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## Next Steps and General Questions

### 1. What are the next steps and when will they happen?

The Employment Relations Authority (ERA) has recently agreed to Te Whatu Ora's request to fix interim pay rates for our nursing workforce while the ERA undertakes the process of determining pay equity rates. Te Whatu Ora has now started planning to process these pay increases and any relevant back pay.

The new rates will be back paid to 7<sup>th</sup> March 2022.

Whilst all Districts will be working to complete all required steps as soon as possible, each element incorporates multiple processes and calculations for our Payroll teams to complete and so the time frames below are to ensure the latest dates for each element of the process are clearly communicated.

- |   |                      |
|---|----------------------|
| • Payment of lump sum to current employees                                | By end February 2023 |
| • Translation to new pay steps  | By end February 2023 |
| • Payment of new rates  | By end February 2023 |
| • Payment of backpay from 7 <sup>th</sup> March 2022 to current employees | By end February 2023 |

Each District will provide guidelines on how they will manage each phase within the timeframes at local level.

### 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 above period the currently employing District will be responsible for payment and funding of the lump sum.

Please refer to the attached appendix A that details the calculation method.

#### **4. When will I receive the lump sum payment?**

The timeframe for paying the lump sum payment to current eligible employees is by end February 2023. Each District will provide guidelines on how they will manage within the timeframes at local level.

#### **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 will receive any relevant payments within the end Feb 23 timeframe.

#### **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 6<sup>th</sup> 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 service 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 DHB will be responsible for payment of the lump sum.

Employees who have moved/transferred within Te Whatu Ora after 7 March 2022 but were still in employment with Te Whatu Ora on 14 December 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.

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

Those who left the employment of Te Whatu Ora prior to the Employment Relation Authority's interim orders on 14 December 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.

Those who left the employment of Te Whatu Ora after the Employment Relation Authority's interim orders on 14 December 2022, are covered by the interim orders and are entitled to any relevant benefits in line with the criteria and timeframes of current employees. It is the responsibility of the exiting employee to ensure all relevant contact details are provided prior to exiting.

**12. What if I am a current employee who will be leaving the employment of Te Whatu Ora prior to the implementation of the new rates?**

Those who leave the employment of Te Whatu Ora after the Employment Relation Authority's interim orders on 14 December 2022 are covered by the interim orders and are entitled to any relevant benefits in line with the criteria and timeframes of current employees. It is the responsibility of the exiting employee to ensure all relevant contact details are provided prior to exiting.

## Translation To New Rates

**13. What are the new steps/rates?**

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

**14. 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

### 15. 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 once new interim pay rates have been implemented.

## 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

<b>Registered Nurses / Mental Health Inpatient Nurses</b>	<b>Existing MECA rate</b>	<b>Agreement in Principle rates</b>
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

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

<b>Health Care Assistants and Hospital Aides</b>	<b>Existing MECA rate</b>	<b>Agreement in Principle rates</b>
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

<b>Mental Health Assistants</b>	<b>Existing MECA rate</b>	<b>Agreement in Principle rates</b>
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

<b>Community Mental Health and Public Health Nurses</b>	<b>Existing MECA rate</b>	<b>Agreement in Principle rates</b>
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

<b>Designated Senior Nurse Salary Scales</b>	<b>Existing MECA rate</b>	<b>Agreement in Principle rates</b>
Grade 2	85,560	\$95,576
	87,122	\$99,253
	91,175	\$106,016
Grade 3	92,687	\$95,576
	96,030	\$99,253
	102,178	\$106,016
Grade 4	97,669	\$101,089
	101,041	\$104,765
	107,341	\$111,695
Grade 5	102,710	\$106,601
	106,056	\$110,282
	112,053	\$117,373
Grade 6	106,056	\$110,282
	109,396	\$113,956
	115,946	\$121,161
Grade 7	109,396	\$113,956
	112,738	\$117,632
	118,189	\$123,628
Grade 8	114,916	\$120,028

<b>Designated Senior Nurse Salary Scales</b>	<b>Existing MECA rate</b>	<b>Agreement in Principle rates</b>
	120,826	\$126,529
	126,738	\$133,032
	136,453	\$143,718

<b>Nurse Practitioner</b>	<b>Existing MECA rate</b>	<b>Agreement in Principle rates</b>
Grade 8	114,916	\$120,028
	120,826	\$126,529
	126,738	\$133,032
	136,453	\$143,718