employer’s bargaining strategy.



The DHB Laboratory Bargaining Team

The employers had been seeking endorsement that there could be no matching of the Allied MECA rates until November 2020, and that there must be a long-term settlement to ensure stability. The Authority recommended that the Auckland Allied MECA rates be applied immediately in an interim collective agreement that would run from 1 January 2020 to 31 December 2020. That was a big win. The sting-in-the-tail was that no backpay was awarded. But ‘righting the wrong’ straight away and allowing for the parties to be back around

the table before the end of this year to tackle the unresolved issues – including coverage for scientific officers - was a victory.

With the ink barely dry on the DHB settlement, and knowing that it was little more than six-months before returning to the bargaining table, all but two of the APEX private sector laboratory collective agreements were now up for renewal as well. Southern Community Labs (SCL), Taranaki Pathology, T-Lab, Medlab Central, and Pathlab Lakes were now all at various stages of bargaining.

THE PRIVATE LABS

SCL is now the biggest single laboratory employer of APEX members, and with this year’s bargaining there was a sense of ‘unfinished business’ from negotiations two years ago. At that time the collective settled for a 3%+3% deal at mediation under threat of impending strike action and with the Healthscope CE Anoop Singh having flown in from Melbourne to do what needed to be done.

It was now very clear that 2020 really was becoming the ‘Year of the Labs’ and that it was time to take a co-ordinated approach across lab bargaining to leverage the sector spotlight on laboratory testing. The bargaining teams opted to campaign around a small number of key issues; 80K/annum auto-step salary for Scientists, \$28.00/hr auto-step for technicians, and no registered

members earning less than the living wage.

Customised claims for each of the private lab employers were then developed with these goals in mind, and duly tabled.

The campaign has been successful, but far from easy. Achieving these goals saw strike action at SCL, Taranaki Pathology,

Medlab central and T-Lab, and in the case of SCL saw members being suspended by their employer which was something that even the DHBs had not resorted to. The strikes were effective, well supported, and made the difference. Pathlab Lakes was the last of this clutch

of employers into the fray, and from the outset it was clear that their bargaining stance was designed to avoid suffering strike action. They knew that would mean having to match the gains made at the other labs, and that is what they offered up. They knew that would mean having to match

the gains made at the other labs, and that is what they offered up.

There is still work to do finalising some of these Private Lab collectives - T-Lab for instance is still in dispute - but the trend is clear, these private lab settlements are for long-term Agreements, generally for three years through until 2023. Sometimes long-term agreements are deemed too risky in case the world changes and we should have asked for more. But, in today's circumstances we are confident that these long-term Agreements, with substantial increases every year, will continue to look good in the ongoing Covid world.



Taranaki Pathology Services Employees & APEX Members Picketing Outside Taranaki Pathology Services

THE REST OF THE YEAR

By this point it will be no surprise to you that lab bargaining this year has been described as a rolling maul. We have now initiated for the renewal of the DHB's MECA, implementation

of the private lab settlements is ongoing, preparation for the 'Preference' case against the DHBs continues, and then there is Pay Equity (more on 'Preference' and Pay Equity to come!)

Well done you guys. This has been a good year for your contribution to your vital profession.

Congratulations.

A MESSAGE FROM THE PRESIDENT



Bryan Raill, President, Medical Laboratory Workers' Division

Here in NZ, the V-word is trumped by the L-word.



When the whole world is talking about labs it is an especially exciting time for all of us who have chosen to be labbies.

As the pandemic ramped up here the mantra became "test" "test" "test". We rose to this

challenge with the skill and knowledge that, well actually, is part of what we do every single day. The Prime Minister and others sung our praises.

Meanwhile we continue to advance your aims by settling and now starting to bargain again with the DHB and NZBS. We have settled with SCL and continue through the other private labs.

In short, we have recognition and need to ensure that the reward is there as well.