

April 2023 Primary Teachers' Collective Agreement 3rd Offer Frequently Asked Questions (Please note: this document was updated on May 8th in response to member queries)

1. Why have the National Executive and the bargaining team described the offer as “reasonable”?

It is the bargaining team and National Executive's role to look at the offer as a package and make a judgment call on whether an offer is worth taking to members. This offer is improved on previous ones and many claims have been addressed to some extent. The associated costs are significant. However, at the same time, some parts of the offer leave work to be done as claims have not been fully met. Whether the offer is *sufficient* for members to accept is up to them to decide.

There is no recommendation to either accept or reject the offer, that is up to members.

2. Why are we waiting to vote on the offer until 10 May?

While everyone will have an individual vote, the offer has implications for all of us in the teaching profession. So, it's important we talk to our colleagues about the offer and also about next steps. Because the offer was made in the term break, voting in a couple of weeks gives everyone the time to familiarise themselves with the offer and discuss the pros and cons with each other.

A vote to accept brings with it some conclusion, but also the challenge of how we achieve some of our unmet goals through other means, such as the mana taurite pay equity process.

A vote to reject would mean members need to consider what collective mahi would be needed in order to achieve a different outcome and what might be the impact on public support in your community of turning down the offer and taking further action. A key factor would be whether or not there is wide support and commitment from members to take further action together.

Another issue to consider for members leaning towards a 'reject' vote is the question of backpay to 1 December 2022. This remains a feature of the new offer but may become increasingly difficult to preserve the more time passes since the first Public Sector Pay Adjustment offer.

3. Unit values have increased in the offer from \$4000 to \$4500 - but why is there still not parity with secondary?

Your bargaining team knows how important this issue is to primary school teachers as it is symbolic of the systemic inequities between the different school sectors. The team strongly pushed this claim but the Ministry could only offer an increase - rather than full parity - in unit values as they stated they had reached the limit of what was financially viable given the significant overall cost of the offer. However, the Ministry did agree that if there are any further increases in area school and secondary teacher unit values, they would be matched for primary teachers to ensure primary teachers do not fall further behind.

4. The new sick leave provisions are significantly better than the minimum statutory entitlements under the Holidays Act. Is that correct?

Yes. The proposed sick leave provisions provide teachers with significantly enhanced entitlements over and above the statutory floor provided by the Holidays Act.

As an example, the maximum amount of sick leave an employee can accrue under the Holidays Act is only 20 days and once you reach this limit you do not accrue more sick leave. This is not the case with the sick leave offer made to primary teachers. Under the offer, a teacher will, in their first year of teaching, already accrue 40 days of sick leave – which is four times the amount they would receive under a straightforward application of the Holidays Act.

5. Why are the improvements to the staffing ratios so small and why did NZEI Te Riu Roa welcome the reductions?

Student-to-teacher ratios are not currently set out in the Collective Agreement but in legislation. This makes bargaining for improvements in ratios particularly challenging despite ratios being such a critical issue for members.

The improvements that were announced by the Government are a direct result of member action and member leaders' insistence that having a Ministerial Advisory Group on staffing without any concrete reductions in ratios would be insufficient to meet our claims.

Small as it is, the 1:29 to 1:28 reduction is the first improvement to ratios for years 4-8 since the current ratio was introduced in 1996. Changes to these ratios have been recommended since the early 2000s but have never been implemented. The Government's announcement therefore represents a small but important step in the right direction. This does not mean that the work on ratios is complete. However, the Ministerial Advisory Group provides a new vehicle through which we can advocate for more transformative change.

6. What about reliever claims?

The claim for an increase in the reliever cap has not been met in the offer. The lack of a movement in the cap is disappointing but consistent with the Ministry offer that was made to kindergarten teachers earlier this month. The new primary teacher offer states expressly that remuneration for relievers will be discussed in the reliever working group set up by the offer. This is a change from the previous offers.

The other change in the offer that will particularly impact relievers is the member-only lump sum payment as the new lump sum payment is payable in full to short term relievers (and part time teachers). It is NOT prorated based on days of short term relieving (or FTTE).

Whether the offer as a whole meets the needs of relievers is up to members to decide based on the total package that has been offered.

7. Why did we talk instead of taking more strike action?

Industrial action is an important way that we show our collective power as union members. Full day strikes are very effective but need to be strongly supported across membership. If used too frequently they could become prohibitively expensive for teachers and jeopardise public support.

The enormous industrial power primary school teachers have in causing disruption through industrial action is of course generally an advantage in collective bargaining. However, strikes in primary schools create significant disruption to families as parents are unlikely to be able to leave their children at home unsupervised.

The goal of industrial action should always be to bring negotiations to a successful conclusion. Where negotiations fail to achieve results, using industrial action is a legitimate way for members to create pressure on the government to improve their offer.

8. Why does the offer give non-members the opportunity to join NZEI TRR before the date of signing in order to be eligible for the member-only benefit?

Many of the teachers who are not yet members of NZEI Te Riu Roa are beginning teachers new to the profession, either this year or over the past couple of years during the COVID pandemic. It is important that they are encouraged to join their colleagues and contribute to education through union membership.

It is understandable that some members feel it is unfair that people who are not yet members should be able to join the union now to access a benefit that current union members went on strike to achieve. However, if we look to the future and want to build more power to win on the issues that are not resolved by the offer, it is absolutely crucial for the membership of NZEI Te Riu Roa primary teachers to keep growing.

9. Why the move to a 3-year term instead of a 2-year term?

One reason to consider a 3-year term is that increasing the duration of the agreement gives the government more ability to increase salaries beyond the Public Sector Pay Adjustment offer that is reflected in the rates for years 1&2.

There are some strategic reasons why a 3-year term may be worth considering as it would align negotiations with the General Election cycle. Election times are obviously times when politicians care the most about their public perception and this can be an advantage at the negotiation table.

We also anticipate substantial progress in the teachers' pay equity claim during the proposed term of the agreement – which means that we will be in the unique position of being able to have remuneration-related discussions with the Ministry before the term expires.

10. Annual Holidays changes - what does this mean?

There has not been any agreement to make any specific changes to the term breaks or the way teachers use annual leave.

However, the Ministry of Education wants to have a conversation with us about Holidays Act compliance and annual leave provisions for teachers. We are open to having this conversation as it is

important that Collective Agreements are legislatively compliant. However, the wording in the Terms of Settlement is essentially an agreement to discuss things and to ensure legislative compliance (which is obviously necessary anyway).

The bargaining team is acutely aware of the fact that annual leave provisions have not been brought up by our members as part of member claims and members can be assured that we would talk to the membership before being able to agree to specific changes on such an important topic. Similarly, we know that it will be important for members to preserve the integrity of the term breaks and neither the bargaining team nor the Ministry of Education has made any attempt to interfere with teachers' use of the term breaks in these negotiations.

11. What changes are being made to Kāhui Ako and why?

NZEI Te Riu Roa has consistently pushed for greater flexibility of the Kāhui Ako model, more equitable funding, and more resourcing driven by what schools actually need.

Although the primary teachers team did not make any claims in relation to Kāhui Ako, the Ministry's current offer to primary teachers gives schools more flexibility in using the Kāhui Ako "within school" role by creating KA allowances, thus spreading the resource to recognise a greater number of teachers.

Regarding the removal of inquiry time, members should note the following: The removal of inquiry time is a Ministry action that they notified us about during the course of negotiations. Because of the way inquiry time is provided to schools, it is not necessary for our team to agree to this action in order for the Ministry to implement it.

Inquiry time is not a feature of the Primary Teachers' Collective Agreement but it is instead a staffing allocation provided for in the Education (2023 School Staffing) Order 2022. For financial reasons, the Ministry of Education insisted that it is essential for them to disestablish inquiry time. To be clear, the idea to disestablish inquiry time has not come from NZEI TRR members, and the bargaining team would have preferred for inquiry time to remain.

However, since inquiry time was not a feature of the expired Collective Agreement in the first place, it was always going to be more vulnerable to change than staffing allocations that are guaranteed in the Collective Agreement. Ultimately, the bargaining team decided not to refuse to take the offer to members solely because of the Ministry's intention to cut inquiry time. However, members need to know about these plans to be able to make an informed choice on the offer as a whole.

12. How many days of sick leave will teachers get each year under the new model?

Teachers will get 20 days on their first appointment and then 10 days of sick leave every 6 months for their first 2.5 years of employment. Then, the sick leave accrual process slows to 10 days per year. However, accrual of sick leave under the offer is not limited like it is under the Holidays Act, so teachers will be able to keep accruing sick leave beyond the statutory maximum of 20 days. Primary teachers will also continue to be able to carry over sick leave from one job to the other. On translation, most teachers will get additional sick leave added to their balance. The ones that do not, will simply translate with their existing balance intact (or with 10 days if their balance is below this) to ensure no one is disadvantaged.

13. I am wondering why there has been no counteroffer regarding the SDA allowance? If the SDA allowance was in alignment with a unit, then this would also help with retention of RTLb and Rtlit.

Please be re-assured that the lack of an offer on the Special Duties Increment Allowance was not for a lack of asking. We have a specialist school teacher and an RTLb on the negotiation team who have both spoken about the importance of the SDA claim. Unfortunately, there is no offer on the SDA in the current offer. This is a Ministry offer and members need to make a call on the total package and whether the offer overall is good enough to be acceptable. In terms of Rtlits, it is unlikely that a straightforward increase in the SDA would help retain Rtlits given that they are not by default eligible for the SDA (unlike RTLbs). So, a straightforward increase to the SDA would not help Rtlits, unless the MOE also agreed to change the eligibility criteria (which is also something we had claimed for).

14. Am I correct in my understanding that the term of the agreement has changed? if so, what is the implications of this?

Yes, you are correct. The previous two PTCA offers were for a two- year term. The new offer is for a 3-year term. One reason to consider a 3-year term is that increasing the duration of the agreement gives the government more ability to increase salaries beyond the standard Public Sector Pay Adjustment offer that is reflected in the rates for years 1&2.

There are some strategic reasons why a 3-year term may be worth considering as it would align negotiations with the General Election cycle. Election times are obviously times when politicians care the most about their public perception and this can be an advantage at the negotiation table. We also anticipate substantial progress in the teachers' pay equity claim during the proposed term of the agreement – which means that we will likely be in the unique position of being able to have pay-related discussions with the Ministry before the term expires.

15. What is the Ministry's rationale for Secondary School Management Units being worth more than Primary School? I know some movement has been made but there is an obvious distinction in terms of equity between these two sectors. Why has this not been addressed by the MOE?

The bargaining team has pushed this issue very hard in bargaining until the very last day of negotiations. However, it became apparent that the current offer reflected the financial limits of what the MOE could offer based on their current mandate. It is up to members to factor the lack of parity in the unit values into the overall decision-making about the offer. Although we cannot discuss exactly what was said at the negotiation table, generally a lot of the arguments from the Ministry's side on issues like unit parity are less about fairness and more about what is financially feasible given the overall size of the offer. For our negotiation team, this is obviously different and we have made it clear that we see the difference in unit values as inequitable. The best result that could be achieved in this offer was the offer of creating a pathway to incrementally move towards parity by increasing the unit value by \$500 with a guarantee that any further increases to unit values negotiated in other CAs are also passed on to primary teachers. Whether this is good enough for now, is up to members to decide.

16. Has the overall size of the primary teachers' offer increased from last time?

Yes, it has. Whether the offer has increased enough to make it acceptable is up to members to decide.

17. If we reject the offer. What are our concrete next steps? As in how long it would be until we are actually able to vote on some action.

If you reject the offer, members will be able to have a say on what happens next very quickly. Plans are in place for this possibility- just like they are for the possibility that the offer is accepted. You will be advised of the result of the member vote and the implications of this after we find out the results.

18. The offer to pay to go from provisional to a full practising certificate for beginning teachers- will that also be backdated to last December like the pay?

No. It is for the 36 months term of the agreement only. It is not backdated.

19. Why is the per km reimbursement rate not linked to the IRD rate rather than being a specific amount?

Under the IRD model there are Tier 1 and Tier 2 mileage rates with the Tier 2 rate dropping very sharply. In light of this, when we developed member claims, resource teachers expressed that they would prefer an increase to the flat rate rather than getting into complicated arguments about kilometres travelled and why only the Tier 1 rate should be relevant. Claiming for an increase to the flat rate was not an unreasonable position to take strategically and the work member leaders have done in bargaining in pushing for this has finally paid off in this latest offer.

20. What can we as members do to support the negotiation team to have impact?

For now, the most important thing is to talk to your colleagues about the offer, discuss whether the offer meets your expectations and what the reaction from your colleagues and school communities would be about an acceptance or rejection of the offer. Also have a think about what action you would take if the offer was rejected. You should also talk to your non-member colleagues about joining NZEI TRR, because there is strength in numbers. It has been great to see the membership growing over this campaign, so it is important to keep this momentum. When voting on the offer opens, please encourage all of your colleagues to vote. After we know the result of the vote, we will let you know about next steps and ways you can make a difference.

21. Is there any extra release time for people who are on fixed term units?

Only the standard release time increases will apply to people holding fixed term units. To be eligible for the extra unit holders' release time that has been offered, your units need to be permanent. This restriction is in line with other teaching Collective Agreements in the school sector.

