

50<sup>TH</sup> ANNIVERSARY OF  
THE EQUAL PAY ACT  
1-2PM, THURSDAY, 20 OCTOBER

Gathering on the grounds of Parliament to commemorate 50 years since the passing of the Equal Pay Act. Inviting all those who have participated in the last 50 years of struggle to achieve pay equity for women workers.



## Pay Equity Update

October 2022

### Pay Equity bargaining stalled: MERAS preparing legal action

MERAS has been working with our lawyer Simon Mitchell on our legal strategy following stalemate in our Midwifery Pay Equity bargaining.

As we have previously reported, MERAS has the same backpay clauses as NZNO that provide for individual calculation of pay equity back to 31 December 2019.

NZNO and PSA have filed a compliance order in the Employment Court in relation to the Nurses Pay Equity. MERAS is taking steps to ensure that the interests of MERAS members are protected in this litigation. We do not need to file a separate action at this stage. Dates have not yet been set for that hearing.

Since NZNO filed their action in the Employment Court, we have consistently tried to separate out the backpay issue in our midwifery pay equity bargaining.

Our argument is that the pay adjustment to address the undervaluation of midwives "is what it is". The money for the backpay should not be deducted from what is needed to achieve pay equity. Our lawyer agrees with our position.

Sadly, that is not the position that the Crown Negotiator Kevin Jenkins is taking on behalf of Te Whatu Ora and the Government. This means we have to wait for the Court decision on the backpay issue.

#### NZNO and PSA legal action

Until mid-2021, we were running the interviews and assessment processes for both the Nurses and Midwifery claims concurrently. Thus, any review of the pay equity process affects MERAS as well, bearing in mind that NZNO is also a party to the Midwifery claim. A full review would take far too long. It is in everyone's interests to resolve the issues as soon as possible.

NZNO and PSA are seeking a determination by the Employment Relations Authority which would "fix" (i.e. set) the new pay rates for HCAs, ENs, RNs and NPs. There is a risk in this as under the Equal Pay legislation, the parties are bound to accept the outcome.

Other issues that are holding up negotiations include:

1. Senior midwives pay structure.
2. Issues with the comparators.
3. Inclusion of superannuation in the calculations.
4. Assessment of the work of caseloading midwives.

#### Senior midwives pay structure

MERAS has been trying to align the senior midwives pay structure with the new midwifery career pathway since the last MECA negotiations. We were told pay equity would address this.

However, every proposal we have put up has been rejected as being "too radical". The employer team claims it is not part of pay equity and should be dealt with through Collective Agreement negotiations. It has felt like a game of "ping pong".

#### Issues with the comparators

To calculate the extent of the undervaluation of midwives, there has been analysis of the remuneration of the comparators and this has been compared with that of midwives.

However, since the analysis was done back in 2020, there has been movement in the comparator pay rates which has increased the undervaluation relative to midwives. The employers have refused to use up-to-date pay data to establish equitable pay for midwives.

They have also ruled out all of our potential comparators except Detectives. We have not accepted this as they were not the closest comparator to midwives and it would result in the lowest possible pay increase.

We said we would accept the Detectives as comparators as long as their total remuneration was taken into account. This includes the 15% employer contribution to their superannuation. Again, the employers have refused to accept this. This is despite the fact that the legislation talks about taking other factors into account.

Our legal strategy is to contest these specific points, so we have written to the Crown Negotiator seeking mediation in the first instance.

### **Assessing other midwifery roles**

In the meantime, the Ministry of Health insisted on assessment of the new Maternity Care Assistants (MCA) role. These are midwifery students whose role has been assessed as being similar to Mental Health Care Assistants. That work is now completed.

The Ministry then insisted on interviews and assessment of caseloading midwives employed by Te Whatu Ora. We had earlier agreed there were too few midwives employed in this role. However, interviews took place at Botany, Wairoa and Timaru. MERAS NRC Chair Victoria Christian was one of the interviewers.

The interview data has now been summarised into what is called a “summary profile” which has been validated by Midwifery Leaders Deb Pittam and Emma Farmer.

On 19 October, Karen Gray and Jill Ovens will be on an assessment panel to assign Equitable Job Evaluation (EJE) scores to the caseloading role, then Caroline will be on the Quality Review panel.

## **Upcoming Pay Equity events**

**50<sup>th</sup> Anniversary of the Equal Pay Act, 1-2pm, Thursday, 20<sup>th</sup> October, Parliament Grounds – wear 1970s clothes and bring your lunch and a picnic rug.**

If you can't attend the action at Parliament, send emails at the same time to your local MP asking them to front up with the money needed to settle both the Nurses and the Midwives pay equity claims!

**Webinar session from MERAS National Conference with Simon Mitchell explaining our legal strategy, 3.30pm, Tuesday, 29 November.**

The Conference is for workplace representatives, but the webinar will be open to all members. Registration details to come.

**Jill Ovens, Co-leader (Industrial)**

**Caroline Conroy Co-leader (Midwifery)**