

## NZDSN Zoom Meeting – 27<sup>th</sup> November 2023

### Second Care and Support Worker Pay Equity Claim Q&A

Question	Answer
Can you give us an indication of what work we will be doing?	<p>Assuming you elect to represent yourself, there will likely be regular weekly meetings of the Employer Steering Group, plus other meetings and sub-groups to address specific issues (MEPEPA development, BPA development, Arguability, and so on).</p> <p>If you elect to be represented by another party (Peak Body or other), you will be kept up to date on developments and engaged only when a major decision is required.</p> <p>Most work involves virtual meetings.</p>
Chris Howard-Brown 12:31 How do we get a copy of the full decisions made under the prior current claim?	Requires the agreement of the 15 named employers plus the unions in the first claim. That would be part of the consolidation question
Mike Options 12:31 Tautoko are we on the list?	The claim, including the list of named providers, is published on our website on the
Karen Smith 12:31 The time commitment is the same for small or large organisations, very resource intensive	Agree. At times of critical decisions being made, up to ten meetings in a week are not unknown. All those involved are very much aware that this is a very detailed process but one we also need to get right for it to be finalised successfully and sustained for the future.
Chris Howard-Brown 12:31 What is the risk that a claim results in changes and no new funding?	Very low. The claim process involves six milestones. A final settlement can only be achieved with funding. No changes can occur, therefore, without an agreed settlement.
Chris Howard-Brown 12:30 What is the situation if some employers wish to consolidate with the prior current claim and others do not?	Kate Single 12:32 Consolidation requires everyone to agree. But anyone can request consolidation, thus activating that section of the Equal Pay Act
Chris Howard-Brown 12:34 In some ways is this not more about parity than equity?	The employers tried that approach and were knocked back. Both the government and unions claim the 2017 pay equity settlement was not a full pay equity process and therefore needs to be re-visited under the Equal Pay Act. The Minister of Health (at the time) also commented that there is pay equity money set aside by government, but not for pay parity claims.
Chris Howard-Brown 12:31 What about asking for current legislation to be extended as a mechanism to remedy Chris Howard-Brown 12:38 If employers request it, to the Minister of Health, then surely this would be a good pragmatic option to explore?	Kate Single 12:37 This is certainly something we have been exploring, but needs participation of government. Efforts have been made (and will continue to be) requesting an extension to the 2017 settlement legislation. Officials and Ministers have been adverse to this. We are conscious that with a change in government, there may be a different

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	view, and will therefore continue to make this request. We also recognise that there are other options to ensure pay equity pay rates are enforced.
<p>Karen Smith 12:39            NZDSN is not a named party to the claim (providers are) so there is still a responsibility on individual providers, but NZDSN has provided support up to the point on behalf of named providers, to the point where decisions need to be made by providers</p>	<p>This is the “hybrid” model largely adopted by the 15 named employers in the first CSW claim and recommended here.</p>
<p>Chris Howard-Brown 12:32            Should we ask for an extension of the 20 days given the complexity?</p>	<p>Kate Single 12:35            The first step is around arguability. You have 45 days to determine arguability, and then 20 days after that to notify your employees.</p>
<p>Chris Howard-Brown 12:40            Arguability is interesting because there has been a prior pay equity claim that was resolved - so parity could be more an issue?</p>	<p>The government and union position is that the 2017 court case did not equate to a settled pay equity claim, hence the 2022 claim proceeds.</p>
<p>lynley.chirnside 12:38            Who are the peak bodies already involved in the previous claim?</p>	<p>Kate Single 12:41            Peak bodies are: NZDSN, Home and Community Health Association, Aged Care Association and Platform Trust</p>
<p>RuthR 12:45            Will you be sharing the slides from today’s meeting please.  <a href="mailto:Ruth.Ross@communityliving.org.nz">Ruth.Ross@communityliving.org.nz</a></p>	<p>franceso 12:46            Yes, they are            Peter 12:48            Yes, slides and a link for the recording will be sent out to all and posted on our NZDSN website in the Pay Equity page.</p>
<p>franceso 12:56            How soon do we need to notify if hybrid?</p>	<p>Peter 13:07            If you would like NZDSN to represent you, I need an e-mail from you to that effect. If it is before 5pm today (27<sup>th</sup>), I can acknowledge receipt of the claim. If your e-mail arrives after that, you need to acknowledge the claim yourself.</p>
<p>Chris Howard-Brown 12:58            The 15 employers may not be happy as it may derail or extend timeframes for them</p>	<p>Any derailing or delay to the first claim would only come about if earlier decisions were to be re-visited. Avoiding this is likely to be a condition of consolidation. It is in both group’s interests to avoid any delay if at all possible.</p>
<p>Laura Fergusson 13:03            the urgency is that our staff don't get a pay rise until this is settled!</p>	<p>Noted.</p>
<p>Chris Howard-Brown 13:07            Would NZDSN on behalf of its membership and wider employers request Shane Reti look at extension of current legislation expiring 31 December please?</p>	<p>As commented above, this issue is part of our ongoing engagement with Government.</p>
<p>Chris Howard-Brown 13:08</p>	<p>Kate Single 13:09</p>

<b>Question</b>	<b>Answer</b>
<p>As a first step - could NZDSN ask the 15 employers if they are open to the claim being consolidated. Then if there is agreement then step two is releasing information and enabling the second claim group to determine?</p>	<p>It is also about the unions and whether they are willing. The 15 employers are hoping to have this discussion with the unions this week. NZDSN has also posted the consolidation process from the Act on its Pay Equity webpage. The process you outline is not consistent with the Act and may not be followed as you wish. Consolidation of the two claims makes sense, however. See earlier comments.</p>