

Addendum to request for part 6A application

This Addendum is to be read together with our application of 22 July 2021.

Please note where there are differences between the documents (for example in the group of employees requested to be added to Schedule 1A) the Addendum prevails.

Coverage

We are seeking to include all of the care and support sector. We confirm the coverage of this request is as defined in the Support Workers (Pay Equity) Settlements Act 2017:

- care and support worker;
- mental health and addiction support worker; and
- vocational and disability support worker.

We are seeking to include all care and support workers irrespective of who they are funded by.

Or it could be described as an addition to Schedule 1A Employees to whom subpart 1 of Part 6A applies as follows:

(g) care and support worker; mental health and addiction support worker; and vocational and disability support worker; as defined in the Support Workers (Pay Equity) Settlements Act 2017.

ANZCO codes

423312 Nursing Support Worker
423313 Personal Care Assistant
423314 Therapy Aide
423111 Aged or Disabled Carer
411311 Diversional Therapist
411712 Disabilities Services Officer
411512 Kaiawhina (Hauora) (Maori Health Assistant)
272611 Community Arts Worker
272612 Recreation Officer / Recreation Coordinator
272613 Welfare Worker

Home support sector

Care and support workers are employed on guaranteed hours. These are often low across the sector. Those guaranteed hours can be amended with as little as 1 weeks consultation and 2 weeks notice. On that basis these are largely precarious workers. Care and support workers work with variable clients who are funded by Te Whatu ora, ACC and Whaikaha / Ministry for disabled people. Workers can work with clients funded by each of these funders in any one day. Funders have often gone out for tender and moved to 1 or more different employers. Workers typically follow the clients they support due to the relationships they hold. What this means is that workers usually transfer over to the incoming employer or

employers for that portion of the work. This results in workers having multiple employers with secondary tax. Largely workers provide a 100 percent of their time providing care and support work. It would be unusual as an example that a workers did 50% of their time as a care and support worker and the other 50% in the office providing admin support.

Disability sector

Care and support workers working in the disability sector are employed on permanent basis. There is cross over within disability support and home support which is why they need to be included. Disability support is funded by Whaikaha/Ministry for Disabled people, Oranga Tamariki and MSD. The restructuring that occurs in this sector is slightly different. Client choice is highly promoted in this sector. Some workers work with individuals or work with groups of disabled people. Some examples of the restructuring in this sector are: client changes provider, facility closes and clients are transferred elsewhere, client decides to employ staff themselves through individualized funding or personal budgets.

Mental health and addictions sector

The Mental health and addiction support worker definition in the Support Workers (Pay Equity) Settlements Act 2017 is accurate. There is a cross over with disability support. More and more people receiving services have a dual diagnoses, which makes it hard to split out this sector from the Disability sector. Mental health and addictions support services are funded by Te Whatu Ora, Oranga Tamariki, MSD, Corrections and ACC. There have been tenders across the system where workers have not had an opportunity to transfer over to the incoming employer, as they are not been treated as vulnerable workers. The other example is when mental health and addictions clients opt for a different provider.

Residential Aged Care

Part 6A already applies to cleaners and catering workers in Residential Care. Care and Support workers on the other hand don't benefit from this. Workers in residential aged care are employed at specific sites to provide services, including: accompanying aged and disabled persons during daily activities, assisting clients with their mobility, preparing food for clients, arranging social activities, performing housekeeping tasks such as vacuuming and cleaning, assisting in personal hygiene and dressing, providing companionship, friendship and emotional support, may do shopping and run errands.

In 2021 The Selwyn Foundation sold six sites to Metlifecare, workers were given the option to transfer and most did. The reality is that often in residential aged care the incoming employer recognises the value of acting as if Part6A applies; however that doesn't mean the outgoing employer will.

Pay and conditions

Largely the workforce are described as care and support workers, however they are often named as Kaiawhina workers. Sometimes referred to as carers, caregivers. Largely care and support workers are paid the rates specified in the SWSA attached in Appendix 2. There

would be very few people who may be paid higher. This would be the same for in between travel and sleepovers.

The workforce are largely employed as permanent workers, with small numbers of fixed term and roughly 5% of the sector are casuals. In the home support sector whilst workers are engaged as being permanent, their hours of work and income fluctuate dramatically, we often describe these workers as being precarious workers.

20% of the workers in the sector are covered by Unions and Collective agreements, there is roughly 65,000 care and support workers. Outside of union coverage, most care and support workers would have IEAs that outline the legal minimums in terms and conditions, including no redundancy entitlements. In a lot of collective agreements this would be very similar.

We estimate staff turnover to be around 20%, with a peak relating to COVID 19.

Examples of more recent contract changes

Veterans

Healthcare NZ held the contract from NZ Defense Force for providing home support to veterans. NZ Defense Force went out for tender in 2022, Healthcare NZ were unsuccessful for this contract, Paramount cleaning services were successful in winning the contract. This work was often smaller parts of support workers work. Workers affected by this were given the opportunity to elect to transfer for the part of their work that transferred to the incoming employer. Paramount and Healthcare NZ agreed to transfer the workers as if part 6a applied to the workers. Total number of affected workers consulted with was 1036. Of these, 134 elected to transfer to Paramount (mixture of full and partial transfers). The rest said no or did not make an election at all.

South Canterbury DHB

In 2021 Healthcare NZ made the decision to terminate its contract with SCDHB due to not being able to reach agreement on funding increases. South Canterbury DHB agreed with the 3 other providers in the area that clients could transfer over to the other employer and clients could chose what employer to go to. Unfortunately some clients received re assessments before the intended transfer date and clients elected to other employers without due process occurring for the workforce. Healthcare NZ agreed that the workers for vulnerable for the purposes of part 6a but the other employers and the DHB did not agree. Some of the proposals for workers to grasp was that they would remain with Healthcare NZ for the work they still had with them and would transfer over to up to 3 other employers for the work transferred over to the other employers. A legal case was raised. It was agreed in the end Healthcare NZ would keep its contract. <https://www.stuff.co.nz/timaru-herald/news/125886897/healthcare-nz-withdrawal-puts-south-canterbury-support-workers-on-edge>

Laura Fergusson Trust

Laura Fergusson Trust closed its doors in 2020. Workers were given the opportunity to transfer over to Spectrum Care Trust where the clients ended up. They transferred over on their pay rate at the time but only some of their sick leave and annual leave was retained.

Annual leave balances that were over 10 days and alternative leave were paid out to workers before they became employed by Spectrum Care Trust.

Goodwood Park

Goodwood Park Health Limited withdrew from a contract with ACC Living My Life Contract in the Bay of Plenty in June 2023. Following a short consultation period, 6 permanent and 1 casual employee were advised of redundancy or redeployment. Four support workers were effected. No workers were offered to transfer to a new provider. Of the effected support workers one elected for redeployment and the others resigned from their position with no redundancy compensation. There was no redundancy compensation offered.

Further information

Length of contracts with Te Whatu Ora, MSD, Corrections, ACC, Whaikaha, Oranga Tamariki, Te Aka Whai Ora are 1 year contracts.

Sale and merger – this does occur across the sectors on a regular basis.

There is frequent contract changes affecting large groups in home support as outlined in the original application. Since the creation of Te Whatu ora there has been minimal changes as this new agency has formed, but we anticipate change into the future with the creation of Te Aka Whai Ora but as commissioning policy is developed for the new agencies. We are aware ACC is in the process of signaling change as we speak as a potential outcome of their review of preferred providers.

The criteria used for bargaining power in security is all correct for care and support.

Terms and conditions regularly affected by change would be pay rates relating to service, hours of work, leave provisions, access to complete or achieve qualifications.

Who else to contact:

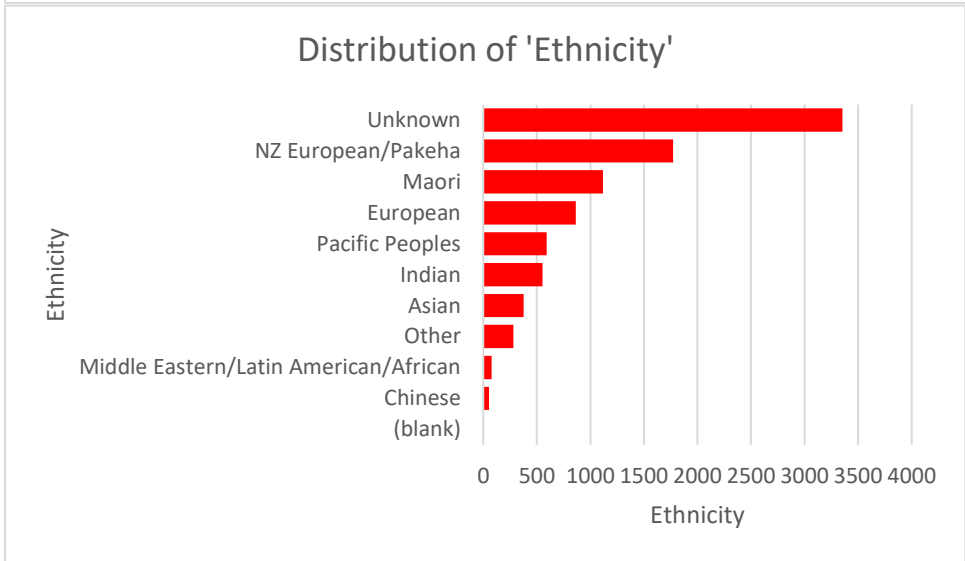
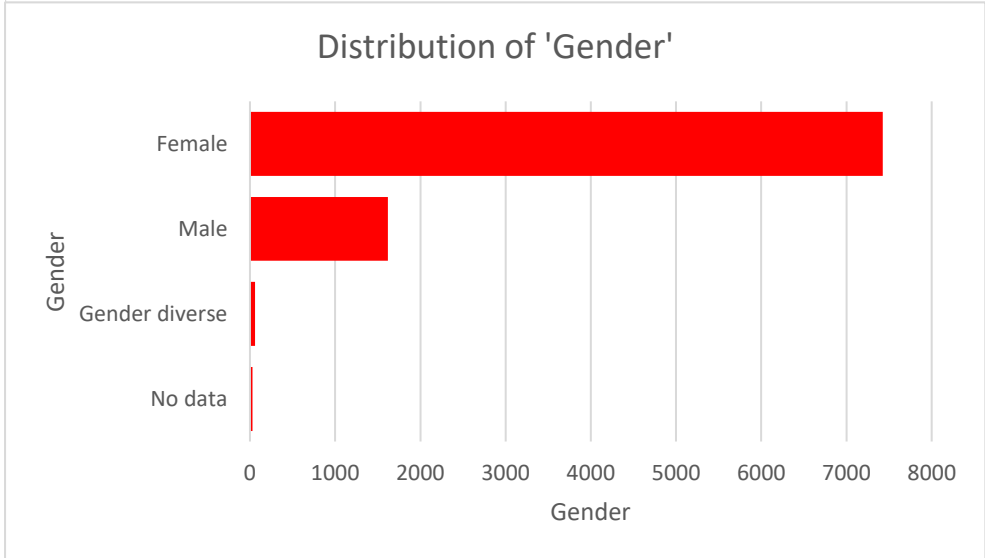
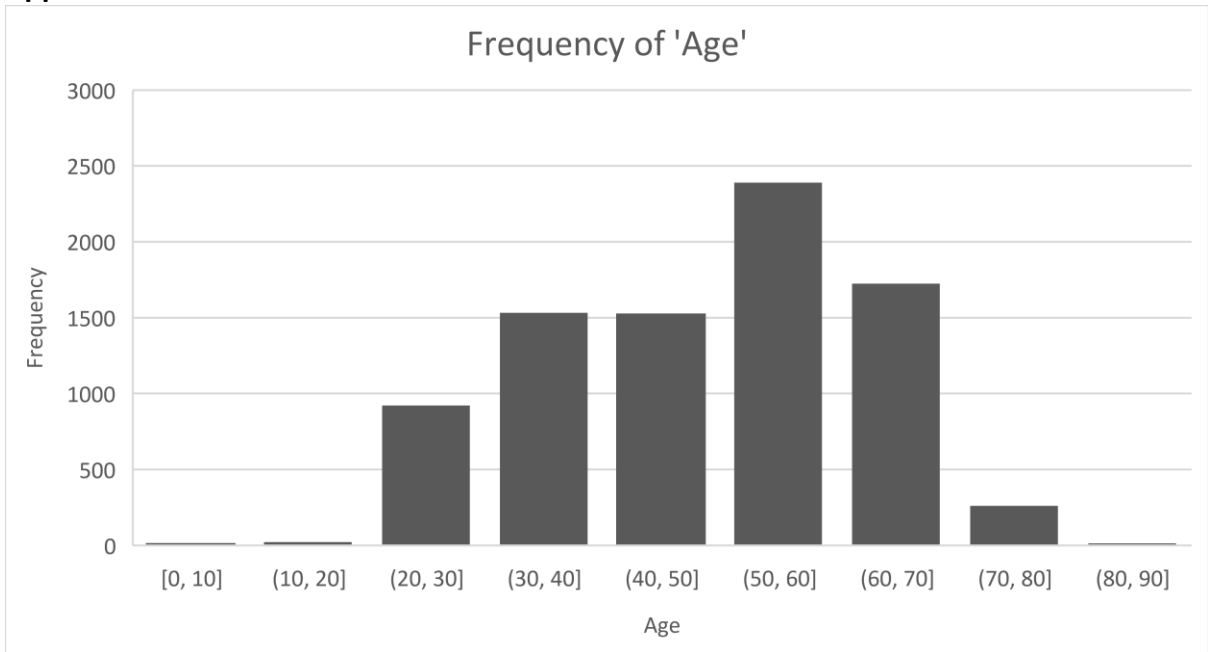
NZ Health group

Home and community health association

Nurse Maude

NZACA Aged Care Association NZ

Appendix 1 Based on PSA member information we have.



Appendix 2 care and support worker pay rates.

Hourly rates for workers employed before 1 July 2017

Service with same employer or qualification	LCI adjusted rates 1 July 2021 (1.6%)	3% Increase 1 July 2022
less than 3 years service NO qualification	\$21.84	\$22.49
L2 qualification or more than 3 years service (less than 8 years service)	\$23.36	\$24.06
L3 qualification or more than 8 years service (less than 12 years service)	\$25.39	\$26.16
L4 qualification or more than 12 years service as at 1 July 2017	\$27.43	\$28.25
No L4 qualification but more than 12 years service after 1 July 2017	\$26.41	\$27.20

Hourly rates for workers employed on or after 1 July 2017

Qualification	LCI adjusted rates 1 July 2021 (1.6%)	3% Increase 1 July 2022
NO qualification	\$21.84	\$22.49
L2 qualification	\$23.36	\$24.06
L3 qualification	\$25.39	\$26.16
L4 qualification	\$27.43	\$28.25