



DHB MECA Negotiations Update

15 January 2018

Application for facilitation accepted

It was agreed by the Employment Relations Authority on the 3rd January that the application for facilitation between MERAS and the DHBs could be heard with urgency.

It is rare for bargaining in relation to a Collective Agreement to go as far as facilitation. Unions usually settle difficult negotiations at mediation before strike action or soon after.

Facilitation is only available where collective bargaining has run into serious difficulties. Unions can't get to facilitation unless:

- there has been a serious breach of good faith,
- the bargaining has been protracted,
- there have been acrimonious strikes or lockouts,
- a strike or lockout would damage the public interest.

The Authority accepted we had reached the bar on the last three grounds. The issue of breach of good faith was set aside for now.

The Member of the Authority found that the strike actions MERAS took in November and December “did have an impact on the women and their babies requiring midwifery services” and that the threat of escalating strikes would substantially affect the public interest.

Facilitation process has commenced

Yesterday (14th January) there was a conference call of the parties with our respective lawyers.

The Facilitator, who is also an Authority Member, had already read the MERAS affidavits, the DHBs' October offer, the MERAS update of where we got to in the negotiations, and the last proposal MERAS had sent to the DHBs to try to get a settlement.

Today, the Facilitator had a separate teleconference with MERAS and the DHBs' advocate, so we could each have a full and frank briefing of the issues with her.

On Thursday, there will be a face-to-face meeting. The cost of any alternative proposal was identified as a key issue during Monday's phone conference and the Facilitator wants the DHBs to provide MERAS with further data to enable MERAS to establish the cost of a potential settlement involving a midwifery differential.

The Facilitator also wants to investigate whether the issues of pay equity and the Midwifery Accord should be part of the bargaining. If so in what form?

Given we have been told by the DHBs that we have to wait on the pay equity process to deliver a differential, and the Accord is dealing with workforce issues such as safe staffing standards, the MERAS position is that these two elements must be part of any settlement package.

Next steps

When she is satisfied that she fully understands the issues between us, the Facilitator can make recommendations about the process we should use to reach agreement (which may include going back to mediation), or she could make recommendations about the MECA.

Her recommendations will be non-binding. That is, we don't have to accept the recommendations, but both parties must consider them in good faith. When we get to the point of a potential settlement, you will vote on it. The February strikes will go ahead if there is no resolution by 11-14 February. We will start issuing strike notices on 25 January.

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