



Proposed Accord paper on a pre-bargaining process

To: The Accord Governance Group
From: NZEI Te Riu Roa, PPTA, Ministry of Education
Date: 23 February 2022
Subject: **Joint Pre-bargaining Process for Teachers**

Purpose

1. The purpose of this paper to propose an approach to the joint pre-bargaining process for teachers, as agreed in the terms of settlement of the Primary Teachers', Secondary Teachers' and Area School Teachers' collective agreements, to discuss the Unified Base Salary Scale (UBSS) and any other matter relating to bargaining.
2. It is envisaged that the process will provide an opportunity to build a shared understanding of the matters raised as they relate to the 2022 teacher collective agreement bargaining round.

Parties

3. The process will be undertaken jointly by representatives of the NZEI Te Riu Roa, the NZPPTA and the Secretary for Education.

Recommendations

4. We recommend that the Accord Governance Group (Accord):
 - a. **Agree** that the broad areas for discussion will include the UBSS and other matters agreed by the parties prior to each meeting. Indicative topics for discussion are outlined in paragraph 9 below.
Agree/Disagree
 - b. **Agree** that each party distribute a paper to the other parties before each meeting detailing what they expect to discuss. These should be distributed two weeks before the meeting to allow confirmation of the agenda at least a week before the meeting.
Agree/Disagree
 - c. **Agree** that the parties will meet to discuss the UBSS in March and will agree subsequent meetings to discuss the further topics as needed, contingent on additional topics for discussion being identified.
Agree/Disagree
 - d. **Agree** that after each pre-bargaining meeting the Accord will be provided with a joint update that reflects the discussion(s) that took place.
Agree/Disagree

Background

5. At the conclusion of the previous bargaining round for the teacher collective agreements, the parties to those agreements committed to a joint pre-bargaining process, to begin four months before the expiry of the first collective agreement of the Primary Teachers' Collective Agreement (PTCA), Secondary Teachers Collective Agreement (STCA) and Area School Teachers' Collective Agreement



(ASTCA), to discuss the Unified Base Salary Scale (UBSS) and any other matter relating to bargaining.

Proposed commitment of the Parties

6. It is noted that while a pre-bargaining process is distinct from formal collective agreement bargaining, the discussions give the parties an opportunity to raise issues and areas of interest in a forum that promotes open discussion and allows for consideration of a range of possible solutions.

Interest Based Approach

7. An interest-based problem-solving approach has been used by the Ministry and NZEI Te Riu Roa to conduct pay equity discussions. The key steps to an interest-based approach include:

- a. Defining the problem – parties gain a common, simplified understanding of the problem
- b. Determining the interests – all parties outline their concerns, needs and interests under each issue
- c. Development of options – parties develop a range of possible solutions that will resolve the issue
- d. Selecting a solution – parties reach a solution that meets the needs of all stakeholders
- e. Agreeing on the use of break out or group ‘caucus’ and when this would be appropriate

8. The parties will consider how discussions could be approached using an interest-based approach where suitable.

Areas within scope of the pre-bargaining process

9. The parties have agreed to enter this process to discuss the UBSS and any other matter relating to bargaining; the areas for discussion could include the following:

- a. UBSS
- b. Other matters including conditions, lessons from COVID-19 and bargaining in the COVID environment.

10. This is not intended to be an exclusive list and any party may propose further topics for discussion, acknowledging the focus of these discussions will be the teaching workforce.

11. The parties agree that the first meeting will be used to discuss the UBSS. Any subsequent meeting and the topics for discussion at those meetings will be based on the topics above with the specifics of the meeting to be determined by mutual agreement. Each party will circulate a paper prior to the meeting outlining the topics they wish to discuss, and an agenda agreed from here.

12. Each party will use their best efforts to circulate the paper two weeks prior to each meeting, and the agenda will be agreed one week before the meeting.

Communication

13. The progress of pre-bargaining discussions communicated to each party’s stakeholders should be through the usual processes and in accordance with the usual good faith obligations.

14. Our recommended approach is that at the end of each meeting the parties agree the aspects of the discussions can be released as media communications. The other parties should be provided with a copy of any media communications at least two hours before its release, and every reasonable effort to draw the communications to the other parties’ attention should be made.



Reporting

15. Minutes of each meeting will be taken and provided to all parties for review. These will form the basis of the report back to the Accord Governance Group.

16. It is expected that the Accord would be provided with a joint update that reflects the discussions that took place, including any solutions that could be pursued and any barriers to progressing matters.

General Administration

Attendees and Observers

17. It is proposed that each party will advise their nominated representatives prior to each meeting, noting that representatives may be selected based on expertise, knowledge and interest in topics of discussion. The parties will limit attendee numbers where possible to ensure meetings are able to run efficiently.

18. Each party will nominate one point of contact to liaise on the agenda and other particulars in relation to upcoming meetings. If changes to attendees are necessary, parties will be advised as soon as possible.

Schedule of Meetings

19. The parties agreed to begin the pre-bargaining process four months before the expiry of the teacher collective agreements (i.e., in March 2022).

20. It is proposed that the parties agree one initial meeting in March to discuss the UBSS and other matters relating to remuneration, with the possibility that two additional meetings might occur between then and mid-April, depending on the progress of each successive meeting.

21. The meetings should be spaced so that they allow sufficient time for preparation and distribution of each meeting's agenda and preparation of an update to the Accord.

22. An initial morning session of an hour and a half, followed by a scheduled afternoon session of an hour and a half will be set aside for each meeting.

Location and Kai

23. It is proposed that the meetings take place remotely unless otherwise agreed. If meeting face-to-face the hosting organisation will provide appropriate refreshments. Further detail on the impact of COVID-19 restrictions is outlined below.

COVID-19 Considerations

24. COVID-19 restrictions may impact the way the parties meet and progress pre-bargaining discussions. We recommend that the parties agree on how to conduct the discussions in this instance. This could include an agreement that:

- a. all participants will have access to the necessary technology to meet online. Each party will have responsibility for ensuring this is available to their own representatives.
- b. anyone attending face-to-face meetings are to be fully vaccinated against COVID-19, as defined by the MoH. If a person is unvaccinated or is unwilling to confirm their vaccination status, this person may participate virtually via Microsoft Teams or Zoom.
- c. discussions may continue via Zoom or Teams in the event that the country, or a region relevant to negotiations, if necessary, under the traffic light system.
- d. all participants will adhere to online etiquette.

Next steps

25. If the process outlined in this memo is endorsed by the Accord Governance Group, an initial meeting in early March will be scheduled to begin the pre-bargaining process.