Hi everyone, my name is Pamela Aitken and I’m an MRT working at ADHB. Back in 2004 I became a union delegate as a green second year. The whole bargaining process was just a complete battle, and unfortunately that ‘attitude’ remained throughout the next 6 years. The relationship between MRTs and their DHB employers became more and more adversarial as the decade progressed, finally coming to a head with the nationwide industrial action back in 2010.

The formation of the MRT Action Committee (MRTAC), a joint DHB APEX initiative, happened during the 2007 – 2009 negotiations. It was charged with a number of tasks including working through best rostering practices and making subsequent recommendations to DHBs. At present one of the major projects specific to ADHB is the implementation of a 40hr week for MRTs. Whilst it took time to find its feet, in 2011 MRTAC also took the lead in changing our relationship at the bargaining table. This resulted in a dramatic change in the employee / employer dynamic.

I am so proud to have been a part of this new process in which we are able to directly engage with the DHBs, to work cohesively and begin to promote a positive relationship. I am not saying it was easy or entirely smooth going; we had to work at it! Amongst other things, the two parties got to voice the emotions experienced and resultant strains and stresses that the industrial action of the previous negotiations had brought. This is the beginning of healing the relationship; it will admittedly take time and commitment, and is a huge learning curve for all concerned.

Through the process of good work ethics and integrity we will continue to ensure that MRTs now and in the future are empowered.

“Chats” friendly or not?

“Friendly chats” continue to plague our members. Instances of members feeling intimidated at these so called chats by their employer, or being railroaded into agreeing to accusations of poor performance are ever increasing. We realise that many members have wonderful managers with whom they have excellent relationships; however they are not the only representatives of your employer that you will have to deal with. You need to be aware that some decisions, especially those of a financial or disciplinary nature, are made by other members of management.

What is the difference between a friendly chat with your manager/employer and something more serious?

- A “friendly chat” – when you are discussing something pleasant such as the weather, your holiday, family, or a pat on the back for a job well-done.
- Not a “friendly chat” – when there is possibly HR or other employer representatives present, discussions generally relate to perceived poor performance but can include terms and conditions of your employment, such as hours of work.

Note: records, minutes or correspondence relating to disciplinary meetings will be retained in your personnel file and may affect future advancement or employment.

Case law has shown that the employer must have a good reason to start this process, and the disciplinary process must be carried out in a manner that is fair to you. The process used must reflect what a fair and reasonable employer could have done in those circumstances.

What is a fair process?

Any relevant provisions in your employment agreement must be followed. You have the right to be told what the problem is, that disciplinary action is a possibility and should be advised that you have the right to have a representative present at a disciplinary meeting. Often the latter invitation is couched in terms such as “you are entitled to bring a support person to the meeting”. If you see this type of invitation, be advised they are not suggesting your mother come along; this is ER code for “get hold of your union”. You should be given an agenda of the meeting and if not you are entitled to request one. This keeps the meeting on track and allows you time to think about the agenda items and what your responses will be. You don’t want to be “put on the spot”, and also need time to gather your own evidence. It also safeguards against being involved in a “witch-hunt” and stops information that either you haven’t had a chance to review or is totally unrelated to the incident, being introduced or even discussed. Equally important is requesting copies, or access to all information that the employer will be relying upon to make their decisions, not just what they want you to see.

During the meeting you must be given a genuine opportunity to respond to the employer’s claims before they make a decision, therefore if you go to the meeting and they have a Performance Improvement Plan, or written warning for you ready and waiting, then the employer has not followed a fair process and have already pre-determined the meeting outcome. You should not agree or sign this type of documentation until such an outcome is substantiated.

The employer should investigate any allegations of misconduct thoroughly and in a manner that is transparent and impartial, without being influenced by irrelevant issues.

When making decisions, you should be given clear goals to aim for and a genuine opportunity to improve. However, some forms of misconduct may be deemed so serious that it can warrant instant dismissal. What constitutes this sort of misconduct is generally set out in policy.

If the employer decides to dismiss you after following a fair process, the employer must give you a reasonable amount of notice (unless in the situation of serious misconduct). The employer may choose to pay out the notice period and not require you to physically work it. This must be clearly explained to you.

Friendly chats not only relate to performance issues, they can relate to terms and conditions of employment, as well as specific tasks you may be responsible for such as rostering or
being the union delegate. Examples of how these “chats” can go wrong are numerous - recently a delegate was asked by their manager to attend a meeting to discuss their interpretation of a claim in bargaining; they assumed that this would be a quick chat. They attended this meeting alone and when they entered the room however they found three members of their DHB’s management team. At this point the member should have adjourned the meeting, but the employer representatives reassured the member that it was just a quick chat. Needless to say things didn’t go well, with further repercussions threatening not only this division’s bargaining but also other contracts under negotiation at the same time with the same claim.

In another example a member was invited to a meeting to discuss rostering – a departmental issue. They did try to decline attending, however they felt pressured to attend and so did. Present at the meeting was the COO and their service manager who wanted the member to make changes to the proposed roster, the difference between this and the previous example is, our member stated that the issue was one that needed discussing with the whole staff and that they didn’t want to be there, also that they wouldn’t be making any decisions or agreeing to anything without their colleagues’ knowledge. This meeting had a better outcome without any decisions being made.

Sage advice. If you find yourself in any of these situations, or are at any meeting without support and you are feeling uncomfortable or out of your depth, ask immediately to adjourn the meeting and inform the employer that you won’t be meeting again until you can bring a (proper) support person. We would prefer to become involved early in the proceedings to ensure your rights are protected, as opposed to later down the track when your career has already been derailed.

Finally - don’t agree to anything, or sign any documents without first reading it thoroughly or having a chance to take it away and seek a second opinion. Contact the APEX office if you have any problems, queries or concerns.

Collective Expiry

The collective agreement expires on the earlier of either its stated expiry date or three years after it takes effect. If, however, the union initiates bargaining before it expires, the agreement continues in force for up to 12 months, or until it is replaced within the 12-month period with a new collective agreement.

When a collective agreement expires or is no longer in force - existing employees will automatically have an individual employment agreement based on the expired collective agreement (plus any additional terms and conditions agreed previously). However, employer and employee can agree to change this individual employment agreement Where no collective is in force, new employees are hired on the basis of an individual employment agreement negotiated with the employer.

Updates:

Physiologists: After a protracted round of bargaining that began in July 2010, the MECA has been finalised, with a lump sum payment in lieu of backdating: 5% salary increase over the term of the document (to July 2014); as well as the removal of designated positions to a merit progression pay-scale, a key claim for this group. The documents have been sent to the DHBs for signing and we hope will be implemented shortly.

DHB MRT’s: The DHB MECA is finalised with members accepting a 2.5% salary increase during its term to September 2013. The MECA has been forwarded to the DHBs for signing and will be implemented in due course.

In Waitaki (in Oamaru where the radiology service is locally contracted) the employer has undertaken to accept the same terms and conditions of the National DHBs MECA.

MRTAC: The MRT action committee, which comprises both APEX and DHB members, is holding a workshop on 23rd February. The workshop will be focussing on Healthy Rostering for MRTs with particular emphasis on fatigue. MRTs have 24/7 shifts together with a large on-call requirement and it is hoped that the work done will assist in better practice rostering. MRT delegates and DHB management will be attending the workshop which will also explore how radiology can better “connect” and respond to the demand generated by the rest of the hospital (ED and theatre in particular).

Sonographers:

- Northland: have dates for bargaining for a SECA.
- National MECA: Having split from the national MRT MECA, bargaining continues with further dates set for 8 and 9 February.

Northland is busy with our Dietitian and Social Work colleagues initiating to commence bargaining for their own profession specific collective agreements, having recently come out from under coverage of the PSA collective. Physiotherapists, Pharmacists as well as Sonographers are also currently in bargaining in Northland. The workload this bargaining has generated on our Northland DHB employers has been so noted that they are to receive assistance from a national DHBNZ advocate; or at least that is the reasoning we have been given for a national advocate to be involved in local bargaining!

Reminders:

Delegate training: is not too far away, if your department doesn’t have a delegate, or if you are thinking about becoming one, now is the time to let us know.

This training is held bi-annually providing delegates with valuable skills and resources to help members tackle employment issues, it is therefore important that all delegates attend. Your employers have been notified, and there is provision in your collective agreement to allow you to attend on paid leave. If you have any problems please contact the APEX office.

Preparations are well under way, with workshops and guest speakers organised, the 1st day has been set aside for new delegates (and the not so new that want refreshing), more information will follow shortly.

Postal address, private email and contact telephone numbers: please inform us as soon as possible of any changes. It is frustrating to you, as well as us, when important messages, MECA updates and ballot papers are not received. In the case of the latter, we are unable to re-send ballot papers meaning you miss out on having your say in the final decision about your collective agreement. Also a reminder that APEX primarily uses home email addresses (not work ones) to maintain the privacy of our communications as much as possible. DHBs do screen for union emails coming into the workplace hence we tend not to use work email addresses!