

Policy, Advisory, Knowledge and Specialist Workers Collective Agreement (PAKS CA)

General FAQs

May 2024

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Scope of FAQs

This document provides initial advice on the Policy, Advisory, Knowledge and Specialist Collective Agreement (**PAKS CA**) which was ratified on 11 March 2024 to existing employees of Health New Zealand | Te Whatu Ora.

Details of the Collective Agreement

Details of the Terms of Settlement and the new collective agreement can be accessed through the following links:

- **Terms of Settlement** [here](#)
- **Collective Agreement** [here](#)

Term of Collective Agreement

The Agreement will come into force on 21 December 2023 and expire on 17 February 2025. For those who are eligible, pay increases are effective from 1 July 2023. All other changes to terms and conditions date from the date of the CA coming into force (21 December 2023).

Ratification

The new PAKS CA was ratified on 11 March 2024, with an overwhelming majority of PSA members voting in favour.

Coverage

1. Who will be placed on the PAKS CA?

Employees who are in roles within PAKS coverage and **who are PSA members** will be put onto the PAKS CA.

Existing employees who are in roles within coverage but who **are NOT members of the PSA** will not be offered a derived IEA during the current term of the PAKS CA agreement. Employees in this scenario will continue to be covered by their existing terms and conditions and any existing eligibility for the IEA Remuneration Review will still apply. These employees will not be eligible for any PAKS payments. Existing employees have the option of joining PAKS CA via PSA membership.

2. What roles are within coverage of PAKS CA?

The coverage clause for the PAKS CA can be found in section 2.2 of the agreement [here](#).

A Coverage Guide has also been developed and agreed with the PSA to further explain the different components of the coverage clause and includes a set of example questions specifically related to coverage. Please see the PAKS CA Coverage Guidance [here](#).

Please note that, as per Question1, existing employees who are NOT members of the PSA will not be offered a derived IEA during the current term of the PAKS CA, regardless of their role being within coverage.

3. What if my role is within coverage and I do not want to be on the PAKS CA?

PSA members within coverage will be bound by the PAKS CA. A union member who is bound by the CA and who resigns from the union, and remains an employee, will remain bound by the CA until 60 days before the expiry of the CA (s58 Employment Relations Act 2000).

Please note! that for PSA members on IEAs who have different terms and conditions, a process is provided for the PSA to make application for these terms and conditions to be submitted to the personal to holder process. Please refer to the **Personal to Holder section** [here](#).

4. If I join the PSA do I have to go onto the PAKS CA

Yes, if your role is within coverage you will be bound by the PAKS CA.

5. Can I switch from one collective agreement to another?

In legislation an employee can only be bound by one Collective Agreement in respect of the same work (Employment Relations Authority S57).

Changing Collective Agreements may happen only when you are appointed to a role that comes under coverage of a different Collective Agreement.

6. Are Librarians covered by the PAKS CA?

The Librarians and Interpreters Pay Equity Settlement Agreement provided pay scales for librarians covered by this CA. These pay scales (part of the Pay Equity Settlement Agreement) are not graded. The exclusion of pay bands above ex-MOH grade 19 does not apply to the librarian pay scales.

7. Are Data and Digital employees covered by the PAKS CA?

Data and Digital employees who are PSA members are included under coverage of this CA only for the term of this PAKS CA. The parties have agreed to establish a separate Data & Digital CA during the term. Refer to Terms of Settlement, Appendix 3 -Term of Reference for the Working Party to develop a Data and Digital Collective Agreement [here](#).

Grand Parented Provisions

8. PSA Members on 11th March 2024, currently on an MOH or HPA CA:

My role is within coverage, do I get to keep my entitlements from my MOH or HPA collective agreement?

You are covered by the terms and conditions in the PAKS CA. Within the Collective Agreement the parties included several grand parented provisions. For full details of grand parented provisions Please refer to Appendix 1 of the collective agreement [here](#).

Please note that the grand parented provisions do NOT apply to new employees or employees who have become members of the PSA since the date of grandparenting of the provisions.

9. PSA Members on 11th March 2024, who were previously on an MOH or HPA CA, who were disestablished from their role and placed on an IEA:

My role is within coverage, do I get to keep my entitlements from my MOH or HPA collective agreement?

If you are;

- an ex-MOH or HPA employee
- whose role was disestablished
- who accepted another role (**that is within coverage of PAKS**) during the transition process and was placed on an IEA
- and who has continued to be a PSA member

then you will come under the coverage of the PAKS CA including the grand parented coverage provisions and any grand parented terms and conditions in Appendix 1 of the CA.

My role is now in coverage of PAKS – can I get my sick leave balance reinstated?

If you are;

- an ex-MOH or HPA employee
- whose role was disestablished
- who accepted another role (**that is within coverage of PAKS**) during the transition process and was placed on an IEA
- and who has continued to be a PSA member

Once you have been placed on the PAKS CA in your relevant Payroll system your sick leave should be restored to what you had previously, and you should continue to get accumulate as per your previous conditions.

My role is now in coverage of PAKS – can I get my long service leave reinstated ?

If you are;

- an ex-MOH or HPA employee
- whose role was disestablished
- who accepted another role (**that is within coverage of PAKS**) during the transition process and was placed on an IEA
- and who has continued to be a PSA member

Once you have been placed on the PAKS CA in your relevant Payroll system your long service leave should be restored to what you had previously, and you should continue to get accumulate as per your previous conditions.

10. Has the 3 weeks LSL after 10 years been grand parented for PSA members previously covered by the HPA CA?

Yes, the 3 weeks long service after 10 years has been grand parented. However, there is also now an option to opt to receive LSL of 1 week every 5 years and forgo the 3-week entitlement. This requires individual choices to be made, depending on personal circumstances.

11. Has the 5 days for close family bereavement leave been grand parented for PSA members previously covered by the HPA CA?

We have agreed a bereavement leave arrangement that does not specify the number of days leave for different bereavement circumstances. It requires the employer to administer this leave in a culturally sensitive manner considering travel and obligations one may have to the deceased and family.

Recognition of Service

12. Does my length of service include the years in the entities that were merged in Health New Zealand |Te Whatu Ora, or only from the 1 July 2022 date when Health New Zealand |Te Whatu Ora came into existence?

Service means the current continuous service with the employer and its predecessors (Hospital and Health Services, Crown Health Enterprises, Regional Health Authorities, Health Funding Authority, Area Health Boards and Hospital Boards). Except where otherwise defined in the applicable clause service shall

not be deemed to be broken by an absence of fewer than three months or, where the employee remains actively engaged in related work to their profession or study whilst absent, three months shall extend to 12 months.

This period of absence does not count as service for the purpose of attaining a service-related entitlement. Nothing in the CA will override service recognised by the ex-MoH CA (February 2020 to February 2023) or ex-HPA (June 2022 to October 2023).

Personal To Holder

13. I am a PSA member currently on an IEA. My role is covered by the PAKS CA but I have some terms and conditions in my current IEA that are different, do I lose them?

We have agreed a process with the PSA to review and discuss these conditions in the context of all offered terms and conditions to decide if they can be protected through a 'personal to holder' process.

Agreement will not be unreasonably withheld where the loss of individual terms or conditions would result in the entitlements of the employee being overall less favourable than the employee's entitlements in the PAKS Collective Agreement (compared to their IEA) and/or would be detrimental to the employee in light of their unique personal circumstances.

14. What is a 'personal to holder' record?

A 'personal to holder' record will list any individual terms or conditions of employment that have been agreed between the employer and the employee and that Health New Zealand | Te Whatu Ora agrees to retain.

15. Who is eligible to use the Personal to Holder process?

The 'personal to holder' process will be available to employees who were PSA members on 11th March 2024 who are on an IEA and who come under coverage of PAKS CA.

16. How do I undertake the Personal to Holder process?

Eligible PSA members must conduct this process with the PSA. The PSA will engage with members to identify relevant conditions and will then discuss with the employer. Please contact the PSA for any queries related to the Personal to Holder process change@psa.org.nz

17. Is there a timeframe for the Personal to Holder process?

You have a period of 3 months from 11th March 2024 to raise such matters with the PSA. No requests will be considered outside this timeframe.

18. Are there any Personal to Holder situations that will be automatically recognised? (Clause 2.9.3).

Clause 2.9.3 in the PAKS CA provides for 2 examples where a 'personal to holder' situation will only be for purposes of identifying and recording as they have already been recognised as agreed between the parties. This means employees must still follow the Personal To Holder process but there is pre-existing agreement that the below will be approved. The details of these 2 situations are outlined below:

Leave

Eligible employees on existing IEAs covered by this Collective Agreement at date of ratification who had an existing entitlement to up to 5 weeks' annual leave and/or 3 days' paid leave (known as "My Days" to be taken between December and February) as part of the terms and conditions of their Individual Employment Agreement, will retain these provisions on a personal to holder basis.

Redundancy

Eligible employees covered by this Collective Agreement at date of ratification whose redundancy entitlements as part of the terms and conditions of their Individual Employment Agreement were more favourable than the Collective Agreement, will retain these provisions on a personal to holder basis.

19. What if my request for Personal to Holder conditions is not agreed to?

Agreement will not be unreasonably withheld where the loss of individual terms or conditions would result in the entitlements of the employee being overall less favourable than the employee's entitlements in the PAKS Collective Agreement (compared to their IEA) and/or would be detrimental to the employee in light of their unique personal circumstances.

If agreement cannot be reached and you wish to keep your IEA conditions then you will need to resign membership of the PSA

Lump Sum Payments

20. What are the lump sum payments?

There are two lump sum payments over the CA term:

- **Year 1:** A lump sum payment of \$750 gross to all PSA members bound by this settlement at the date of ratification 11th March 2024.
- **Year 2:** A further lump sum payment of \$500 gross shall be made to all employees bound by the terms and conditions of this PAKS Collective Agreement on 1 July 2024.

The payments will be pro-rated for part-time employees based on the greater of their contracted FTE or the number of ordinary (T1) hours paid (including paid leave) in the previous 12 months.

21. Who is eligible for the lump sum payments?

Year 1:

All PSA members bound by this Collective Agreement at the date of ratification on 11 March 2024 are eligible for the Year 1 lump sum payment.

Important! The Year 1 lump sum payment is also available to PSA members who will move to be within coverage of the **National Health Administration Worker CA**. This is to ensure this group can access an equivalent lump sum to that which was available on the National Health Administration Worker CA.

Year 2:

All employees bound by the terms and conditions of this PAKS Collective Agreement on 1 July 2024 are eligible for the Year 2 lump sum payment. For clarity this includes new employees employed on the terms and conditions of the PAKS Collective Agreement for the first 30 days who decide to not join the union and who remain on an Individual Employment Agreement comprising the terms and conditions of the PAKS Collective Agreement (2023 – 2025).

Important! The Year 2 lump sum payment is also available to PSA members who will move to be within coverage of the **National Health Administration Worker CA**. This is to ensure this group can access an equivalent lump sum to that which was available on the National Health Administration Worker CA.

Casual employees are excluded from this collective agreement and so are not eligible for any lump sum payments.

22. What if an employee is currently on a period of parental leave/unpaid leave/ACC cover?

Employees on parental leave, unpaid 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). Employees can receive the payments while still off on leave by contacting their District payroll team and confirming that they are aware of any potential negative impacts of receiving the payments and confirming that there have been no changes to their payroll details (e.g. bank account numbers).

New Rates

Please note the Year 1 increase will not apply to any employee in any group who has received a base salary increase of \$4000 flat rate as part of the Health New Zealand | Te Whatu Ora IEA Remuneration Review 2023/24.

Application of New Rates (former Ministry of Health CA)

Year 1

Employees who were PSA members and on an MOH salary band on 11th March 2024 and who come under coverage of PAKS CA, will receive an increase to existing paid rates by a \$4000 flat rate adjustment, effective 1 July 2023. You will remain on your current MOH band (please see [here](#) for more information).

Year 2

An increase in base salaries by a \$2000 flat rate adjustment or 3% whichever is the greater on 1 July 2024.

Application of New Rates (former Health Promotion Agency CA)

Year 1

Employees who were PSA members and on an HPA salary band on 11th March 2024 and who come under coverage of PAKS CA, will receive an increase to existing paid rates by a \$4000 flat rate adjustment, effective 1 November 2023. You will remain on your current HPA band (please see [here](#) for more information).

Year 2

An increase in base salaries by a \$2000 flat rate adjustment or 3% whichever is the greater from 1 July 2024.

Application of New Rates (IEAs)

Year 1

Employees who were PSA members and on an IEA on 11th March 2024 and who now come under

coverage of PAKS CA, will receive an increase to existing paid rates by a \$4000 flat rate adjustment, effective 1 July 2023.

Year 2

An increase in base salaries by a \$2000 flat rate adjustment or 3% whichever is the greater from 1 July 2024.

Application of New Rates (Librarians)

Year 1

Employees who were PSA members on 11th March 2024 will receive an increase to the new pay scales provided in the Pay Equity Settlement Agreement for Librarian, Sole Charge Librarian and Library Manager existing paid rates by a \$4000 flat rate adjustment, effective 1 July 2023.

Year 2

An increase of \$2000 flat rate adjustment or 3% whichever is the greater to the new pay rates established in Year 1 of the PAKS CA term, i.e. the rates that include the Year 1 \$4,000 flat rate increase to the rates in the Pay Equity Settlement Agreement.

Pay Scales

23. When will we know what pay band/scale and step we will be placed on?

You will not be translated on to a band until we develop a new pay system. We have an agreement to develop a new pay and progression system which will be developed by the Remuneration Working Party over the term of this Collective Agreement (CA).

24. What is the process for moving through the steps in a pay band?

There is none currently. We will develop this as a part of the new pay and progression system which will be developed by the Remuneration Working Party over the term of this CA.

Working groups

25. What does a working group mean? What is the time frame for this?

The parties committed to undertake further work during the Collective Agreement term. This includes two Working Groups to:

- a. Develop a unified progression and remuneration framework
- b. Develop a Data and Digital Collective Agreement

Further information on the working parties, including timeframes, can be found in Appendix 3 of the Terms of Settlement [here](#).

26. Who can get involved in the Working Groups?

Both the PSA union and Health New Zealand | Te Whatu Ora have processes for involving representatives in working groups. Please contact your PSA delegate if you would like to be involved.

Former Employees/Employees Exiting Prior to Payments

27. What if I have left the employment of Health New Zealand |Te Whatu Ora?

Pay Rates

If you were no longer employed on 11th March 2024, there is no entitlement.

Former employees who meet the eligibility criteria outlined in the above Pay Rate section can apply for back pay from their relevant effective date.

Lump Sum Payments

If you were no longer employed on 11th March 2024, there is no entitlement.

To be eligible for the Year 1 lumpsum payment of \$750 gross you must have been a PSA member employed in a role bound by this settlement on 11th March 2024.

To receive the Year 2 lump sum payment of \$500 gross you must have been an employee in a role bound by the terms and conditions of the PAKS Collective Agreement on 1 July 2024.

All lump sum payments will be pro-rated for part-time employees based on the greater of their contracted FTE or the number of ordinary (T1) hours paid (including paid leave) in the previous 12 months.

28. How do former employees apply for entitlements?

Former employees who have exited Health New Zealand |Te Whatu Ora after must complete the Former Employee application form available on the Health NZ website and return to their Payroll team at their last District of employment in relation to any payments they are eligible for.

29. When would I receive my payments?

We cannot provide any timeframe for when payments will be made to former employees post application.