

Community midwifery pay negotiations: Timeline of events

August 2015 – High Court claim initiated by the College against the Ministry of Health citing discrimination on the grounds of gender in relation to the pay and working conditions for self-employed community midwives. The College's legal advice at this time was this would be the fastest means to achieve resolution of the issues. Considerable evidence from a range of experts was prepared for the case which was set to be heard in August 2016.

August 2016 – The Ministry of Health offered mediation as a means to resolve the dispute. The College believed this could offer a quicker result than a lengthy High Court case so the offer was accepted and the court case was adjourned.

August 2016 to May 2017 – A series of mediation meetings, facilitated by the Human Rights Commission Chief mediator took place resulting in a series of mediation agreements being reached between the Ministry and the College. These agreements set out mutually agreed points and placed obligations on the Ministry. In summary these were:

- Agreement to an immediate increase in Section 88 as a sign of 'good faith'
- Commitment to the current model of maternity care and the sustainability of the LMC midwifery workforce as central to primary maternity services which requires national support
- Allocation of unspent MFYP funds into an emergency urban LMC locum service
- Agreement that the current funding model (Section 88) does not meet the needs of current community midwifery practice
- Commitment to co-design a new funding model for community midwifery
- Commitment to eliminate gender discrimination in any funding for community midwifery, and apply pay equity principles to pricing of the LMC Midwives work/future contract, using advice of independent experts
- Commitment to present a budget bid in 2018 that reflects the findings of the co-design

During the mediation process, the court case was repeatedly adjourned until the final settlement was reached in May 2017, at which time the case was withdrawn on the basis that the College was able to hold the Ministry to account against the final mediation agreement at any stage if it was breached.

June 2017 to November 2017 – The College and Ministry representatives engaged in a co-design process, through which a new funding model for community midwifery was designed. The key features included a blended payment model as the means of payment for community midwives and a national funding model via a yet

to be developed National Midwifery organisation. Members were consulted on the new funding model and member surveys were completed. The final recommendations from the co-design process were reported back to the Ministry of Health. These reports are publically available on the Ministry of Health website.

During this period, the States Services Commission became interested in the process as they were concerned about the implications for the wider government, of the Ministry of Health committing to pay equity for a self-employed workforce.

November 2017 – change of government

December 2017 – College representatives meet with the new Minister of Health to present co-design findings and reiterate urgency of issues regarding community midwifery pay, working conditions and sustainability of the profession.

March 2018 - change in senior leadership in the Ministry of Health

April 2018 – College representatives met with newly appointed senior interim Ministry leadership and reiterated its concern regarding urgency of issues, and its concern regarding the lack of communication from the Ministry since the presentation of the co-design findings. Commitment sought from the Ministry to implement the co-design funding model. Ministry confirms that it has identified maternity services as one its strategic priorities and will be embarking on a wider maternity work programme (encompassing the breadth of maternity services, not just a review of community midwifery funding).

May 2018 – Budget announcement

- 8.9% increase to Section 88 LMC modules
- \$4 million allocated annually to second midwife payment to be administered through Section 88
- \$ 5 million allocated annually (for 2 years) towards recognition of the costs of self-employment

June 2018 – College request copies of Ministry of Health documentation related to community midwifery budget bid under Official Information Act (OIA)

August 2018 – College receives documents from Ministry in response to OIA request. It is apparent that the Ministry of Health have breached the mediation agreement.

August 2018 – Public apology from senior Ministry official regarding the manner in which co-design recommendations had been dealt with by the Ministry. Ministry publically states it will use recommendations in co-design to inform development of new contract for community midwives (to be in place by July 2020). Publically stated commitment from Ministry to develop a national community midwifery organisation (as per the co-design recommendations).

October 2018 – College representatives meet with the Minister of Health to present urgency of the case for improved pay and working conditions for community midwives and employed midwives.

October 2018 – Second midwife payments allocated in 2018 budget announcement claimable – backdated to July 2018

October 2018 – Business contribution payments allocated in budget announcement (lump sum payment) disbursement arrangements commenced by Ministry of Health

October 2018 – College requests formal mediation with Ministry of Health to address breach in mediation agreement. Draft statement of claim for new High Court case drafted in relation to Ministry's breach of previous mediation agreement written by external legal counsel engaged by the College

November 2018 – College and Ministry representatives meet to commence negotiations for a new primary midwifery service agreement. College requests that negotiations cease until mediation has occurred on the basis that conditions that Ministry is proposing to negotiate under are unacceptable.

November 2018 – College representatives meet with the Minister of Health again. College re-presents issues and stresses urgency of current situation. Meeting followed up by letter from the College to the Minister setting out issues in writing.

December 2018 – College and Ministry (including external legal counsel) meet for formal mediation as a result of Ministry's breach of the mediation agreement. Further detailed mediation agreement reached, setting out the terms under which the new community midwifery contract will be negotiated.

February 2019 – College and Ministry recommence negotiations for community midwifery service agreement