



MERAS Workplace Representatives Handbook

MIDWIVES GETTING ORGANISED

Level 1: Organising our Workplace: Course No 472

9.00 – 9.40	Welcome and kawa/ground rules; interview exercise
9:40 – 10:30	Organising for power in your workplace
10:30 – 10:45	Morning Tea
10:45 – 11:45	Recruiting members and activists; tips to get you started in your role
11:45 – 12:30	Organising around Collective Agreements – bargaining and enforcement
12:30 – 1:00	Lunch
1:00 – 1:45	About MERAS; MERAS campaigns and influence; planning to involve members
1:45 - 2:30	Your rights as a MERAS rep; identifying rights contained in Collective Agreements
2.30-2.45	Afternoon tea
2:45 - 3:45	Support in your role; resources and tools; working on an organising task
3:45 – 4.30	Next steps; questions and evaluation; learn a song and a waiata

Kia ora

Welcome to our first course which we call “Midwives getting organised”. If you have just become a workplace representative, congratulations! If you have been a rep for a while, thank you! You all make a difference.

MERAS values our reps who are our leaders standing up for our members in your workplace.

Being elected as a workplace rep means you have been recognised as a leader by your colleagues. This brings responsibilities and challenges, but also great rewards.

You are now part of a team who are growing the presence of MERAS in your workplace, defending members’ rights, winning better working conditions, and helping to resolve problems in your workplace.

You are also growing the visibility of midwifery in your hospital or maternity facility and in your wider community.

You will grow more confident as you learn more about how MERAS works and as you gain the skills to support and empower members and work towards a better life for everyone.

Level 1: Organising our Workplace: Course No 472

This is a level one workshop for newly elected workplace representatives and those who have not done this course before. The participants can be from a range of public and private maternity facilities.

The course aims to increase understanding of MERAS workplace representatives’ roles and responsibilities.

By the conclusion of the one-day seminar, participants will be able to:

- understand what organising means in a union context
- define their role as a workplace representative
- understand the role of members and MERAS
- recognise recruitment opportunities within their workplace
- increase their knowledge of their workplace rights
- explain the structures of MERAS
- describe MERAS campaigns and influence
- increase their confidence as a workplace rep by valuing and using their newly acquired knowledge and skills

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Section 1 – Your role as a MERAS workplace representative

Welcome to being a workplace rep

This handbook will give you an introduction to your role as a workplace rep, tips for getting started and directions for where to go for more information.

Good pay and conditions don't fall out of the sky – union members win them. Pay rises, extra professional development leave, meal breaks; we get better conditions when we stand together.

You are the key to building MERAS strength in your workplace. Recruitment and organising builds strong unions. The growth in membership in MERAS has given midwives a voice. When a workplace is well organised, MERAS members have real power to resolve workplace issues and get results.

MERAS co-leaders will support you in your role.

What is organising?

- 1 Groups are stronger when they organise themselves.
- 2 Organising requires leadership, especially leaders from within the group.
- 3 Organising means focusing on winnable issues that members care about.
- 4 Organising takes time getting members involved one step at a time.
- 5 Developing skills in face-to-face communication because it is most powerful. Paper doesn't move people; people move people!
- 6 Organising requires finding new ways to activate members so apathy doesn't take hold.

What does a MERAS rep do?

It is not all up to you! Try to involve your members so they also take responsibility for our union in your workplace. Getting members involved helps them to understand how change can happen.

Building solidarity around issues is important. Starting where your

members are currently and building unity delivers results into the future.

Representing your members isn't always easy. Preparing for setbacks and challenges, getting support, and looking after yourself is important for reps. You will be supported in your role by our MERAS co-leaders.

Recruiting new members and activists

Signing up new MERAS members is a big part of being a workplace rep. Your colleagues are more likely to join up if you ask them personally.

Find the natural leaders in your workplace and enlist their help. They are not always the loudest or the most talkative, but they are the ones others listen to.

The more members who are active in MERAS, the better. They don't have to become a MERAS rep, but it is important for you to have support.

However, you may know someone who is also interested. Encouraging them to become a MERAS rep will help lighten your load and make our union stronger.

Hot tip

It is best to sign up new midwives as soon as they start work on the basis that everyone who works here is a member of MERAS. If you can get access to their induction, that is the ideal time to tell them about MERAS.

Keep in touch

Effective communication doesn't have to be complicated or formal, but it is essential.

Texting and emailing may be the only way you can communicate with members who work on different shifts, on a 24/7 roster, and may be on part-time or casual contracts.

Keeping in touch with other MERAS reps and our co-leaders is also important so you know what is going on around the country. Issues in your workplace are often common to other maternity units.

MERAS convenes conference calls for workplace reps.

Union noticeboards are a visible sign of MERAS activity for our members and also non-members.

Question what is happening

Organising begins when people ask questions such as who is making the decision about a specific issue.

Staff meetings are a way of encouraging colleagues to ask questions.

As a MERAS rep, you can work with the Charge Midwife to organise staff meetings (including surveying members for agenda items) and even chairing the meetings.

Listen to members

They say communication should be 80% listening and 20% talking.

Listening to what your members are saying helps you to understand their issues.

Often by simply listening to colleagues, you will have a significant impact on them because you may be the only one listening to them.

Helping them to find their own solutions, answering their questions, giving them hope and helping them to become active – that is what organising is all about.

Get members involved

Most people learn, change and grow through the process of doing something and being involved.

You can ask people to join our fb group, sign a post card, talk to their colleagues on their shift.

If you want to develop new leaders, you need to give them something to do, however small that first task may be.

Develop your skills

Union education is a start, but your development as a MERAS rep doesn't stop here.

You will develop as a leader through discussion with other MERAS reps, informal training and support from our co-leaders, and delegate forums with other unions.

Take small steps

Aged care worker Kristine Bartlett was nearing retirement and she thought “I am sick of low pay and lack of recognition for what we do as caregivers.”

Six years ago, she walked into her union office and asked, what can I do to change this? Her union, the Service and Food Workers Union, took a case to Court and out of this 55,000 mostly women workers have now won a big pay rise through an Equal Pay settlement.

Most movements, from a small group in one workplace to social movements which change society, grow out of small steps.

Small wins help us build confidence that we can achieve more.

MERAS has reps in almost every maternity unit who are organising in their workplaces and making MERAS a strong voice for change.

This may sound overwhelming at first, but remember you are not alone. Your members, fellow MERAS reps at yours and other sites, your co-leaders, and in fact the whole union movement are working towards the same goals – to improve the lives of workers, our whanau, our communities, and society as a whole.

Remember the words of the song “Step by Step” in the back of your handbook.

Tips to get you started in your role

Speaking to members

One of our greatest assets is being able to talk to members about their issues, what they think, what they want to do about things, and how they would like things to change.

Shift handover is a good time to talk to members about issues. Encourage members to think about what outcome they are seeking and what they can do about it collectively.

Having focused one-to-one conversations is a skill you can practice. You ask questions, tell your “story” or experience, and listen to their “story” or experience.

From these you can learn more about non-members and members, find out about issues, build networks, enhance relationships, and encourage colleagues to join or become more active in the union.

Recruiting new members

You know the statement “Strength in numbers”? It is true – the more who are members of MERAS, the more midwives have their own voice.

Some may not have joined because they have never been asked or are not sure what a union is.

Before you approach a non-member, think about why you joined MERAS and share your experience and reasons with them.

Remember to actually listen to the other person and not just think about what to say next.

Avoid interrupting the person as this suggests you have stopped listening to them.

Use open questions and allow space to encourage people to tell you about themselves or their situation.

- **What:** What happened next?
- **How:** How did that make you feel?
- **When:** When did you become aware of that?
- **Why:** Why do you think that?

Simple steps to joining up a new member

1 Introduce yourself; chat to them about their new job

2 Talk about MERAS; what we are fighting for, why you first joined

3 Listen; give them a chance to ask questions or voice their concerns

4 Talk about things you have in common

5 Answer their questions; if you don't know, get back to them

6 Ask them to join; have a membership form ready to sign; “close the deal”

7 Thank them for their time; if not interested say that's ok, let me know if you change your mind

Follow-up

Get new members involved in MERAS activities. Think about small tasks you could ask them to do.

Mapping

Mapping is a tool which involves listing all the midwives in your unit and information about them to give you a picture of your workplace strength and help you organise.

You might identify who is active, who is supportive, who is apathetic, and who is anti-union or anti-MERAS.

You might go on to do a S.W.O.T. analysis, i.e. strengths, weaknesses, opportunities and threats.

To build our union, we need to know who are our members and non-members, what they care about, and where together we can help to make change.

A map will help identify our strengths and weaknesses, improve our communication, and is the basis of developing leaders and activists.

Handling problems and issues collectively

As a workplace rep, members will approach you with problems they are having at work. It is a good idea to find out if the issue is a problem for others as well.

If it is an issue for a number of people, joining together to change the situation will give you a better chance of winning.

Here are some ways to assess the issues raised by members:

- Talk to them and listen to what concerns them
- Map an issue to work out how many are affected by it, how strongly they feel about it, and what actions they are prepared to take (if any)
- Survey your members about particular issues
- Build a communication network for members to keep in touch with each other and you
- Organise union activities where people can get together; this could be a formal meeting or social event
- Find out what people want to do next

If the issue is an individual one, help them find out the information they need, and if you are unsure, direct them to your co-leaders.

Hot tip

Build the confidence of your colleagues by encouraging them to find their own answers to their questions, especially if it can be found in their Collective Agreement or on the MERAS website.

Involving members in organising around Collective Agreements

Unions have found that the best way to protect and enhance workers' terms and conditions, including their pay, is to negotiate Collective Agreements or CAs.

These take several forms:

- SECAs or single-employer collective agreements
- MECAs or multi-employer collective agreements
- MUCAs or multi-union collective agreements
- MUMECAs or multi-union, multi-employer collective agreements

As a MERAS rep, an important part of your role is to help in the process to renew an existing CA, or to be on the bargaining team for a new CA.

Where you are on the bargaining team, you will be working closely with our co-leaders.

Bargaining can take anything from one or two days to months, but not usually years!

The aim is to get a settlement the team believes the members will find acceptable.

The claims

The first step is to develop what is called a "log of claims" which reflect the concerns of the members and which are endorsed by them, ideally at a meeting or series of meetings.

Importantly these claims must relate to changing the specific provisions in the CA to address the issues that members have raised, though sometimes working parties are agreed to resolve issues outside the bargaining.

Reporting back to members

You are ideally placed to listen to your members and bring their issues to the bargaining table because you are in the workplace – you are the eyes and ears of our members.

You will also play a big role in reporting back the collective decisions of the MERAS bargaining team and getting members involved, for example, by encouraging them to participate in claims processes, reportback or ratification processes.

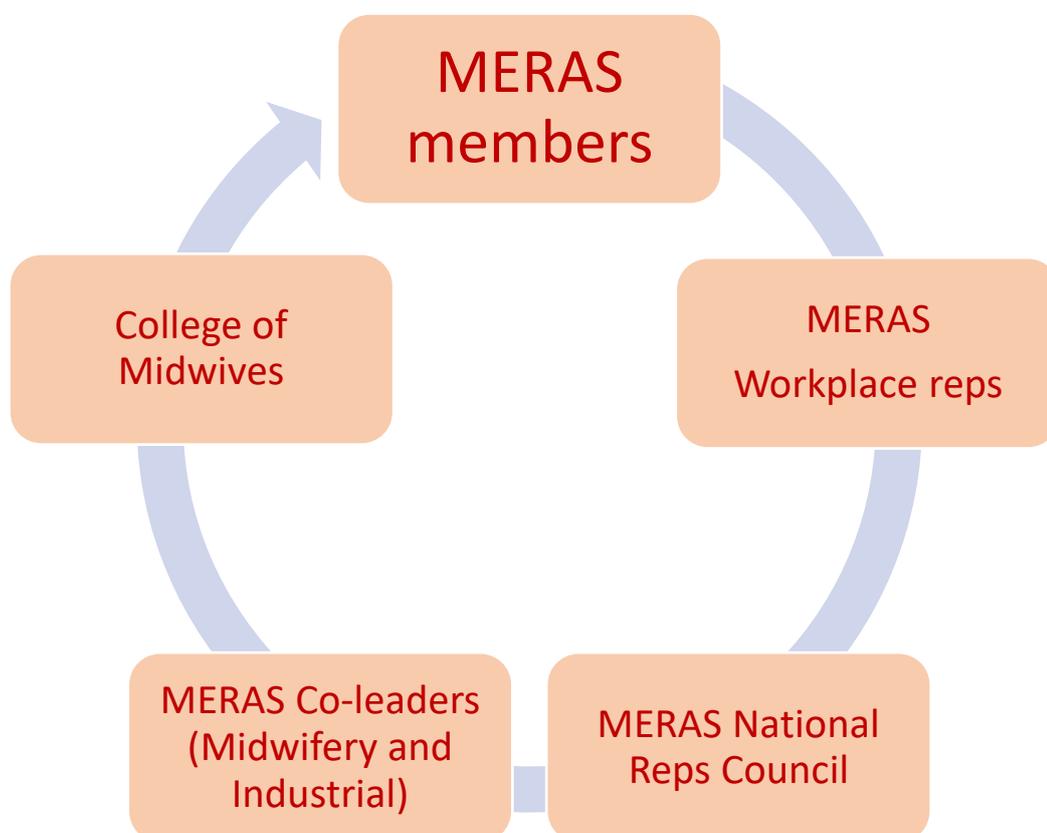
Ratification processes

Ratification is a legal requirement to ensure that members can exercise their democratic right to have a final say. In MERAS, ratification occurs when 50% plus 1 of the members who participate in the ballot, vote in favour of the proposed settlement.

The new CA is then signed by the parties to the Agreement (MERAS and the employer/s). In the case of an existing CA, the changes are made and the CA is then signed by the parties.

Section 2 – About MERAS

MERAS structure



MERAS was established by the NZ College of Midwives (NZCOM) in 2002 as a separate but associated organisation to give voice for employed midwives.

All members of MERAS are also members of the College of Midwives, which is the professional organisation for midwives.

In just a few years MERAS has grown to represent by far the majority of employed midwives.

Along with bargaining Collective Agreements for midwives, MERAS also provides support and advocacy for individuals or groups of midwives

to address workplace issues, feedback on consultation documents, and support for workplace reps and members at formal meetings.

MERAS members elect their workplace representatives, who are in turn represented by members of the National Representatives Council (NRC) from each region.

MERAS has two co-leaders who provide advice and support for the NRC, workplace reps and members, bargain Collective Agreements, and maintain relationships with NZCOM, employers, other unions, and external bodies.

MERAS campaigns and influence

Pay Equity

Pay equity is about equal pay for work of equal value where women have historically been underpaid because our work is not valued as highly as work predominantly performed by men.

Women have historically been employed in a limited range of occupations, where the tasks and skills required are seen as an extension of traditional unpaid work of women, i.e. “women’s work”.

Midwives have been underpaid and undervalued because they are almost all women and they were seen as a sub-set of nurses, who also suffer from historical undervaluing.

Despite the 1990 Nurses Amendment Act where midwifery was recognised as an autonomous profession, employed midwives’ pay has been linked to that of nurses through DHBs’ wage fixing mechanisms.

MERAS has challenged this in successive bargaining for the DHBs’ MECA. However, in June 2018, MERAS lodged a claim for pay equity with the DHBs.

The MERAS claim has been accepted by the DHBs and a process is now in place to progress the evaluation and produce the evidence that midwives have indeed been underpaid.

A breakthrough has been the agreement by the NZNO to pursue pay equity for their midwifery members along with MERAS through the separate pay equity process, rather than their original claim on behalf of nurses and midwives.

Midwifery Accord

The DHBs have acknowledged in their own Workforce Information Report (September 2018) that the midwifery workforce is in crisis nationally.

The Ministry of Health has acknowledged that midwives’ workload and how it is managed is a fundamental issue that must be addressed.

Thus the Ministry has committed to an Accord to address the issues of safe staffing and workload, which they are currently working through with MERAS.

MERAS has developed *Midwifery Staffing Standards for Maternity Facilities 2014* and a *Recruitment, Retention and Responsiveness Strategy 2018*, strategies that are addressing the serious workforce issues in many DHBs.

Caroline Conroy, MERAS co-leader (Midwifery) is on the Safe Staffing and Healthy Workplaces Governance Group and is leading our work on the Midwifery Accord.

Your rights as a MERAS rep

The legal rights of employees come from several places:

- Acts of Parliament such as the Employment Relations Act
- The Courts – the Employment Relations Authority and the Employment Court
- The Code of Good Faith in the Public Health Sector
- Collective Agreements

Everyone, including managers, must adhere to the law, and must act in good faith. This means employers and employees' representatives must not mislead or deceive each other, and must work to maintain an active and constructive employment relationship.

Unions also have obligations under good faith with our members, and with other unions where we are party to the same CA.

We don't leave other societal rights at the door when we enter our workplace. Human rights are the basic rights and freedoms we all enjoy.

The Human Rights Act 1993 aims to ensure that all New Zealanders are treated fairly and equitably.

The Human Rights Commission can intervene on issues such as gender or racial discrimination. Unions can also take personal grievances on the grounds of sexual or racial harassment or discrimination.

Human rights are often enshrined in international law (such as ILO Conventions) and national laws such as the Employment Relations Act 2000, for example, the right to join a union of your choice.

Note that as a union rep, you cannot be subject to undue influence not to act on behalf of your members.

Recent changes to the Employment Relations Act

Changes to the Employment Relations Act in December 2018 have restored protections for employees and strengthened the role of collective bargaining.

Union representatives can now enter workplaces without consent, provided the employees are covered under, or bargaining towards, a collective agreement. Union reps must respect health, safety and security procedures.

Pay deductions can no longer be made for partial strikes, such as wearing t-shirts instead of uniforms as part of low-level industrial action.

Businesses must now enter into bargaining for multi-employer collective agreements, if asked to join by a union.

Employees have extended protections against discrimination on the basis of their union membership status, including either being a union member or intending to be a union member.

Changes in May 2019

The right to set rest and meal breaks was restored, the number and duration of which depends on the hours worked. For example, an eight-hour work day must include two 10-minute rest breaks and one 30-minute meal break.

Employers must pay their employees for rest breaks but do not need to do so for meal breaks.

90-day trial periods are restricted to businesses with fewer than 20 employees. This change means the majority of employees have protections against unjustified dismissal from when they start a job.

Businesses can continue to use probationary periods to assess an employee's skills against the role's responsibilities. A probationary period lays out a fair process for managing performance issues and ending employment if the issues aren't resolved.

Employees in specified 'vulnerable industries' can transfer to a new employer on their current terms and conditions in their employment agreement if their employer sells, or transfers part or all of its services.

The duty to conclude bargaining has been restored for single-employer collective bargaining, unless there are genuine reasons based on reasonable grounds not to. This ensures that parties genuinely attempt to reach an agreement.

The 30-day rule has been restored.

This means that for the first 30 days, new employees must be employed under terms consistent with the CA on an individual agreement (IEA). New employees become bound by the CA when they join the union.

Pay rates now need to be included in collective agreements, along with an indication of how the rate of wages or salary payable may increase over the agreement's term.

Employers need to provide new employees with an approved active choice form within the first ten days of employment and return forms to the applicable union, unless the employee objects.

The form gives employees time to talk to their union reps before considering and making a choice about whether to join a union or remain on the individual employment agreement.

Employers need to allow for reasonable paid time for union reps to undertake their union activities, such as representing employees in collective bargaining. Employees need to agree with their employer that they want to do so or, at a minimum, notify them in advance.

Employers need to pass on information about the role and function of unions to prospective employees. Unions must bear the costs if we want printed materials to be passed on.

How will MERAS co-leaders support you in your role?

Your co-leaders' role is to help you get your workplace organised. You know your members better than anyone. But if you need advice, feel out of your depth, or want to talk things through, you can email or call Caroline Conroy or Jill Ovens.

Your co-leaders are involved in:

- Developing you and your members to organise your workplace
- Providing you with support and back-up
- Helping you handle employment-related or professional problems at work on behalf of your members
- Providing input into consultation documents
- Negotiating CAs

Union education

Unions can allocate paid employment relations education leave (EREL) so members can attend approved courses in employment relations. Only approved courses can be used for EREL purposes.

The union calculates the amount of leave entitlement per employer and lets the employer know by 1 March each year. This is based on the FTE MERAS membership with each employer, so the more members you have, the more days ERE leave entitlement you will have.

The union allocates the leave to union members who are selected to do the courses. These are mostly workplace reps. The leave is paid leave if it is a rostered day for you. EREL is additional to your study leave entitlement.

MERAS is offering two courses, both of which have been approved for use by unions:

Stage 1: Midwives getting organised (officially "Organising Our Workplace")

Stage 2: Midwives standing up (officially "A Problem-solving culture")

Through these one-day courses you will meet other workplace reps, learn more about your role, build your skills as a leader, and get tips, hints and ideas.

Informal development

MERAS also offers informal development through mentoring. For example, one of your members may ask you to come with her for a meeting with her manager.

You can call one of the co-leaders for advice before the meeting, or during the meeting.

Being part of a MERAS negotiating team is another way to develop your skills.

Essential resources / tool kit

Knowledge is power, so keeping yourself and your members informed is a key part of being a MERAS rep. Your essential toolkit will include:

- Your Collective Agreement – make sure you are familiar with it and talk to one of our co-leaders if there is anything you are unsure of
- Copies of your employer's policies or rules – often these are available on-line or you can request specific policies
- Your membership list – these are sent to you monthly and if you have any changes or queries, you can email Lisa Donkin at membership@nzcom.org.nz
- Regular updates sent to you by our co-leaders – post these on your union noticeboard along with photos and other interesting items
- MERAS membership forms – keep a stock of forms available (members can also join on-line)
- MERAS website – for latest news and other resources
- Copies of Midwifery News – to keep up to date with professional and industrial issues of both MERAS and NZCOM
- Membership of the closed MERAS fb group – to share information and photos from your workplace and to participate in discussion by members

Legal resource

MERAS has access to legal advice and support through Helen White, Barrister and former EPMU lawyer. Helen recently filed for urgent facilitation in the Employment Relations Authority on our behalf following an impasse in the negotiations to renew the DHBs MECA.

CTU resource

MERAS is one of 40 unions affiliated to the New Zealand Council of Trade Unions (the CTU). This broadens and strengthens our ability to speak for our members. The CTU lobbies on our behalf to influence Government policies.

MERAS participates in the CTU Health Sector Standing Group, which is monitoring the pay equity process that covers more than 80% of the health workforce. We also participate in the National Bipartite Action Group (NBAG) with other CTU and non-CTU affiliated unions.

The CTU provides affiliates with practical support and resources, such as conferences, union education, and legal advice.

PROBLEM-SOLVING CULTURE

Problem Solving Culture. Course No: 710

9.00 – 9.40	Welcome and kawa/ground rules; what do we mean by a problem-solving culture? Exercise: building a structure collaboratively
9:40 – 10:30	Building a problem-solving culture; building relationships with allies; ensuring midwifery has a voice
10:30 – 10:45	Morning Tea
10:45 – 11:45	Representing members' views at bipartite meetings, in consultation processes and service reviews, participating in working parties
11:45 – 12:30	Supporting individual members or groups of members to raise issues or concerns; mapping how widely felt, deeply held the issue is; collective action
12:30 – 1:00	LUNCH
1:00 – 2:00	Supporting members who have been called into a meeting after a complaint or incident; professional competency vs. job performance
2:00 - 2:30	Fair process; rights contained in law and in your CA; low level resolution
2.30-2.45	Afternoon tea
2:45 - 3:45	Support in your role; resources and tools; case study
3:45 – 4.00	Evaluation

Kia ora

Welcome to our second course titled “Problem-solving culture”. This course is a follow-up to our first course, “Midwives getting organised”.

This course will build on your skills as part of the team who are growing the presence of MERAS in your workplace, defending members’ rights, winning better working conditions, and helping to resolve work-related problems in your workplace.

A focus of today will be on growing the visibility of midwifery in your hospital or maternity facility and in your wider community.

You will also gain skills and knowledge to support our members in meetings with management and to organise around collective issues.

Remember it is not expected that you will do all this by yourself. We will be looking at the support you can access through MERAS.

Problem Solving Culture. Course No: 710

This course aims to increase the understanding of workplace reps’ rights and obligations regarding problem solving and disciplinary action in the workplace.

At the conclusion of this one-day course, participants will be able to:

- understand what is meant by a “problem-solving culture” and their role in facilitating this.
- participate in processes and forums to represent members’ views.
- organise around individual and collective employment relationship problems.
- understand the concept of fair process as it applies to competency and performance issues.
- explain rights and obligations in accordance with the Collective Employment Agreement and applicable legislation.
- support members in meetings with management and enlist support in their role

Ensuring members have a voice

Providing MERAS members with opportunities to raise concerns or contribute to their service is the best way to ensure that members have a say in their workplace.

This often occurs through staff meetings if they have the right structure.

As the MERAS workplace rep, you can play a key role in ensuring that staff meetings occur, are well attended and are viewed as useful by members. Some units have developed very good meeting structures. Ideas include:

- A shared responsibility between MERAS rep and the Midwife Manager to set the meeting date and call for agenda items.
- Encourage members to send agenda items to you as MERAS rep if they don't feel comfortable raising them individually.
- A format for minutes that provides a good record of discussion to date on a topic and actions that need to occur.
- Identify a member who can type up minutes as the meeting occurs. This is known as the "power of holding the pen"!
- Provision of shared afternoon tea or lunch can make meetings more social and encourage attendance.

- Encourage all members to contribute rather than just getting an update from the Midwife Manager.
- Midwives with resource or champion roles can provide updates and midwives can also take responsibility for some of the meeting actions.

Representing MERAS at union-management meetings

Most DHBs have formal meetings between union reps and managers at service levels and also from across the hospital. The various unions usually meet before the meeting to discuss issues on the agenda and try to come to a common position.

If you have regular union-management meetings for your maternity service and NZNO delegates are also involved, it is important that you meet with them before the meeting and try to come to a consensus about the items on the agenda.

Private hospitals and birthing centres might not have formal structures for managers to meet with MERAS reps. It would be worth setting these up on a monthly or bi-monthly basis to resolve issues as they arise, rather than trying to address them at the next bargaining round for the Collective Agreement.

Union-management meetings are called “bi-partite” as there are two parties. In the DHBs we have local BAGs (bi-partite action groups) and/or JCC (joint consultative committee).

There is also a National BAG where MERAS, NZNO, PSA, E tu, the RDA, APEX and ASMS are the union parties. The National BAG works on policies and issues that are common across most DHBs. A communique is sent to all local BAGs so you know what is being discussed at the national level.

As employees of the DHB you may find these meetings interesting as they include an update from the CEO who is supposed to attend in person. Your presence also reinforces the growing visibility of midwifery within the DHB.

At the BAG meeting, there will be reports from the Health and Safety manager, or the Employee Relations manager (e.g. results of the employee satisfaction or engagement surveys), for example.

Unions also give reports, which may include updates on their collective bargaining. These are generally not the place to raise specific issues related to midwives or maternity.

MERAS reps should be included in the meeting invitations, agendas and minutes. Your co-leaders are usually on the mailing list, and while we can't always attend the meetings, we can provide advice ahead of time.

Meetings initiated by MERAS

MERAS also initiates meetings between MERAS reps, maternity managers and/ or midwifery leaders in most maternity units. The frequency of these may depend on the number of live issues for the service.

Meetings are usually at least three monthly, but can be as frequent as monthly if there are changes or issues within the service.

Our co-leader (Midwifery) will attend these meetings to provide support where there are important issues being discussed. As a MERAS workplace rep you are paid by the DHB to attend workplace meetings.

Meetings with your managers

MERAS reps are often most effective if you can build or maintain a good working relationship with your immediate midwife manager (this may be ward Charge Midwife or Unit Midwife Manager) and Midwifery Leader.

Having a good working relationship allows MERAS reps to feel comfortable raising issues on behalf of members with their manager and discussing possible solutions.

A good working relationship reflects a “partnership” approach. If you need support to raise an issue or it is complex and you and/or your line manager are having difficulties in resolving it, you can seek advice from our co-leader (Midwifery).

Working parties or committees

At times a maternity unit may establish a working party or committee to review or discuss a matter relevant to midwives.

The working party or committee may be established following a service review or as a way of improving or changing aspects to the service.

As the union representing the majority of midwives in most work places, MERAS is often asked to provide a rep to be part of the meeting. If you are asked to be a part of the group, please let our co-leader (Midwifery) know. She will support you in this role as you will be representing MERAS and the views of all affected members.

Our co-leader (Midwifery) can often provide information from other similar projects or MERAS principles which can support the work of the group or provide you valuable information. She may also attend or phone into some of the meetings.

Depending on the nature of the working party or committee, there are sometimes specific meetings held to brief union organisers and staff.

Some working parties or groups also have relevance to midwives in their professional role or to LMC colleagues. Our co-leader can assist you in advocating for NZCOM representatives to be part of the group as well.

Consultation documents and service reviews

Our Collective Agreements, including the DHBs MECA, require the employer to consult with affected staff if they are planning to make changes to services or “ways of working”.

Minor changes in a specific ward are generally consulted through staff meetings, email communication or other ward methods.

For more significant changes there should be a more formal consultation process, involving the release of a consultation or discussion document to staff. Sometimes the manager may have already had some initial discussions with you and union organisers and we will be expecting the document to be released summarising those discussions; at other times the document is a complete surprise.

MERAS will provide feedback on these documents where they affect members. MERAS workplace reps play a key role in providing feedback from your members and will work closely with our co-leaders.

If the consultation document has professional implications for midwives or impacts on LMC midwives, it is important to check that NZCOM have been advised of the document. MERAS and NZCOM will then work closely together in their response to the document.

MERAS workplace reps and our co-leader (Midwifery) will continue to liaise closely with managers in regard to final decisions and implementation plans. Our co-leader will also work closely with individual staff who are affected.

There are occasions when our co-leaders are not sent a copy of these documents, or employers determine that they do not need to do a formal consultation process. As the MERAS workplace rep, you have an important role to ensure that our co-leaders are aware of and have been sent these documents.

Supporting members to raise issues

In our first course we discussed how, as a workplace rep, members will approach you with problems they are having at work. It is a good idea to find out if the issue is a problem for others as well.

If it is an issue for a number of people, joining together to change the situation will give you a better chance of winning.

Here are some ways to assess the issues raised by members:

- Talk to them and listen to what concerns them
- Map an issue to work out how many are affected by it, how strongly they feel about it, and what actions they are prepared to take (if any)
- Survey your members about particular issues
- Build a communication network for members to keep in touch with each other and you
- Organise union activities where people can get together; this could be a formal meeting or a coffee at a local cafe
- Find out what people want to do next

If the issue is an individual one, help them find out the information they need, and if you are unsure, you can direct them to one of our co-leaders, or call us for advice and support.

Payroll queries

The first step is to find out if this is an individual problem or if others are also affected.

If it is an individual query, this is best dealt with by email so you have a paper trail. Advise your member to email her midwife manager with the concern. Her manager is likely to forward the email to payroll.

If the matter remains unresolved, discuss with our co-leader who may ask for the email communication to date to continue discussions.

Feeling unsupported?

Midwives may approach you in situations where they may be experiencing bullying or bad behaviour from colleagues or a manager.

Or they may feel unsupported, especially where they are a new graduate midwife or a midwife returning to work after being on ACC or parental leave.

This could result in you supporting the midwife to discuss the matter with her Midwife Manager or Midwifery Leader, or it might need the involvement of one of our co-leaders if the issue is more systemic. There is material available on the MERAS website about workplace bullying.

Other concerns

A midwife may approach you for advice about rostering, annual leave, hours of work or other similar issues.

Find out if our member has discussed the matter with her midwife manager and encourage her to do this as the first step.

If she has already done this, find out what the outcome of that discussion was.

- Was the response reasonable?
- Are there still unresolved aspects?

You may suggest another meeting with the midwife manager and attend with the midwife to support her in articulating the issue. You may want to seek advice from one of our co-leaders, or suggest the midwife contact us.

Our role as MERAS reps is to support our union members.

If a non-member asks for your help, tell them they must join MERAS first.

If a member of another union asks for your advice and support, tell them they need to ask their union organiser.

We can only help our MERAS members.

Employment relationship problems

An employment relationship problem is any work-related problem or issue between an employer or manager and an employee or group of employees.

In the examples below, some of these situations could be grounds for “personal grievances” which can be pursued through legal means. (See page 31)

Or there can be a dispute about the interpretation or application of the collective agreement.

Some examples are:

- An employer unfairly dismisses an employee.
- An employer disadvantages MERAS members compared with non-union employees or those belonging to another union.
- An employer tries to influence employees not to join MERAS. (Attempts to discourage anyone from joining a union is illegal.)
- An employer makes decisions that financially disadvantages an employee or group of employees without consulting them first.
- An employer fails to pay what is owed under the collective agreement (such as an allowance).
- An employer is offended by comments made in emails.

- An employee or group of employees are upset about a manager who criticises them in front of their colleagues.
- An employee is given preferential treatment over others in rostering.

If there is an employment relationship problem...

Start by meeting with the union member or group of members and ask them what they think will sort out the problem and what outcome they would like.

It’s not all up to you to “fix” the problem. Arrange a meeting with the manager and the member or members and try to find a resolution where everyone feels they have a win. Don’t be afraid to ask for support from one of our co-leaders.

Bargaining situations

Employment relationship problems in law do not include bargaining in relation to fixing the terms and conditions of employment.

For example, if the employer refuses to agree to a union wage claim, this is not an employment relationship problem.

Preparing for the meeting

Every employee has a right to representation in any investigation or disciplinary meeting with their employer.

MERAS members have the right to representation by their union.

There is no reason why you, as a workplace rep, can't represent a member, at least in the preliminary stages or where the matter is low level. You can call one of our co-leaders for advice at any stage before or during the meeting.

In the meeting it is the rep's role to ensure the employer follows a fair process and, if the member receives a warning, that this is fair and reasonable.

We can help the member present her side of the story and we can be there for support.

Guidelines for effective support

1 Gather the facts

There are always two sides to every story. Your role is to support our member by making sure you have all the relevant information before the meeting. Let her know you are not there to judge her, but she needs to be honest and up-front with you.

Has our member received a letter from the employer setting out the allegation(s) and possible consequences of disciplinary action?

Ask your member:

What happened?

Was anyone else around at the time?

Have you been in a disciplinary meeting before?

Do you have any warnings?

Are there any problems that might have impacted, such as stress, health or family issues?

Is there anything causing stress at work, e.g. tensions with colleagues or your manager?

Read this letter carefully. It should say exactly what the allegation is.

If it is not clear, ask the employer to clarify. Ask your member what happened. Talk to colleagues who may have seen or heard what happened, unless you have been specifically told not to by the employer. Talk to one of our co-leaders if this happens.

2 Request information from the employer

Ask your employer for electronic copies of all relevant information before the meeting so you can share it with your co-leader if necessary.

You will need to get your member's permission to access her file, or she can get it for you as everyone has the right to access their personal file when they want to.)

3 Check your employment agreement

MERAS collective agreements include processes the employer has to follow if there is an employment relationship problem. Most of these are set in law in the Employment Relations Act.

There may be specific provisions in your collective agreement relating to the issue. If in doubt, ask one of our co-leaders for advice.

4 Check your employer's policies

Ask your employer for a copy of the disciplinary policy.

If your member has been accused of breaking a specific policy, ask for a copy of that policy. Make sure you are given the most up-to-date version. It should be dated and also there should be a review date.

Rule of thumb

Your union member, and you as her representative, are entitled to all relevant information so you can be fully prepared for the meeting.

This includes statements, incident reports, meeting notes, and wage and time records.

You can also ask to see your member's personal file to see if there are any previous warnings, with her permission.

5 Get support

No matter how experienced you are, it's a good idea to run your arguments past someone you trust. To respect your members' privacy, it is probably not a good idea to talk about her case with work colleagues. Call one of our co-leaders as we may be able to pick up on something you didn't think of.

MERAS also has access to an employment lawyer who can provide an opinion if needed. Referral is through one of our co-leaders.

6 Where two members are involved

If there are two members involved and one is a line manager for the other, she will have to get her support from management. However, when the members are colleagues, you may need to involve another workplace rep or one of our co-leaders to help resolve the issue.

7 Is the issue a competency issue?

Where the issue involves questions about a member's professional competency, rather than an employment relationship problem, contact our Midwifery Co-leader.

MERAS has access to a lawyer who specialises in cases before the Midwifery Council. Referral is through our Midwifery Co-leader.

Preparing your member

It is important to help your member to prepare for the meeting. She will be feeling very worried about her job and she may be angry or emotional.

Ask your member to practice what she will say at the meeting and to practice answering questions that might be asked.

Tell your member that you will call for a break if things get heated or start to look bad. Let her know that you can call one of your co-leaders for advice during these breaks.

Decide who will do most of the talking and go through with your member what you are going to say.

Talk to your member about what she might be willing to do to prevent getting a warning, such as apologising, short-term supervision or counselling, depending on what is relevant.

You may need to manage your member's expectations. If she did something wrong, there may well be consequences no matter how well you argue her case.

Let your member know how serious you think the outcome could be. Possible consequences or outcomes should be identified in the investigation letter where the allegations are set out, though these are usually the worst case scenario as the employer has to cover themselves.

Hot tip

Before you go into the meeting, talk to your member about different ways the problem may be resolved and make sure she agrees with any action before you suggest it to the employer.

Preparing your argument

Often employers think giving out a warning will fix the problem. However, unless you get to the cause of the problem, your member may well get into trouble for doing the same thing again.

Try to put the responsibility on the employer to help find a remedy or solution, rather than punish your member with a warning.

Below are some ideas for questions you might ask the employer to enlist them in finding a resolution.

Failure to follow a "reasonable" instruction

- What was the context of the instruction?
- Has your member been oriented in the work area?
- Is the job the midwife was asked to do part of her job description?
- Why does the employer say the instruction was reasonable?
- Did your member feel the instruction was unsafe?

Poor performance

- Does your member know what is expected of her in the context of the situation that gave rise to the incident?
- Has this issue been raised with her before?
- If she is already on a performance improvement plan, were the performance measures specific enough?
- What additional support could be provided by management?

Inappropriate language

- What was the context of the incident? Was your member provoked? Was the workload a contributory factor?
- Was the language abusive, and if so, how self-aware was our member that this was offensive?
- Did personal or family issues add to the situation in which case counselling may be provided through EAP?

Frequent sick leave

- Does your member have stress or health issues or childcare responsibilities?
- Are your rostering practices contributing to stress/health issues?

Drug or alcohol problems

- Has it been proven that your member's performance was impeded by drugs and/or alcohol?

- Did your member have drugs or alcohol on them? Was a search conducted and if so, was the search legal?
- Does your member have personal issues that has led to a drug and/or alcohol problem? If so, can management provide counselling through EAP?
- If work-related stress was a contributing factor, what solutions can be found to relieve this?

Social media, emails, texts

- What are the employer's policies around use of social media, emails and texts?
- Do employees know about the policy? Was there training around the policy in staff meetings so members understand what is appropriate and what is not?
- How widely was the offending email disseminated?
- How quickly did the member take down the offending social media post?
- Was it a closed group?
- Does the member need help in adjusting their privacy settings?

Bullying

- Was the incident isolated or is there a pattern of repeated incidents?
- Was the person alleged to have been bullying in a management role and trying to address a performance issue?

Fair process

The right people at the meeting

To ensure a fair outcome, it is important that the right people are attending any disciplinary meeting.

The decision-maker

The person who is making the decision must be at the meeting so they can hear the midwife's side of the story before making a decision to take disciplinary action against her.

If the HR person says she will need to talk to a particular manager before making the decision, stop the meeting and tell HR to make another time for the meeting when that manager can be present.

If the manager concerned is part of dispute because of something she did or saw, the manager can't be part of the decision-making.

The employee

The employee must be there to make sure her side of the story is heard by the employer and the facts are correct. She may also need to answer questions during the meeting.

Her representative

A representative can be anyone the member chooses to have present. This could be you as her workplace representative, one of our co-leaders, a colleague, or a friend or family member.

One of your roles as a representative is to take good notes of the meeting. This includes what was talked about and any decisions made. You should take notes even if the employer has someone there taking notes.

This can be very important if we decide to take the issue further. We do not involve our lawyer in disciplinary meetings, although we can request a legal opinion if the need arises.

If a member chooses to bring her own lawyer, we will not proceed with the case. Let us know if this is happening and we will write a letter to our member explaining why she must choose one or the other.

Support people

Members are entitled to have a friend or whanau support at the meeting.

However, the sister-in-law who is doing a law degree (or any other version of this) needs to respect our ability to represent our member.

Other support

It is okay to ask for a colleague to come to the meeting to say what happened, if there is disagreement about the facts.

Usually though a letter of support will be sufficient. Members can collectively support a colleague who is in trouble by signing a joint letter or petition, depending on the issue.

Take a break if you need it

You can take as many breaks as you or your member need during the meeting. If your member is getting angry or upset, take a break and talk to her about it.

If the employer raises something you and your member haven't talked about before, take a break to discuss it. If you are unsure about what is being said, take a break to talk to your member about what she thinks.

If the employer raises something new, stop the meeting and reschedule for a later date so you can seek advice from one of our co-leaders.

Sticking to the issue

If the employer tries to talk about other issues, ask them to stick to the reason that was given for the meeting in the original letter.

Refer to the letter. Explain to the employer that if they want to talk about other issues, they will have to arrange another meeting.

Warnings should have an expiry date of between 6-12 months. If the employer tries to bring up out-of-date examples from previous warning to back up their case, explain these are no longer relevant.

This is why it is useful for you to review our member's personal file before the meeting to check the expiry date on any previous warnings.

If the employer's mind is already made up

Sometimes the employer has clearly made up her mind before our member's side of the story is heard.

If you see that the employer is just going through the motions, tell them that unless they can view the case more objectively, then another decision-maker should be called in. Make sure your objections are recorded in your notes.

At the end of the meeting

If you believe our member has been unfairly treated in terms of the process or the outcome, it is important to state this clearly before you leave the meeting.

If a warning is issued and you and your member do not agree with the warning, get this recorded on the warning. Ask for a copy and send it to one of our co-leaders as we may be able to challenge it if the process has been unfair or the outcome is not justifiable.

Unhappy with the outcome

If you don't think the employer followed a fair process, talk to one of our co-leaders about whether we can raise a personal grievance (PG) for the member.

We have 90 days to raise a PG. The grounds for a PG are very specific in law. It is not just that an employee feels "personally aggrieved".

Debriefing the meeting

Leave with your member and talk to her about the meeting. Ask her how she thinks it went and whether she is okay about the outcome.

It is always good for you as a representative to debrief with another rep or a co-leader about what you think went well and to explore what could have been done differently.

You can't always win and this can be tough on you as well as the member. Your role is to make sure our member gets a fair hearing and support from our union.

Educating our member

By the end of the meeting, your member has been right through the disciplinary process with you. She will have learnt a lot about the role of her union and how your support has helped her.

Most importantly she will appreciate the support of a trained workplace representative. This may be a good opportunity to ask her to encourage her colleagues to join our union.

Taking things further

If employment relationship problems are not resolved at the workplace level, taking them further means carefully following correct processes.

Always tell the employer that there is a problem. If they don't know about it, they can't fix it!

It is important that the employer knows what the employee or employees want to fix the problem. Before you can do this, you need to ask what the member(s) want. Sometimes it is as simple as an apology.

You need to be clear about:

- What the problem is
- Why it is a problem
- The facts leading up to the problem
- How many members are affected by the problem
- How widely felt and deeply held is the problem
- What are the solutions or remedies your member(s) want

Personal grievances

The grounds for a personal grievance are defined in the Employment Relations Act 2000.

These include:

- Unjustifiable dismissal
- Unjustifiable disadvantage (an action by the employer that has caused disadvantage to the employee and hasn't been justified – usually involves a financial cost)
- Discrimination in employment
- Sexual or racial harassment

If you think your member may have grounds for a PG, email one of our co-leaders with the facts of the case so an assessment can be made about formally submitting a PG in writing. This must be done within 90 days.

Going to mediation

If the employment relationship problem remains unresolved after meetings and formal letters, the next step may be to seek assistance from the Mediation Service of the Ministry of Business, Innovation and Employment (MBIE).

Mediation is an informal non-judicial process. It is designed to be a process that doesn't involve lawyers. Our co-leaders will represent your member at mediation.

However, it is good if you can also be there for support and because you will have the experience of the earlier meetings. You will also learn from the experience!

The purpose of mediation is to get people together to talk through the employment relationship problem, to come up with options to resolve the problem, and to resolve it there and then.

The role of the mediator, who is neutral, is to facilitate the process, to chair the discussions, to assist the employer and employee(s) through the process, including helping to find options to resolve the problem.

The mediator does not act like a judge telling one side they are right and the other that they are wrong, although the mediator may express a viewpoint.

If at the end of the mediation process, an agreement can be reached, the mediator will write this

up into a formal terms of settlement. This will be signed off by the employer the employee and the mediator.

The settlement will be final, binding and enforceable. If the employer breaches the terms of settlement, a case may be taken to the Employment Relations Authority.

Employees can also end up in breach of the settlement, for example, if they break a confidentiality requirement.

Going to the Authority

If the employment relationship problem is not resolved at mediation, it may be an option to take the problem to an investigation meeting at the Employment Relations Authority.

This is a process where an Authority Member makes a decision about the outcome of the employment relationship problem. It is different from mediation, as it is a win or lose situation.

It is important that union members go through the co-leaders before taking a claim to the Authority as this is a process where the union lawyer may be involved.

Hot tip

Your role is as a representative of the union. The employer cannot tell you what you can and can't do in your role.

Fair process checklist

1 The right to fair notice

Employees must be told in advance if the meeting is going to be a disciplinary one. You cannot be asked in for a “little chat” only to discover there is an issue about your behaviour or performance.

Employees must be told what the meeting is about and how serious the outcome could be, so they can prepare and get support.

2 The right to representation

An employee called into a meeting has the right to refuse to go ahead with the meeting until they have a representative available to go with them.

It is important for you as a representative to be in control of the process. If you don't have time to prepare for the meeting with your member, get the employer to reschedule it.

3 The right to full investigation

The employer must carry out a full investigation of the case and share with the employee any information that relates to it.

4 The right to full information

Employees have the right to know exactly what the complaint against them is, what the proof of the allegation is, and to be given a copy of all relevant information, including who has made a complaint.

5 The right to have a say

The employee has the right to defend herself. She needs to be given the chance to tell her side of the story, or to ask her representative to speak for her.

6 The right to fairness

All investigations and actions leading up to and including the disciplinary meeting must follow a fair process.

Our Collective Agreements contain provisions for resolving employment relations problems and employers also have policies that must be followed. Ask for copies of relevant policies.

7 The right to a fair outcome

The seriousness of the disciplinary action must reflect the seriousness of the employee's actions.

Any disciplinary action, such as a warning or dismissal, must be the same as action taken against other employees who have done the same thing in the past.

A warning can't be held on an employee's file indefinitely. The timeframe needs to be commensurate with the offence.

Always try to get a disciplinary action reduced. Suggest an alternative to disciplinary action, such as a performance improvement plan. Warnings should not be used as punishment, but rather to allow an employee to improve her performance.

Songs for Union Women

Step by Step

Step by step the longest march

Can be won, can be won.

Many stones can form an arch,

Singly none, singly none.

And by union what we will,

Can be accomplished still.

Drops of water turn a mill,

Singly none, singly none.

Don't be too polite girls

Don't be too polite girls, don't be too polite
Show a little fight, girls, show a little fight
Don't be fearful of offending in case you get the sack
Just recognise your value and we won't look back

[CHORUS]

I sew up shirts and trousers in the clothing trade
Since men don't do the job, I can't ask for higher pay
The people at the top seldom offer something more
Unless the people underneath are walking out the door

[CHORUS]

They say a man needs more to feed his children and his wife
Well, what are the needs of a woman who leads a double working life?
When the whistle blows for knock-off, it's not her time for fun
She goes home to start the job that's never paid and never done

[CHORUS]

We can't afford to pay you, say the masters in their wrath
But women say just cut your coat according to your cloth
If the economy can't stand it, then here's your answers boy
Cut out the wild extravagance on the new war toys!

[CHORUS]

All among the bull girls, all among the bull
Keep you hearts full girls, keep your hearts full
What good is a man as a doormat or following at heel?
It's not their balls we're after, it's a fair square deal!

Whakarongo / Tautoko

Nga iwi e, nga iwi e

People, people

Kia kotahi ra

Let's be joined as one

Te Moana-Nui-Akiwa

People of the Pacific

[repeat]

E | A | E

Whakarongo tautoko

Listen, support

E | A | E

Kia mau ra, kia mau ra

Hold on to

Ki te manu-motu-hake

What you believe in

Me te aroha

And love

E | A | E

Whakarongo tautoko

Listen, support

E | A | E

Wahine ma, wahine ma

Women, women

Maranga mai, maranga mai

Wake up (be more assertive)

Kia kaha!

Be strong

E | A | E

Whakarongo tautoko

Listen, support

E | A | E

Tane ma, tane ma

Men, men

Whakarongo tautoko

Listen, support

Kia kaha!

Be strong

E | A | E

Whakarongo tautoko

Listen, support

E | A | E

Union Maid

There once was a union maid who never was afraid
Of the goons and the ginks and the company finks
And the deputy sheriffs who made the raid.
She went to the union hall when a meeting it was called
And when the company boys came round
She always stood her ground

[CHORUS]

*Oh you can't scare me, I'm sticking to the union
I'm sticking to the union, I'm sticking to the union
Oh you can't scare me, I'm sticking to the union
I'm sticking to the union, till the day I die*

This union maid was wise to the tricks of company spies
She couldn't be fooled by company stools, she'd always organise the guys
She always got her way when she struck for higher pay
She'd show her card to the National Guard
And this is what she'd say

[CHORUS]

A woman's life is hard even with a union card
She's got to stand on her own two feet, not be a servant of the male elite
It's time to make a stand, keep working hand in hand
For there's a job that's got to be done
And a fight that's got to be won

[CHORUS]

Bread and Roses

As we go marching, marching in the beauty of the day
A million darkened kitchens, a thousand mill lofts grey
Are touched with all the radiance that a sudden sun discloses
For the people hear us singing: "Bread and roses, bread and roses"

As we go marching, marching, we battle too for men
For they are women's children, and we mother them again.
Our lives shall not be sweated from birth until life closes
Hearts starve as well as bodies
Give us bread and give us roses.

As we go marching, marching, unnumbered women dead
Go crying through our singing their ancient songs of bread.
Small art and love and beauty, their drudging spirits knew
Yes it is bread we fight for, but we fight for roses too.