

Clause 5

5.0 Appointment Term

- 5.1 The parties acknowledge that RMOs are on open ended employment amongst DHBs until the completion of RMO training subject to the provisions of this Clause. Except as provided in clause 5.3, this means that employment continues from year to year until the end of the training period in accordance with the employing DHBs operational requirements and subject to all the following conditions for all other RMOs:
- (a) Satisfactory performance
 - (b) Passing appropriate examinations to gain required qualifications and continued membership of the training scheme working toward vocational registration.
- 5.2 The parties acknowledge that in order to maintain appropriate staffing levels the following positions shall be “contestable”:
- (a) Senior House Officers posts: continued employment will be dependent on there being sufficient 1st year House Officer posts.
 - (b) Initial entry to Registrar training posts shall be in competition with other suitably qualified applicants.
- 5.3 Fixed Term employment agreements should only be used to cover specific situations of a temporary and predefined nature, e.g.
- (a) To fill a position where the incumbent is on study, sick or parental leave; or
 - (b) Where there is a task of finite duration to be performed.

Fixed Term employment agreements while justified in some cases to cover situations of a finite nature, must not be used to deny RMOs security of employment in roles relevant to their training pathways.

The parties acknowledge that training programmes may only recognise a finite amount of time in a specific run/rotation towards a vocational training pathway. There is a mutual interest in ensuring that such runs/rotations remain available to successive cohorts of RMOs. Accordingly, the parties agree that, while maintaining the principle of ongoing employment, an RMO may be allocated to a run for a finite period of time based on these training programme limits. This time period shall be specified in writing prior to the commencement of the run. If the RMO does not rotate to another run (including at another DHB) at the conclusion of this period, they may be allocated by the employing DHB to another run that is suitable to their skills and experience.

- 5.4 Subject to the provisions of the Human Rights Act and all else being equal, preference for appointment will be given to graduates of a New Zealand Medical School, who are citizens or permanent residents of New Zealand.
- 5.5 The parties to this Agreement acknowledge that where an employee is appointed to a training-accredited post, meeting the regulations and requirements of the relevant college training programme is a mandatory condition of employment.
- 5.6 Where an employee’s employment is terminated by operation of this clause three months’ notice or payment in lieu thereof shall apply.

Overview – Application

Where an RMO is employed on a permanent basis they have continuous and open ended employment with the employing DHB until the completion of RMO training, unless it is terminated by the RMO or the employing DHB. This means that employment continues from year to year until the end of the training period in accordance with the employing DHBs operational requirements and subject to all the following conditions:

- Satisfactory performance
- Passing appropriate examinations to gain required qualifications and continued membership of the training scheme working toward vocational registration.
- Meeting the regulations and requirements of the relevant college training programme where appointed to a training-accredited post.

The following are “contestable” positions:

- Senior House Officers posts: continued employment will be dependent on there being sufficient 1st year House Officer posts.
- Initial entry to Registrar training posts shall be in competition with other suitably qualified applicants.

Fixed Term Employment

Fixed Term employment should only be used to cover specific situations of a temporary and predefined nature. While justified in some cases to cover situations of a finite nature, fixed term employment must not be used to deny RMOs security of employment in roles relevant to their training pathways.

Examples where fixed term employment may be appropriate are;

- To fill a position where the incumbent is on study, sick or parental leave; or
- Where there is a task of finite duration to be performed.

Training programmes may only recognise a finite amount of time in a specific run/rotation towards a vocational training pathway. There is a mutual interest in ensuring that such runs/rotations remain available to successive cohorts of RMOs. Whilst maintaining the principle of open ended employment, an RMO may be allocated to a run for a finite period of time based on training programme limits. This means that the RMO should have ongoing employment but where training programme limits apply the time period should be specified in writing prior to the commencement of the run. If the RMO does not rotate to another run (including at another DHB) at the conclusion of this period, they may be allocated by the employing DHB to another run that is suitable to their skills and experience.

Preference for appointment of New Zealand Graduates

Subject to the provisions of the Human Rights Act and all else being equal, preference for appointment will be given to graduates of a New Zealand Medical School, who are citizens or permanent residents of New Zealand.

Frequently Asked Questions (FAQs)

1. I have been employed on a permanent basis. At the end of the current training year will my employment continue with my employing DHB or do I have to apply for an RMO position again?
 - Subject to the provisions set out at clause 5.2 of the STONZ MECA you have continuous and open ended employment until the completion of RMO training, unless it is terminated by you or the employing DHB. This means that employment continues from year to year until the end of the training period in accordance with the employing DHBs operational requirements. If you are remaining at the same DHB for the next training year there is no need to re-apply for your RMO position.
2. I am a college appointed trainee and have been allocated to a DHB for the next training year. Will I need to apply to the DHB for employment for the training position and will my employment be fixed term or open ended?
 - The college appointment process is separate to the employment process. You will need to follow the DHB’s recruitment process to secure your employment at the DHB. See the information set out at the [‘Annual Recruitment Cycle’](#) section below.

3. Are all RMOs employed on a fixed term basis by DHBs?
- No, RMOs are on open ended employment with the employing DHB until the completion of training in accordance with clause 5.1 of the STONZ MECA subject to;
 - Satisfactory performance
 - Passing appropriate examinations to gain required qualifications and continued membership of the training scheme working toward vocational registration.
 - Meeting the regulations and requirements of the relevant college training programme where appointed to a training-accredited post.
 - Fixed Term employment should only be used to cover specific situations of a temporary and predefined nature. While justified in some cases to cover situations of a finite nature, fixed term employment must not be used to deny RMOs security of employment in roles relevant to their training pathways. Examples (but not limited to) where fixed term employment may be appropriate are;
 - To fill a position where the incumbent is on study, sick or parental leave; or
 - Where there is a task of finite duration to be performed
 - Clause 5.3 of the STONZ MECA acknowledges that training programmes may only recognise a finite amount of time in a specific run/rotation towards a vocational training pathway. There is a mutual interest in ensuring that such runs/rotations remain available to successive cohorts of RMOs. Whilst maintaining the principle of open ended employment, an RMO may be allocated to a run for a finite period of time based on training programme limits.
 - This means that the RMO should have ongoing employment but where training programme limits apply the time period should be specified in writing prior to the commencement of the run. If the RMO does not rotate to another run (including at another DHB) at the conclusion of this period, they may be allocated by the employing DHB to another run that is suitable to their skills and experience.
4. If I have been appointed to a training accredited post and I am dismissed from the training programme by the Specialty College can this impact my DHB employment?
- Yes this may have an impact on your continued employment. Passing appropriate examinations to gain required qualifications and continued membership of the training scheme working toward vocational registration is a condition of your employment. This includes meeting the regulations and requirements of the relevant college training programme where appointed to a training-accredited post.
 - Should such a situation occur, the DHB will investigate the circumstances and follow an appropriate process in accordance with the DHB human resource policies and procedures. Where this results in termination of your employment three months' notice or payment in lieu thereof will apply.
5. What does a "contestable" position mean?
- Contestable means that an application and selection process is required in order to appoint to that position.
6. I have been offered fixed term employment to replace an RMO that will be on parental leave for 12 months. Do I have continued employment at the end of the fixed term period?
- No, there is no continued employment at the end of a fixed term. This will be set out in the fixed term offer of employment. Fixed term appointments are of a finite nature and will either end at a specified date, or at the end of a specific event.
 - Where the fixed term is to replace another RMO who will be on leave, it may specify that the fixed term will end on the return of the employee from leave and where this is earlier than anticipated, then notice of early termination of the fixed term may apply. This is in accordance with s48 of the Parental Leave and Employment Protection Act 1987.

Annual Recruitment Cycle (ARC)

The Annual Recruitment Cycle is the recruitment period of District Health Boards employing Resident Medical Officers (RMOs) for positions starting at the beginning of the New Zealand Training year, which falls in January and February.

All DHBs advertise and recruit to RMO positions for the next training year in line with the nationally agreed dates and timelines. Information regarding the annual recruitment cycle is located at the following link on the Kiwi Health Jobs website:

<https://www.kiwihealthjobs.com/rmo/annual-recruitment-cycles>

Ad-hoc recruitment for the current training year is managed on a DHB by DHB basis once the annual recruitment cycle for that training year is complete.

ACE

The Advanced Choice of Employment (ACE) programme facilitates the application and recruitment process for final year Australian and New Zealand medical students applying for their first year House Officer position. This process is coordinated on behalf of the 19 DHB employers across New Zealand that employ first year House Officers.

ARC Timelines

The diagram below provides a guide to the timelines for the ARC and activities that occur post the acceptance process prior to the commencement of the training year.



Comparison STONZ and NZRDA MECAs

The following table sets out where there are differences between the STONZ MECA and NZRDA MECA. Where there is no difference between clauses no detail has been provided in the comparison table.

	STONZ MECA Clause 5	NZRDA MECA Clause 5
Fixed Term Employment Agreements	<p>Clause 5.3</p> <ul style="list-style-type: none"> Acknowledges that training programmes may only recognise a finite amount of time in a specific run/rotation towards a vocational training pathway. There is a mutual interest in ensuring that such runs/rotations remain available to successive cohorts of RMOs. Whilst maintaining the principle of open ended employment, an RMO may be allocated to a run for a finite period of time based on training programme limits. 	<p>Clause 5.3</p> <ul style="list-style-type: none"> No additional wording facilitating the allocation of RMOs into other suitable runs in order to maintain the principle of ongoing employment.