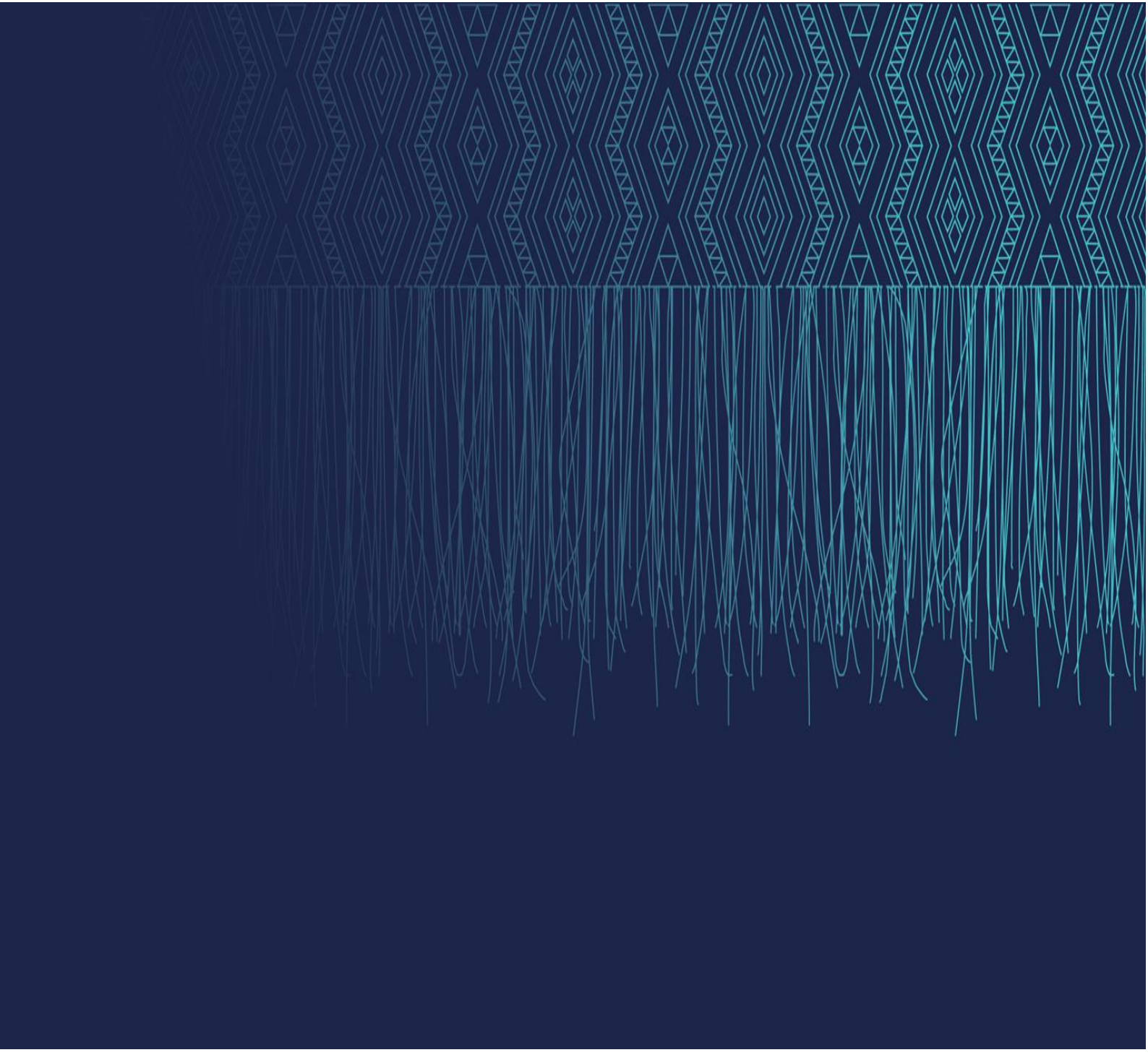


Nursing AiP FAQ's

22/03/2023



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Next Steps and General Questions

1. What is the current status of the nurses' pay equity claim?

Te Whatu Ora had an Agreement in Principle with the unions, however the agreement has now been challenged in the Employment Relations Authority (ERA) and the Employment Court.

When it became clear the court and authority action could take until 2024 to resolve, Te Whatu Ora applied to the ERA to fix interim rates, based on the 2021 Agreement in Principle.

As a result, pay rates have now been back paid to 7 March 2022 for around 34,000 registered and enrolled nurses and health care assistants in New Zealand.

As of 8 March 2023, we have completed:

- Payment of lump sums to current employees
- Translation to new pay steps
- Payment of new rates
- Payment of backpay from 7th March 2022 to current employees

Te Whatu Ora remain committed to finalising a settlement for the nurses pay equity claim.

2. Who is covered by the Nursing Pay Equity Claim?

The pay equity claim covers work being undertaken by senior nurses, registered nurses, registered obstetric nurses, public health nurses, nurse practitioners, karitane nurses, enrolled nurses, health care assistants and mental health assistants employed by Te Whatu Ora (previously the 20 DHBs).

For clarity, if a role (excluding midwives) comes within coverage of one of the relevant NZNO or PSA Nursing MECAs then it is covered by the pay equity claim, regardless of whether the employee is a member of one of the unions or not. If the role is not within the coverage of one of the relevant MECAs then it is not covered by the nursing pay equity claim (eg DoNs, Associate DoNs or equivalent roles). Midwives are excluded from this as they are covered by a separate pay equity claim.

Lump Sum Payments

3. What are the eligibility criteria?

All employees covered by the pay equity claim, **who have received** the pay equity lump sum payments in advance, as provided for in the August and September 2021 Memoranda of Understanding with NZNO and the PSA, will receive:

- **A further lump sum payment of \$3,000 (gross) pro-rated by:**
 - FTE (based on the greater of the actual hours worked up to the equivalent of 1 FTE, or contractual FTE, between 1 January 2020 and 7 March 2022 on an annualised basis); and
 - Service, for those employed at Districts for less than twenty-six months prior to 7 March 2022 (i.e., 1 January 2020 to 6 March 2022).

Employees covered by the pay equity claim who have not received the pay equity lump sum payments in advance will receive:

- **A lump sum payment of \$10,000 (gross) pro-rated by:**
 - FTE (based on the greater of the actual hours worked up to the equivalent of 1 FTE, or contractual FTE, between 1 January 2020 and 7 March 2022 on an annualised basis); and
 - Service, for those employed at Districts for less than twenty-six months prior to 7 March 2022 (i.e., 1 January 2020 to 6 March 2022).

In situations where an employee has been employed by more than one District during the period above, the currently employing District will be responsible for payment and funding of the lump sum. Appendix A below details how these lump sums are calculated.

4. When will I receive the lump sum payment?

All payments for current employees have now been completed. If you haven't received yours, and you believe you meet the eligibility criteria, please contact your local payroll team.

5. What if I have had a period of parental leave/paid leave/ACC cover during this period?

These will be included as service for calculations if related to a role covered by the pay equity claim, up to the equivalent of 1 FTE.

6. What if I am currently on a period of parental leave/unpaid leave/ACC cover?

Employees on parental leave and/or receiving ACC weekly compensation, who meet the eligibility criteria for the relevant lump sum payment, will receive the payment on written application after they return to work from the relevant period of leave (or in their final pay if they do not return to work). Such employees can receive lump-sum payments while on leave without pay (as defined above) and/or receiving ACC weekly compensation on written application. It is recommended that, before making a written application, such employees should consider the potential impact of payment of a lump-sum on any other income/compensation they are in receipt of while on extended leave.

Employees who were on annual leave pre their parental leave starting when the ERA interim orders were made (14/12/22), are not considered on parental leave at the time of the interim orders and should have received any relevant payments.

7. What if I was seconded to a role that is not covered by the pay equity claim?

If the secondment to a role not covered by the Nursing pay equity claim was in place for the whole period between 1 January 2020 and 6th March 2022, then you are not eligible for the lump sum payment. If the secondment was only in place for a portion of this time period, with the remainder in a role/s covered by the pay equity claim, then you will be entitled to a pro-rated lump sum payment.

8. What if I have changed roles?

All service in roles covered by the Nursing pay equity claim in the 26 months prior to 7 March 2022 will be considered in the payment of the lump sum where a break in service has not exceeded 3 months, or up to 12 months if during that period you have been involved in nursing related work, up to the equivalent of 1 FTE.

9. What if I am or have been employed by multiple districts?

All services covered by the Nursing pay equity claim in the 26 months prior to 7 March 2022 will be considered in the payment of the lump sum up to the equivalent of 1 FTE.

For lump sum payments, the currently employing District will be responsible for payment of the lump sum.

Employees who have moved/transferred within Te Whatu Ora after 7 March 2022 will receive the relevant back pay on pay rates from their current and any previous District(s).

10. What if I opted out of the Nursing Pay Equity claim?

The Employment Relation Authority's interim order only covers those employees who are covered by the unions' application under the Equal Pay Act for fixing of pay equity rates. Employees who opted out before that application was filed are not covered by that application and are therefore not covered by the interim order and are not entitled to any benefits of the interim orders.

Former Employees

11. What if I have left the employment of Te Whatu Ora?

Those who left the employment of Te Whatu Ora prior to 7 March 2022, are not covered by the interim order and are not eligible for any associated payments. Further information on eligibility and entitlements will be provided once the claim is settled by the Authority's final determination.

For those whose employment terminated between 7 March and 14 December 2022 - Te Whatu Ora has successfully completed implementation of the Employment Relations Authority order for interim pay rates as per the Agreement in Principle for all eligible existing employees. Te Whatu Ora has now made the decision to make the lump sum payment and interim pay rates, which were effective 7 March 2022, available to employees whose employment terminated between 7 March and 14 December 2022. As Te Whatu Ora will not necessarily have complete or current contact details for eligible ex-employees you must download the form from this website and complete for each District of employment to apply for any back pay that may be owing. Lump sum payments will be made by the last District of employment.

For those whose employment terminated after 14th December – if you left the employment of Te Whatu Ora between the Employment Relation Authority's interim orders on 14/12/22 and when a district implemented and made payments, you are already covered by the interim orders. If not already paid, any ex-employee who believes they are eligible for payment should complete the form noted above and send it to all Districts of employment to confirm your current contact and payment details.

12. When will I receive payment?

Please note that whilst the relevant teams will look to process payments for eligible former employees as soon as is feasible, the volume and complexity of the work means we are unable to give a timeframe for when the payments will be made post application.

13. How do I apply?

Please email the completed form to each of your relevant District contacts as below:

District	Email to send form
Auckland	askHR@adhb.govt.nz
Bay of Plenty	employeesolutions@bopdhb.govt.nz
Canterbury	people@cdhb.health.nz
Cap Coast	Willie.Sauaga@ccdhb.org.nz
Counties Manukau	staffservicecentre@healthsourcenz.co.nz
Hawkes Bay	payroll@hbdhb.govt.nz
Hutt Valley	payroll@huttvalleydhb.org.nz
Lakes	HR.Help@lakesdhb.govt.nz
MidCentral	Payroll.Support@midcentraldhb.govt.nz
Nelson Marlborough	payroll@nmdhb.govt.nz
Northland	payroll@northlanddhb.org.nz
South Canterbury	payroll@scdhb.health.nz
Southern	Payrollhelp@southerndhb.govt.nz
Tairāwhiti	Payroll.Support@tdh.org.nz
Taranaki	Payroll.Helpdesk@tdhb.org.nz
Waikato	HRCOE@waikatodhb.health.nz
Wairarapa	RES-HREnquiries@wairarapa.dhb.org.nz
Waitemata	staffservicecentre@healthsourcenz.co.nz

Translation To New Rates

14. What are the new steps/rates?

Please see new pay tables (attached to this as Appendix B which is from the ERA interim orders).

15. What is my salary anniversary date?

For most individuals, your start date in your current role will be the salary anniversary date. For the majority this date is the date recorded for the purpose of time in role.

For anyone that has transferred between Districts, you will need to check whether the start date in the new District or the transferred salary increment date from your previous District has been used.

Incorrect Payments

16. What if I believe I have been placed on the wrong rate or received an incorrect payment?

Any errors to payments made as per the ERA interim orders should be discussed with your local payroll team.

Appendix A – Lump Sum Calculation Details

As per the ERA determination:

- (c) There is to be recovery of remuneration for past work in accordance with s 13ZZD of the Equal Pay Act 1972 as follows:
 - (i) There is to be backpay on the rates to 7 March 2022.
 - (ii) There is to be a lump sum payment of \$10,000 to each employee less the \$7,000 advance payment already made to members of the applicants.
 - (iii) The above payment is to be a pro-rata payment by FTE, and by service for those employed by the employer and its predecessor DHBs for less than 26 months prior to 7 March 2022.
 - (iv) The lump sum will be deducted from any other order for backpay or remuneration for past work relating to the pay equity claim that the respondent may otherwise be directed to pay.

Appendix B – Salary Tables

Existing MECA scales alongside Agreement in Principle remuneration rates

Registered Nurses / Mental Health Inpatient Nurses	Existing MECA rate	Agreement in Principle rates
Step 7	83,186	\$95,340
Step 6	80,932	\$92,563
Step 5	78,745	\$89,868
Step 4	71,452	\$80,883
Step 3	67,938	\$76,554
Step 2	64,291	\$72,061
Step 1 (New Graduate)	59,834	\$66,570

Enrolled, Obstetric, Karitane Nurses and Nurse Assistants	Existing MECA rate	Agreement in Principle rates
Step 5	New Step	\$73,609
Step 4	62,847	\$71,300
Step 3	61,185	\$68,990
Step 2	57,133	\$63,980
Step 1	54,432	\$61,146

Health Care Assistants and Hospital Aides	Existing MECA rate	Agreement in Principle rates
Step 5	53,803	\$61,540
Step 4	52,405	\$59,748
Step 3	51,579	\$58,689
Step 2	48,710	\$55,011
Step 1	46,182	\$51,770

Mental Health Assistants	Existing MECA rate	Agreement in Principle rates
Step 5	60,610	\$65,334
Step 4	59,014	\$63,431
Step 3	55,705	\$59,487
Step 2	51,921	\$54,976
Step 1	48,368	\$50,741

Community Mental Health and Public Health Nurses	Existing MECA rate	Agreement in Principle rates
Step 8 (PSA)	89,512	\$95,340
Step 8 (NZNO)	88,757	\$95,340
Step 7	84,793	\$95,340
Step 6	83,243	\$92,563
Step 5	78,745	\$89,868
Step 4	71,452	\$80,883
Step 3	67,938	\$76,554
Step 2	64,291	\$72,061
Step 1	59,834	\$66,570

Designated Senior Nurse Salary Scales	Existing MECA rate	Agreement in Principle rates
Grade 1 (Formerly grade's <u>1,2 & 3</u>)	92,687	\$95,576
	96,030	\$99,253
	102,178	\$106,016
Grade 2 (Formerly grade 4)	97,699	\$101,089
	101,041	\$104,765
	107,341	\$111,695
Grade 3 (Formerly grade 5)	102,710	\$106,601
	106,056	\$110,282
	112,503	\$117,373
Grade 4 (Formerly grade 6)	106,056	\$110,282
	109,396	\$113,956
	115,946	\$121,161
Grade 5 (Formerly grade 7)	109,396	\$113,956
	112,738	\$117,632
	118,189	\$123,628
Grade 6 (Formerly grade 8)	114,916	\$120,028
	120,826	\$126,529
	126,738	\$133,032
	136,453	\$143,718