

NSNZ Notice – Pay Equity Claims

Some basic facts about pay equity claims and settlements. This notice is primarily designed for members in DHBs but may be of interest to members in other parts of the health service.

- The pay equity claim process is governed by the Equal Pay Amendment Act 2020, which came into force on 6 November 2020.
- All employees in a workplace where there is a pay equity claim and settlement will receive exactly the same benefit of any settlement, whether or not they belong to the union that submitted the claim.
- By law, the union submitting the claim cannot require an employee to join that union to get the same benefits and they cannot charge a fee of any type for non-members of that union to receive the same benefits. However, they are permitted to ask for a **donation**, but only a donation.
- Moreover, all employees in a workplace where there is a claim are permitted to vote on the pay equity claim and settlement, even if they are not a member of the union that submitted the pay equity claim. This is unique to the pay equity claim process.
- DHBs are currently sending out information and opt-in/opt-out forms to all employees where there are current or impending pay equity claims. We recommend that our members do not opt-out, despite the fact that this means giving your contact details (through your DHB) to that other union.
- Not opting out allows an employee who is not a member of the union that is submitting the claim to vote on the pay equity claim and settlement and to automatically receive the same benefits of any claim settlement. This means that another union (the NZNO or the PSA) will receive your contact details, but solely to enable them to include you in any ballots on the claim and settlement.
- An employee who opts out can choose to raise their own individual claim, but this is not recommended. “Alternatively, they will be offered the final union settlement, however they will have no input or vote in the process.” (*Ministry of Business, Innovation and Employment factsheet*)
- We have not submitted a separate pay equity claim, partly because there is simply no need, or good case for us to do this. Indeed, submitting a separate claim might, paradoxically, risk delaying or complicating any settlement. We do not want to do anything that might inadvertently undermine the claims submitted by other health sector unions.

- At this point we have opted not to do a separate DHB MECA, but this may change in the future. We do collective employment agreements in other parts of the health service but are not doing so in DHBs until there is a need and/or the time is right.
- When there was the last pay equity type claim, it was called something else but, in essence, was more or less the same, all nurses received the same increases at that time (namely, three annual pay increases of 7%, totalling 21%) regardless of their union membership or otherwise.
- Current pay equity claims only directly apply to DHB employees. However, any increases or benefits may ultimately impact all parts of the health service.

NURSES SOCIETY OF NEW ZEALAND *Te Kāhui Tapuhi o Aotearoa & Te Uniana o NSNZ*



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