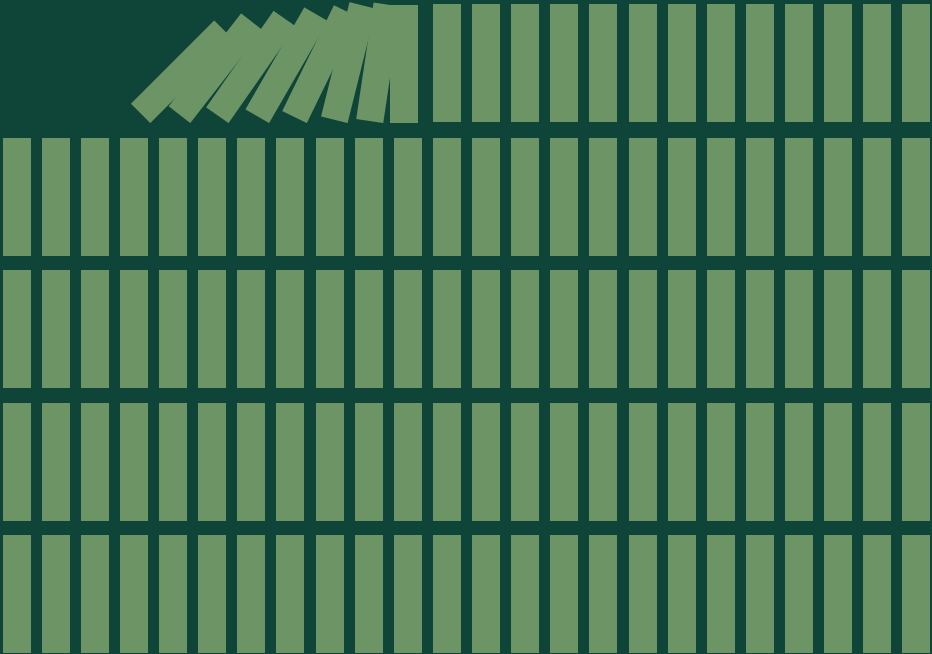


DELEGATE HANDBOOK

INFORMATION FOR RDA DELEGATES



JULY 2025



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WELCOME

Welcome to being a delegate. The role of a delegate is an important and rewarding part of the union and is usually taken up by members who are interested in the **protection** and **progression** of the **rights of resident doctors**, providing support for your peers, and having a say in the direction that our profession takes.

You will develop leadership, negotiating and problem-solving skills, as well as learning more about our collective agreement, and how it is negotiated and enforced.





WHAT IS A DELEGATE?

The role of a delegate is primarily one of **communication**, acting as the vital link between the members and those advocating for them. The day-to-day role is varied, but all delegates act as eyes and ears on the ground in our hospitals and clinics, identifying and communicating the issues that are going on locally, to advocates or National Executive members.

Delegates play a key role in discussing the NZRDA with and recruiting non-members—new employees, students, those who are not members, and those wanting to switch unions—by highlighting the benefits of being part of our strong collective.

You provide support and advice to members and, when appropriate, get involved with representing them locally.



This is all done with training and support from the team and your National Executive as needed. There are two formal in-person training events each year:

- **Delegates Training**
A three-day training event, followed by the AGM, usually held in March.
- **Delegates Day**
A one-day training event in Auckland in September.

All delegates are encouraged to attend these events, but we especially encourage our new delegates to register.

Your leave to attend is covered by Employee Representative Education Leave (EREL), which is separate from your other leave entitlements, and the cost of your transport, accommodation, and meals are also covered.



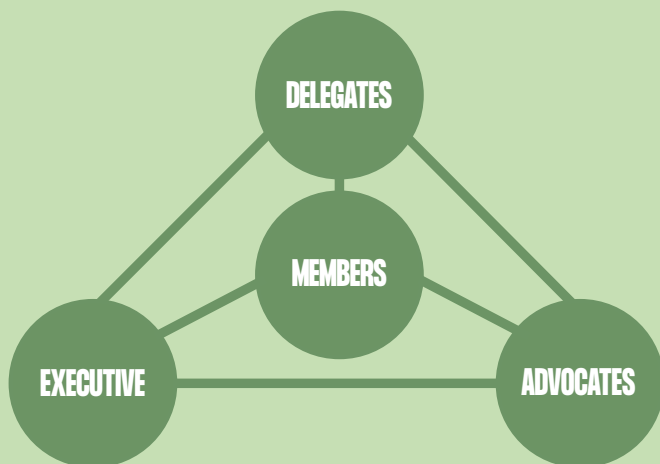
STRUCTURE OF THE NZRDA

Members: Membership consists of resident doctors—including house officers and registrars employed by Te Whatu Ora, the RNZCGP, the University of Otago, private health providers (such as GP practices and public health placements); clinical students at Otago or Auckland, and Trainee Interns can also join. The majority of resident doctors in New Zealand are NZRDA members.

Delegates: Any member can request to become a delegate. We have delegates in every hospital in New Zealand, dental services and general practices, and they are often the first point of contact for members.

National Executive: The executive is made up of elected representatives—including regional and community representatives, as well as the President, Vice President, Treasurer, and National Secretary.

Advocates: Advocates provide support to delegates and members at the national level.





RIGHTS AS A DELEGATE

You have a number of rights and protections as a delegate, including:

- Meeting with members in paid time to **discuss issues**, individually or collectively.
- **Holding stop work meetings**, where work stops while the meeting takes place. The employer must take steps to facilitate this. Stop-work meetings are triggered by advocates, so contact them if you would like a meeting to be held.
- Using other communication mechanisms to **consult and communicate with members**. Be aware of any employer policies around the use of email addresses or contact information—reach out to an advocate if you're unsure.
- Meeting **with non-members** to discuss membership.
- **Representing members** and their views (as opposed to your personal views) to management, individually and collectively.
- Taking time to **seek advice** and receive support from NZRDA.
- Being **free from discrimination** for your role as a representative.
- Being **recognised and respected** as an integral part of NZRDA's role in representing resident doctors.
- **Speaking to the media** in your role as a delegate.
- **Accessing EREL** (Employment Relations Education Leave) for delegate training and other paid time to undertake the duties of your role. NZRDA notifies the employer when EREL is being used, so contact an advocate.
- Recognition of NZRDA's role to **maintain, train, and develop delegates** with employer support.



MEMBERSHIP

Recruitment is a key part in maintaining the strength of the union and is a vital component of the delegate's role. The best way to recruit is by having face-to-face conversations with prospective members about what it is we do, and why being a member is important.

Anyone who is not a member of a union can join and be covered by our terms and conditions at any time. However, like an insurance policy, we may not be able to provide in-depth support with complex issues if the person was not a member at the time the issue occurred or started being dealt with. Therefore, it's important to join before help is needed.

Someone who is a member of another union can become a member of the NZRDA at any time, but will only be covered by our terms and conditions once their current collective agreement is up for negotiation (60 days prior to its expiry).

If they join the NZRDA prior to this time, they will receive all other membership benefits, but their terms and conditions of employment will remain based on their previous collective agreement.

Engagement is an important part of recruitment, so as a delegate, you should look out for events for students or TIs where it would be appropriate to give a presentation. You will be supported with presentation material and merchandise supplied to you, and if desired, an experienced delegate can attend with you. House Officer teaching slots are also a great opportunity to discuss union membership.

The best way to recruit is by having face-to-face conversations with prospective members about what it is we do, and why being a member is so important.



Recruitment Resources

- **PowerPoint slide decks**
For presentations to students/TIs etc.
- **“Why join as a TI”**
An information sheet.
- **“When in Aotearoa”**
A letter to new doctors from overseas, who may not be aware of the background of the two unions.
- **STONZ comparison**
A document useful for IEAs, STONZ members, or IMGs who want to know the difference between the unions.



There are several resources available to assist you with recruitment. Please get in touch if you do not currently have access to them.

If there are specific resources that you think would be useful—let us know and we can look into making them.

If someone you are speaking to wants to join, they can do so on the website.

Make sure that new employees are aware that ticking the box on the active choice form or other paperwork when they start work, does not automatically make them a member—which is why it is so important that you speak to any new colleagues. Members need to register with us and pay their subscription fee to formally become a member.



NZRDA HISTORY

Exam Step

Iterations of the “Higher Qualifications Increment”, or “Exam Step”, as it is more commonly known, refers to moving up a salary step upon the completion of a higher qualification. These iterations have existed in every resident collective agreement contract for over 50 years.

It is a provision that recognises the huge amount of time and effort required to study for these important examinations, and the pause that is placed on a year or more of a resident doctor’s life, and their whānau’s, while they study for and sit these exams. The increase in pay recognises the added value that studying for these exams provides the healthcare system, in which these registrars then work.

During the 2024 round of negotiations, Te Whatu Ora tabled an offer which removed the Higher Qualifications Increment from our collective agreement.

STONZ had recently accepted an offer with this step also removed.

It was the RDA membership’s position that the removal of this step was unacceptable, and equivalent to a pay cut for resident doctors in the future. On this basis, members refused an offer that included this clawback from the collective agreement. This issue became one of the areas in the bargaining, which led to strike action to maintain it.

After five days of strike action, we successfully negotiated a settlement that included the retention of the Higher Qualifications Increment, upholding recognition of the significance of these examinations. Your collective agreement is now **the only** RMO collective agreement that maintains a salary step increase on passing these exams.

2/3 Agreement

From time to time the employer may seek to change a run or roster, to introduce a new run. To do so, they need to go through a process laid out in the collective agreement.

Clause 10.12 of the NZRDA collective agreement states that a “change will only proceed if 2/3rds of the affected RMOs who participate in the vote, vote in favour of the change”.

This means that the affected RMOs must engage, and 2/3rds vote in favour of the change.

The requirement to get an agreement of 2/3rds has been the subject of many challenges from the employer(s) in the past, with the most recent being the 2018 round of bargaining, when the employers attempted to change the wording of our clause to be 1/3rds disagreement in order to stop a change from proceeding.

Members recognised that the proposed changes to the clause would significantly weaken their position in preventing unfavourable changes from being implemented, as obtaining 2/3rds agreement was a threshold the employer had to meet. And so again, members refused this offer. This was one of the employer’s proposed changes that led to protracted negotiations

and eventual strike action. Notably, STONZ members agreed to the employer’s proposed wording in their collective agreement.

Meals

The provision of meals to RMOs whilst on shift in the hospital became a focus during the 1990s, when a number of districts decided to withdraw from providing food to resident doctors.

The provision of a meal by the employer was as a result of resident doctors not having a designated meal break and having to remain available to return to work when they do take a meal break. In order to ensure resident doctors did take a break and get a nutritional meal, the employer agreed to provide this.

As a result of the withdrawal of the meal, a significant legal process was undertaken. This took nearly a decade, with the outcome being in favour of the RDA position.

You might have noticed that there is no definition of a “meal”. What counts as a meal will vary from person to person, and over time. It is important that the meals are appropriate for cultural and specific dietary requirements and is the employer’s responsibility to ensure that these are provided.

Over time, there have been attempts to limit the value of the meals clause or change it to a specific allowance. However, these have not proceeded due to the collective value of this clause. While meals have become a normal part of RMO life, it is important to remember that they are not 'free,' and we have a duty to protect this clause.

Safer Hours

It has been well recognised in medical literature that **fatigue is linked to errors**. The RDA has fought for improved hours of work since it first came into existence, with the latest battle being in 2016. The RMOs in New Zealand decided through the bargaining process to put patient safety, as well as their own, at the forefront of their negotiations, and through a protracted bargaining process, **Schedule Ten** came into being.

This schedule limits the number of consecutive days that can be worked to ten, and nights to four.

These numbers were chosen as it was recognised that after day ten, errors with potential for patient harm increased. This was a significant shift in the doctors' rostering, with the primary focus on patient care.

Since Schedule Ten came into being, many rosters across the country that were not included in the initial high-risk list, have chosen to implement the Schedule 10 rostering rules, due to the recognised benefits to patient care, safety, and RMO wellbeing.

A vocal minority of RMOs raised concerns that limiting consecutive days of work might impact the speed of their progress through training. This was refuted by training colleges. However, they elected to form a second union; single issue union.

The employer supported the formation of this second union and division of RMOs collective bargaining power; by awarding them disproportionate salary increases to their hours worked. This dynamic has been reflected in ongoing challenges with bargaining, and RMOs having to make the decision between safety and pay.

This schedule limits the number of consecutive days that can be worked to ten, and nights to four.





MEMBERS IN DISTRESS

The role of a delegate includes being the contact for members when they have a query or issue they need support with. Sometimes these issues can be **personal** to the member concerned, and can include **fitness to practice, disciplinary action, health issues, or progression through training.**

You may also notice members who are struggling, who may benefit from support. If this is the case, you can approach them and offer support as a delegate, or suggest they get in touch with an advocate directly.

Below are some basic steps in providing support. Please let us know if you are getting involved in a situation like this, so that we can give you and the member support as needed.

Get the facts straight

A distressed member can often struggle to express all the details of an issue. It is important you do not feel pressured into responding or advising until

you have all the facts and have identified the central issue.

Take the time needed to get it in writing. You do not want to attend or have the member attend any meeting until you are confident you have all the relevant information and any guidance you may need as to how to support the member.

Obtain all the relevant documentation and always get a copy of any complaint or meeting invitation. If the complaint or invitation is about an individual member; ensure they get a copy of their personal file and/or patient notes if they are relevant.

Separate the event or situation from the emotions, and separate the facts from personality differences, prejudices and ill feelings. **What evidence is there in the documentation as to the real issues?**

Keep to specifics; don't allow the issue to become general or to stray into unrelated or historical matters.

Don't rely on verbal statements. Keep copies of all documentation, conversations and correspondence. Get into the habit of clarifying and confirming through the written word.

This gives you an **audit trail of events** which can be used in a formal process.

What kind of support is needed?

Different issues require different levels of support. You will need to consider whether a colleague, delegate, advocate, or health advice is appropriate.

Other support may include:

- Suggesting the member takes stress leave.
- Recommending the member sees their GP.
- Checking to see if the member has a family member or friend that can support them.
- EAP (Employee Assistance Programme) where the member receives confidential psychologist support.
- The member's indemnity provider may also have free psychological support they can access, or they can contact the office.

What next?

Having collected all the information and sorted any assistance needed, talk it through with an advocate from the office and then advise the member of the next steps. You may need to advise the member of the issues that have been identified with regard to their situation, the nature of the complaint, and the strength or weakness of the evidence. It is better to prepare them for bad news rather than to be overly optimistic.

If the issue relates to a particular event where the member did not perform to the required level, for example, there are a number of things an employer may do, such as commencing an investigation or disciplinary process.

This may involve appointing an investigator, meeting with all employees concerned or holding a meeting with parties involved. Whatever is decided, you need to **ensure the employer clearly sets out their intentions** to you and the member. If the issue is disciplinary in nature, even minor, ensure an RDA Advocate is aware of the matter, earlier rather than later.

Meetings

You may be called upon to attend a meeting in support of a member. If so, you are entitled to have:

- The agenda, in writing.
- Who will be present.
- Whether the meeting will be recorded, and whether you will have access to the records.
- An appropriate amount of time to consider, or get advice, beforehand.

During the meeting:

- Make sure the meeting stays on topic.
- Bring it back to specifics if necessary.
- Ask for facts to support any assertions made by the employer.
- Object if new issues are raised and then decide whether to let the meeting continue.
- Call an adjournment if you want to discuss something with your member, or if you feel that things are getting out of control. You do not have to respond immediately.

Keep your own records of events

Don't rely on the employer's version. Follow up on information you expected to receive, check for accuracy, and inform them of any alterations you want to make. Don't rely on verbal statements. Keep copies of all documentation, conversations, and correspondence relating to the event. **Get into the habit of clarifying and confirming through the written word.**

This gives you an audit trail of events which can be used in a formal process.

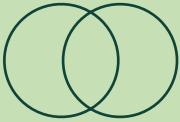
Audio/Video Recordings

All parties must agree (so you cannot make secret recordings) to a meeting being recorded. For the most part we challenge meetings being recorded, as transcripts do not provide context or tone, whereas notes can reflect more regarding the intent of any comments or responses to a question.

If the employer has requested the meeting be recorded, they need to say why and provide details of who will have access to the recordings or transcripts. If you agree to a meeting being recorded, be aware that transcripts often have errors or omissions which can change the context of what was actually said which is why it is important to take notes yourself.

Finally

If you have any questions, or you yourself need support or advice throughout this process about what to do next, then we're here to help. You may also, at the initial stages of the case feel that it's just too big to handle. That's okay too. If that happens, call us or encourage the member to call us. We're always available to take over and help.



NON-COMPLIANCE WITH THE COLLECTIVE AGREEMENT

One of the roles of a delegate is **identifying when breaches of the collective agreement are occurring**, and either try to address them, or pass them on to NZRDA to manage.

If you become aware of a breach of the collective agreement, this is a basic guideline as to what to do. At any point, you can let NZRDA know, and ask for advice and support, or ask for an advocate to manage the issue.

It is often helpful to C.C. NZRDA into your emails, as the issue may be one that has **come up multiple times before**, or an issue in **multiple places** and needs to be escalated, or an issue that **needs input from the advocates** at an early stage.

1. Identify who you will escalate this to.
2. Communicate with the relevant person about the issue. This could be:
 - a. The roster coordinator.
 - b. The service manager.
3. Be clear about what the issue is, what the contract says, and what the outcome should be.
 - a. Try not to get bogged down in the reasons 'why' or justifying the reasoning something should or shouldn't happen. It's much easier to focus on the fact that it is a contractual right.
4. Make sure that you get everything in writing, even if you are meeting in person.
5. Include time frames in any correspondence, and then make sure the employer sticks to these.
6. If you are not making progress, or having difficulty getting to a resolution, involve NZRDA.



HEALTH & SAFETY

The Health & Safety at Work Act 2015 (HSWA) is the overarching legislation for workplace health and safety. HSWA requires work related health and safety risks to be managed.

This means taking into consideration the potential for work-related health conditions as well as injuries that could occur. Health conditions can include both **physical** and **psychosocial**, **acute** or **long-term illness**.

HSWA shifts the focus from monitoring and recording health and safety incidents, to proactively identifying and managing risks.

NZRDA has health & safety representatives and a national committee if you wish to escalate any matters.

Employees must take *all practicable steps* to ensure their own safety while at work. This includes the use of suitable protective clothing and equipment provided by the employer.



Everyone is responsible.

- a. **BUSINESSES** have responsibility for the health and safety of their workers and any other workers that they influence or direct. They are also responsible for the health and safety of people at risk from the work of their business. Multiple businesses at the same location have overlapping duties and must work together to fulfil their duties of care under the HSWA.
- b. **OFFICERS** (company directors, partners, board members, chief executives) must do due diligence to make sure the business understands, and is meeting its health and safety responsibilities.
- c. **WORKERS** must take reasonable care for their own health and safety and ensure that their actions do not adversely affect the health and safety of others. They must also follow any reasonable health and safety instruction given to them by the business and cooperate with any reasonable business policy or procedure relating to health and safety in the workplace.

- d. **OTHER PEOPLE** who come into the workplace such as visitors, customers, and suppliers also have some health and safety duties to ensure that their actions do not adversely affect the health and safety of others.

PCBU and the Primary Duty of Care

A person conducting a business or undertaking (PCBU). It is a broad concept used throughout the HSWA to describe all types of modern working arrangements which we commonly refer to as businesses.

A business or undertaking must ensure so far as is reasonably practicable the health and safety of its workers and any other workers who are influenced or directed by the business. This is called the primary duty of care.

Duties of Workers

A worker is an individual who carries out work in any capacity for a business or undertaking.

This includes employees; contractors/sub-contractors; employees of labour hire companies; apprentices or trainees; people doing work experience or work trials; and volunteer workers (as defined in the Act).

While at work a worker must:

- Take all reasonable care for his or her own safety; and
- Take reasonable care that his or her acts or omissions do not adversely affect the health and safety of other persons; and
- Comply as far as the worker is reasonably able with any reasonable instruction that is given by the PCBU to allow the PCBU to comply with the Act and regulations; and
- Co-operate with any reasonable procedure or policy of the PCBU relating to health or safety at the workplace that has been notified to workers.

Duties of Other Persons at Workplace

A person at a workplace (whether or not the person has another duty under the Act) must:

- Take all reasonable care for his or her own safety; and
- Take reasonable care that his or her acts or omissions do not adversely affect the health and safety of other persons; and
- Comply as far as he or she is reasonably able with any reasonable instruction that is given by the PCBU to allow the PCBU to comply with the Act and regulations.

While there are RMO Health and Safety representatives, it is also the role of a delegate to identify any health and safety issues as above.



BARGAINING

‘Collective bargaining’ is the process of negotiation that occurs between the employer and NZRDA to decide on the minimum terms that will be included in a proposed collective employment agreement.



This bargaining process encompasses all aspects of an employment agreement—from salary, hours of work, and leave entitlements, to general health and safety in the workplace and working conditions.

Collective bargaining is crucial to the **formation** and **renewal** of collective employment agreements as it allows NZRDA advocates and elected delegates to raise issues on behalf of members and advocate for better terms and conditions in the workplace.

Delegates play a crucial role throughout the bargaining process, both at the planning and preparation stage right through to implementing the outcome once the contract is settled.

NZRDA ensures that the members affected by a proposed collective agreement are central to all decisions made. Prior to the collective bargaining process, NZRDA meets with, or canvases members, to gauge their priorities and concerns and determine the issues that will inform claims raised in bargaining.

Issues which have arisen over the term of the last agreement, or technical changes necessary will also be added to the list of claims. As a delegate you need to make sure that members are up to speed with what is being suggested as a claim, encouraging participation, and advising the bargaining team of what the member expectations are.

Claims are formal proposals put forward by NZRDA and the employer in the collective bargaining process which set out what each party wants to be included in the proposed collective agreement.

Claims relate to specific terms in the agreement, for example, a claim may be made for: an increase in pay, an increase in leave entitlements, or a right for employees to attend conferences.

Counter-claims are reformulations or responses to claims made by the other party, tabled after the original claim has been raised. Counter-claims are rare and may be raised by a party seeking to delay or disrupt a bargaining process.

Once the claims are finalised you should be familiar with them so that you can advise members on what the union is hoping to achieve through the negotiations. If you are not part of the bargaining team, you will be assigned a bargaining team member who will report to you as the process unfolds.

During their bargaining meetings which can be half a day, one day, or two days, NZRDA and the employer's bargaining teams meet in person to discuss claims and work through to a resolution.

Bargaining teams for employers will usually include a mix of HR, service managers and professional leaders. Union teams are a number of advocates and a representative group of delegates.

After each bargaining session, members will be updated on the progress via a newsletter. Meetings will be held in the workplace, by delegates, usually supported by a bargaining team participant, when necessary to have discussions about progress being made or issues as they arise.

The parties will continue to meet and work through the claims, and as they do, start recording agreements on claims. This document will then form an agreed set of terms which will change, and once each party is satisfied with this document, it will be the basis of a terms of settlement and new proposed collective agreement.

All parties have a legal obligation to act in good faith throughout the collective bargaining process. This means that they must genuinely consider each claim put forth and provide sufficient reasoning for any counterclaims, or refusals to accept the claim.



As bargaining progresses, either NZRDA or the employer may put forward an offer which either the other party accepts or puts forward a counteroffer to. An offer is a complete set of proposed terms and conditions of a collective agreement. The offer will include the term of the proposed collective agreement, (when it will expire), which cannot be longer than three years.

Formal offers may be put out to members to vote on either indicatively or in a ratification ballot. Again, you should make sure you are familiar with the offer so as to be able to advise members.

Once the bargaining process has concluded and NZRDA and the employer bargaining teams have agreed on the terms to be included in the collective agreement, they both sign a 'terms of settlement' agreement and finalise the new proposed collective agreement.

The **terms of settlement** is basically a summary of the changes in terms and conditions of the contract, as well as their effective dates. The terms of settlement may also include other agreements reached at the bargaining table, which will not go into the final proposed collective agreement, for example lump sum payments.

Before an offer for settlement can become a binding collective agreement, the affected employees must ratify the offer through NZRDA's ratification process of **secret ballot voting**.

The offer will include the term of the proposed collective agreement, which cannot be longer than three years.



Before voting begins all union members covered by the proposed agreement must be provided with a copy of the collective agreement they will be voting on.

NZRDA or delegates may also hold meetings with the affected members to further explain the terms and conditions to be included in the collective agreement, as well as answering any questions they may have.

NZRDA will then send an electronic secret ballot to be voted on by the members. The collective agreement is ratified if **50% + 1** of all affected members who vote, vote in favour of ratifying the agreement. After ratification the agreement will then be signed by representatives of both parties.

Once a collective agreement is ratified and signed, it comes into effect and the rights contained within the agreement are fully enforceable by NZRDA and the employer.

Any changes to remuneration will be applied by payroll from the effective dates and employer's may develop an implementation plan to ensure operational issues are resolved or modified by the new contract in a consistent manner.

Once a collective agreement is ratified and signed, it comes into effect and the rights contained within the agreement are fully enforceable by NZRDA and the employer.



FOR THE COMMON GOOD

CONTACT US - WE'RE HERE TO HELP!

09 526 0280
ask@nzsda.org.nz
www.nzsda.org.nz

