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**CLAIM: Frontline Managers and Co-ordinators**

**Claimant Unions**

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**Multiple Employers**

See appendix 2 for a full list of employers the Frontline Managers and Co-ordinators Pay Equity Claim (“the Claim”) has been raised with (“the Employers”).

**Pay Equity Claim: Frontline Managers and Co-ordinators**

**Claim**

The PSA and E tū (the Unions) formally raise a claim on behalf of frontline managers and co-ordinators and those doing the same or similar work employed by the Employers (set out in Appendix 2), (The Claim). The Claim is raised under the Equal Pay Act 1972 (as amended 2020) (the Act).

The Claim will be settled under section 13ZH of the Act when

- Remuneration is determined that the parties agree does not differentiate on the basis of sex.

- A process is agreed to review the remuneration to ensure pay equity is maintained including the frequency of reviews.
- Those matters are recorded in accordance with s13ZH(3):
  - A pay equity claim settlement agreed between the parties must—
    - **(a)** be in writing; and
    - **(b)** state—
      - **(i)** that it is a pay equity claim settlement for the purposes of this Act; and
      - **(ii)** the name of the employer; and
      - **(iii)** the name of the claimant to whom the settlement relates; and
      - **(iv)** in the case of a settlement of a union-raised pay equity claim, a description of the work to which the settlement relates; and
      - **(v)** in the case of a pay equity claim settlement with an individual employee, the employee’s occupation and position; and
      - **(vi)** the remuneration that the parties agree does not differentiate between male and female employees in the manner set out in [section 2AAC\(b\)](#); and
      - **(vii)** terms and conditions of employment other than remuneration that the parties have agreed to include (if any); and
      - **(viii)** the process for reviewing that remuneration (which may include requirements to reconsider the matters set out in [sections 13F\(3\)](#) (undervaluation factors), [13ZD](#) (assessment of the work), and [13ZE](#) (assessment of comparators) if the parties agree) to ensure that pay equity is maintained; and
      - **(ix)** the frequency of those reviews, which must be—
        - **(a)** aligned with any applicable collective bargaining rounds; or
        - **(b)** if no collective bargaining round applies, at least every 3 years; and
        - **(c)** include a summary of the method used to assess the pay equity claim and a description of the comparators that were considered by the parties.

## **Description of the work**

Frontline managers and co-ordinators provide induction, supervision and coaching of care and support staff and clinical teams, manage rosters, manage health and safety, build organisation culture, ensure resources are available and fit for purpose, ensure compliance with policies/procedures and audits/standards, provide reports on services, administration duties, build and maintain relationships with clients and whānau/family members, including resolving complaints. Also, when necessary frontline managers and co-ordinators provide direct care and support to clients and whānau/family members. These roles allow care and support workers and registered health professionals (RHPs) to provide connection, community, dignity, and independence to hundreds of thousands of people across Aotearoa. Every person, of every age in New Zealand, deserves to live with dignity and to fulfil their potential in life, and without the roles that frontline managers and co-ordinators undertake, this is simply not possible.

Frontline managers and co-ordinators are largely based in offices or community residences across Aotearoa but are expected to be out and about in communities, to support care and support workers to enable people who use disability, mental health and addictions and home support services to be supported in their communities by the health and disability sectors.

Usually these roles aren't specifically funded for, and their remuneration is taken from the employers' on-cost funding.

Frontline managers and coordinators are the glue that enable organisations to function and ensure services are delivered to a high standard and safely. They ensure care and support workers/RHPs are in the right place at the right time delivering the required support to people and their whānau/family. They are often the first port of call for the workforce, clients, whānau/family members, community organisations, health, disability, home and community and social services. They have overall responsibilities for budgets, goal planning, quality assurance, health and safety, managing employees and day to day compliance with contracts and audit requirements. These are the workers that ensure services run smoothly for people and their whanau/family to have their needs met. They are agile and flexible to solve problems including from time to time being hands on.

Core elements of the work include:

- Involvement in the recruitment process of new staff
- Involvement in the referrals of new clients into service
- Management of rosters, ensuring staff are covering shifts and absences are covered
- Line management of care and support workers and clinical teams
- Management of staff performance
- Providing the first port of call for clients, whānau/family members and key stakeholders
- Participation in the resolution of complaints from staff, clients, whanau/family, or external agencies
- Management of health and safety
- Often required to be available out of hours or be on-call
- Reporting on various matters internally and externally
- Inducting new staff
- Coaching and supervising staff
- Building organizational culture
- Administration tasks such as managing staff files/client files
- Managing incident reports
- Following policies and procedures
- Ensuring compliance with audits and their standards
- Oversight over budgets and assets
- Ensuring chattels, vehicles and houses are in good repair
- Building and maintaining relationships with stakeholders, whanau/family, next of kin, welfare guardians, medical practitioners, neighbours, NASCs, and crisis teams
- Service planning, overall goal planning for teams and for those who use services

- Case management
- Advocacy on behalf of people.

### **How the work is the same or similar across employers**

The purpose and focus of frontline management and co-ordination work is to allow care and support workers and clinical teams to carry out their work. This involves responsibility for the welfare and health and safety of employees, clients and their whānau/family, training, development and safe practice of care and support workers and clinical teams, management of physical resources, ensuring compliance with policies and procedures, and reporting as required. This is the same regardless of employer or environment.

The following core skills are common across the sectors:

- Organisational skills.
- Leadership skills.
- Influencing skills.
- Planning skills.
- Problem solving skills.
- Supervisory and mentoring skills.
- Social skills.
- Emotional skills.
- Administration, clerical, and finance skills.
- Caring skills.
- Communication skills.
- Emotional skills required to deal with the issues of illness and death.
- The skills necessary to deal with agencies, professionals, and medical providers.
- Cultural skills.
- Sensitivity.
- Commitment.
- Compassion.
- Skills required to deal with the complex psychological, psychosocial, medical, personal, family, and other circumstances that affect residents/clients/staff.
- Comforting skills – including supporting staff who are emotionally affected by their work.
- The skills required to deal with grief.

### **Affected Employees**

Under Section 13W of the Equal Pay Act Affected Employees are automatically covered by Union Claims.

Under the Equal Pay Act 1972 an affected employee means an employee who performs work that is the same as, or substantially similar to, the work performed by another employee of the same employer, if a pay equity claim has been raised with the employer in respect of that work.

## **Equal Pay Act 2020 13F Meaning of Arguable**

**The Unions rely on the following information in support of the elements required for an arguable equity claim (EPA section 13f)**

**13F (1) (a) The work is or was predominantly performed by female employees.**

OECD data affirms that long term care work is female dominated around the world.

The vast majority of care and support workers in New Zealand are women. Ravenswood says the home support and aged care residential workforce is 94% female, disability support is 84% female and mental health and addictions is 76% female.

It is not surprising that there would also be a preponderance of women in frontline manager and coordinator roles. For example, research completed in Sweden in 2021 found that women made up almost 83% of respondents to a survey of first-line managers working in the elderly and social care sector (which primarily includes managers working in home care service, home health care, nursing homes, disability care and social work).

<https://onlinelibrary.wiley.com/doi/full/10.1111/ionm.13396>

**13F(1)(b) It is arguable the work is currently undervalued or has been historically undervalued.**

It is arguable that the work of these front line managers and coordinators is currently and has been historically undervalued based on consideration of the following relevant factors that may be considered under section 13F(3).

**13(f)(3)(a) The origins and history of the work, including the manner in which wages have been set.**

There is a complex and deep history in New Zealand of how care and support has been delivered, this includes the traditional care women provide for whanau in the home, the mental health related institutionalisation of the early 1900s, and the development of community-based facilities in the late 1900s. It is worth noting that the timelines, context and immediate drivers of care looks different based on the nature of the client and, to an extent, the nature of the care, for example rest homes for older adults were more prevalent following WWII and are common today while the Auckland Mental Health Hospital (first named Whau Lunatic Asylum) opened in 1865 and closed in the 1970s.

This is a complex history but can be understood as a general progression into community or residence based but government funded care. It is a story of how care work evolved and now is performed predominantly by women in residences, in homes, and in the community.

When services were delivered in Psychiatric hospitals these roles were largely held by (charge nurses), over recent decades services have been moved into the community and female dominance of the work has increased. Over the years the community-based services were run by “house mothers” or “house parents”, and as more and more houses were opened “house parents” became responsible for multiple houses.

“House Mothers” have morphed into the specific roles of coordination and front-line managers. Wages have been set for these roles from the on-cost component of the employers’ funding, and wages have been based on funding increases received. It is rare to find that any of these roles are specifically funded for. Often care and support workers see these roles as “career progression” and they move into these roles.

The original name of the role highlights the depth to which it is linked to women’s work, the fact that it is not specifically funded affirms that how it is paid is driven by how the sector itself is funded and not by any reference to the nature or difficulty of the work itself.

**13F(3)(b) any social, cultural, or historical factors and 13F (3)(c) characterisation of the work as Women’s work.**

“Women’s work” refers to work traditionally and historically undertaken by women. This tends to focus on the traditional role of the wife and mother, including caring for the home and family. Women’s work extends beyond the home and often refers to professions that extend the work, particularly caring work, into the paid work force. Front line manager roles in other sectors of the economy are arguably dominated by males however because of the caring nature of the work in these sectors it is dominated by women.

**13F(3)(d) That the nature of the work requires an employee to use skills or qualities that have been both generally associated with women and regarded as not requiring monetary compensation.**

The work is part of care and support, it is coordinating, managing, and supporting women who work directly with the most vulnerable members of our society. This includes the fact that the purpose of the work is to provide care, coordinators are working to ensure no person is left unable to shower, no person is left unable to eat, no person is left without human dignity and connection.

The skill of coordinating care is absolutely associated with women, as is the skill of organising for the care of the home. That skill of managing priorities of personal care, of understanding how to ensure connection, and of multi-tasking across a huge range of immediate personal tasks could not be more closely related to women and the role of the mother (this is why they were first called “house mothers”).

It is unsurprising that such house mothers and now managers or coordinators are not recognised for these skills, such skills are at the heart of a mother’s role and therefore assumed to be something women can just, without effort or training, do.

**13F(3)(e) Any sex based systemic undervaluation of the work as a result of any of the following factors:**

- **A dominant source of funding across the relevant market, industry, sector or occupation**  
These workers are almost totally funded by the Crown, predominantly through Vote Health but also from other entities of the state.
- **A lack of effective bargaining in the relevant market, industry, sector or occupation**  
There is a lack of real effective bargaining in this sector for these roles, because pay is based on the funding increases passed on from crown funding agencies.
- **Occupational segregation or segmentation in respect of the work**
- The work of front-line managers is predominantly performed by women workers, 83% of the workers are women (union survey August 2022).
- The failure by the parties to properly assess or consider the remuneration that should have been paid to properly account for the nature of the work, the levels of responsibility associated with the work, the conditions under which the work is performed, and the degree of effort required to perform the work

The work requires complex skills and significant responsibility, but it also involves conditions which are often onerous and/or demanding and/or difficult in the following respects:

- The work is difficult and exhausting.
- The hours are sometimes unsociable involving nights and/or weekends.
- The work is emotionally demanding and draining.
- The work is stressful.
- The work requires dealing with challenging behaviours including aggression.
- The work can be complex with difficult rostering problems
- The work means you are often dealing with competing priorities
- The work means that if this job isn't done well, lives could be at risk
- The work requires good budgeting
- The work requires good time management
- The work requires the ability to persuade others
- The work requires good communication that is clear

Front line managers and coordinators require significant degrees of effort, including:

- The work involves extensive, intensive and often continuous mental and emotional effort.
- The work requires high levels of often continuous focus and concentration.

- The work requires constant and continuous attention to achieve high standards.
- The work is complex, demanding and stressful.

Due to their total dependence on state agencies for funding, the focus of the employer has ultimately been on limiting cost, not appropriately recognising the nature of the work, conditions, responsibilities or degrees of effort described above, nor carrying out a proper assessment of the remuneration that should be paid to recognise the value of the work undertaken by frontline managers and coordinators.

## **Consolidation**

This Claim has been raised by the unions with multiple employers who employ front line managers and coordinators who are members of the unions.

Under section 13K each employer who receives a pay equity claim raised by a union with multiple employers must enter into a single multi-employer pay equity process agreement for the purposes of the pay equity bargaining process.

Please see appendix 1 for further consolidation information

Please see appendix 2 for a full list of employers with whom the front line managers and coordinators Pay Equity Claim has been raised.

## **Appendix 1 – advice to employers**

### **Section 13K**

#### **13K Union-raised claims raised with multiple employers: employers must enter into a pay equity process agreement.**

- (4) This section applies if—
  - a) 1 union has raised a pay equity claim with 2 or more employers in respect of employees who are members of that union and who perform the same, or substantially similar, work; or
  - b) 2 or more unions have jointly raised a pay equity claim with 2 or more employers in respect of employees who are members of any of those unions and who perform the same, or substantially similar, work.
- (2) Each employer who receives a pay equity claim raised by a union or unions with multiple employers must enter into a single multi-employer pay equity process agreement for the purposes of deciding whether the claim is arguable and for the purposes of the pay equity bargaining process.
- (3) The multi-employer pay equity process agreement must set out—



- a) whether there will be 1 or more representatives for the employers and who that representative or those representatives will be; and
- b) how decisions relating to the claim will be made.

(4) If the employers cannot agree on a multi-employer pay equity process agreement, any of them may apply to the Authority for a direction.

NOTE: Employers may opt out of the multi-employer process only for genuine reasons based on reasonable grounds, however, the employer must still progress a pay equity claim.

### **Legal responsibilities of employers: Process**

#### **What does the pay equity process look like for employers?**

Employers will receive a Pay equity claim from the union/s for members and all employees doing the same or similar work.

#### **The claim includes the following information:**

- 1) state the name and address for service of the union claim
- 2) state the date on which the claim is made
- 3) include a brief description of the work performed by the employees to be covered by the union-raised claim
- 4) briefly set out the information that the claimant relies on in support of the elements required for an arguable pay equity claim under section 13F;
- 5) if it is a multi-employer claim it will include a notice of your obligations under section 13K to enter a multi-employer pay equity process agreement with the other employers with whom the claim is raised
- 6) the name/s of each employer/s with whom the claim has been raised
- 7) if it is a multi-employer claim it will include a brief explanation of how the work performed by the employees covered by the claim is the same or substantially similar.
- 8) the claim will not include the name of any individual members.

If the claim has been raised with multiple employers, they will receive a list of the other employers covered by the claim. Under section 13K of the Act, employers are required to contact the other employers and enter a single multi-employer pay equity process agreement for the purposes of deciding whether a claim is arguable and for the purpose of the pay equity bargaining process.

## Requirements for employers under the legislation

<p>Step 1 - Receiving the claim</p>	<p>An employer who receives a pay equity claim must within 5 working days:</p> <p>Give written notice of receipt to the union</p> <p>Give written notice and a copy of the claim to any other unions that represents employees who perform work that is the same as, or substantially similar to the claim.</p>
<p>Step 2 - agreeing the claim is arguable</p>	<p>An employer must enter a single multi-employer pay equity process if the claim is across multiple employers.</p> <p>Employers must give joint notice whether they agree the claim is arguable within 45 working days of receipt.</p> <p>Unless they extend this timeframe with a written notice to the union the maximum extension on the time limit is an additional 80 working days.</p>
<p>Step 3 - giving notice to affected employees</p>	<p>Each employer must individually give notice to affected employees that a pay equity claim has been raised and it is arguable within 20 working days of agreeing arguability.</p> <p>This can be extended under reasonable grounds by an extra 25 working days with a written notice to the union.</p>
<p>Step 4 - notice period for employees</p>	<p>There is a 20-working day notice period for employees covered by the claim, this starts from when the employer provides notice to the employees that a pay equity claim has been raised and is arguable.</p> <p>Once the 20-working day notice has passed, employer/s must provide the union with the contact details of all employees covered by the claim (including non-members) as soon as is reasonably practicable.</p>

Section 13ZB - 13ZZE of the Equal Pay Act 1972 sets out the Pay Equity Bargaining Process once arguability is agreed.

## Appendix 2

### Full list of Employers claim raised against

#### Full list of Employers claim raised against

CCS Disability Action Incorporated (CCS Disability Action Northland Inc., CCS Disability Action Auckland Inc., CCS Disability Action Waikato Inc., CCS Disability Action Bay of Plenty Inc., CCS Disability Action Manawatu Horowhenua Inc., CCS Disability Action Wairarapa Inc., CCS Disability Action North Taranaki Inc., CCS Disability Action South and Central Taranaki Inc., CCS Disability Action Tairāwhiti Hawkes Bay Inc., CCS Disability Action Wellington Inc., CCS Disability Action Nelson Marlborough Inc., CCS Disability Action Canterbury and West Coast Inc., CCS Disability Action South Canterbury Inc., CCS Disability Action Waitaki Inc., CCS Disability Action Otago Inc., CCS Disability Action Southland Inc., CCS Disability Action Whanganui Inc.).

HealthCare of New Zealand Limited

Pathways Health Limited

Spectrum Care Limited

The Lifewise Trust

Idea Services Limited