



TEU

TERTIARY EDUCATION UNION
TE HAUTŪ KAHURANGI

Submission of

Te Hautū Kahurangi | Tertiary Education Union

to the

Governance and Administration Committee

on the

PUBLIC SERVICE LEGISLATION BILL

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1. Introduction

- 1.1. Te Hautū Kahurangi | Tertiary Education Union (TEU) welcomes this opportunity to respond to the Public Service Legislation Bill.
- 1.2. The TEU is the largest union and professional association representing almost 10,000 academic and general/allied staff in the tertiary education sector (in universities, institutes of technology/polytechnics, wānanga, private training establishments, and REAPs).
- 1.3. The TEU expresses its commitment to Te Tiriti o Waitangi by working to apply the values noted below in all our work and decision-making – with members and when engaging on broader issues within the tertiary sector and beyond – such as our response to this legislative Bill:

Tū kotahi, tū kaha: We are strong and unified; we are committed to actions which will leave no-one behind; we create spaces where all people can fully participate, are fairly represented, and that foster good relationships between people.

Ngā piki, ngā heke: We endure through good times and bad; we work to minimise our impact on the environment; we foster ahikā – the interrelationship of people and the land, including supporting tūrangawaewae – a place where each has the right to stand and belong.

Awhi atu, awhi mai: We take actions that seek to improve the lives of the most vulnerable; we give and receive, acknowledging that reciprocity is fundamental to strong and equitable relationships; and we work to advance approaches that ensure quality public tertiary education for all.

Tātou, tātou e: We reach our goals through our collective strength and shared sense of purpose, which are supported through participatory democratic decision-making processes and structures.

- 1.4. Our response to the Public Service Legislation Bill stems from our commitment to the values expressed above and our wish to see these enacted in the tertiary education sector and in our society and communities.

- 1.5. As such, we strongly support strengthening the Crown relationship with Māori through the structure of this new Public Service Act.
- 1.6. We also strongly support the intent to meet the needs of the public more effectively by strengthening the services that are available to them. In particular, we want to note that tauira/learners in the tertiary education system often have complex needs and are required to navigate complex spaces. In order to enable tauira/learners in their pursuit of education, a less fragmented public service sector is necessary and therefore welcomed.
- 1.7. The TEU is an affiliate of the Te Kauae Kaimahi | New Zealand Council of Trade Unions (CTU) and therefore strongly supports the CTU's submission on the Public Service Legislation Bill (which, in turn, supports the Public Service Association's submission) and the intent therein to better unify the state sector.
- 1.8. Following this, we also agree that further work is required in terms of some of the implementation and operational changes outlined in the Bill, as well as with regard to negotiation processes with unions representing workers and the workforce.

2. Relationship of Crown with Māori

- 2.1. Te Hautū Kahurangi actively acknowledges Te Tiriti o Waitangi as the foundation for the relationship between Māori and the Crown. We also acknowledge the significance of specific reference to Te Tiriti o Waitangi in the Education Act and the emergent discourse resulting from this. Finally, we acknowledge the responsibilities and actions that result from our nation's signing of the UN Declaration on the Rights of Indigenous Peoples.
- 2.2. Following the CTU, we agree with the purposes of the Act and support an amendment of Clause 3 to include a purpose which recognises the constitutional role of the public service and its relationship with Ministers and the public, including the role of the public service in supporting the Crown in its relationship with Māori under Te Tiriti o Waitangi.
- 2.3. We recommend that the select committee take full consideration of "[Matike Mai](#)" a report which provides crucial thinking around implementing a model for an inclusive Constitution for Aotearoa based on tikanga and kawa, He

Whakaputanga o te Rangatiratanga o Niu Tireni of 1835, Te Tiriti o Waitangi of 1840, and other indigenous human rights instruments which enjoy a wide degree of international recognition.

3. Public service workforce

- 3.1. Following the CTU, we agree that the state should be required to operate as an exemplary employer. This means that the employment standards for people providing public services involve wages and conditions of employment that allow them and their families to live in dignity and participate fully in society.
- 3.2. As such, the provisions outlined in subpart 4 must apply to not just public service employees, but to workers across all services funded by the people of Aotearoa.
- 3.3. Importantly, the Bill must include those who are self-employed and engaged through contracts for service or employees of contracted service providers, including labour hire companies and other employment agencies. This will diminish the incentive to contract out employment, which is an issue that is currently prevalent throughout the government and its agencies.
- 3.4. We recommend changes to the legislation to limit the use of fixed-term employment agreements and support the amendment proposed by the PSA/CTU relating to Clause 15 (Interpretation). This amendment would ensure that only staff truly appointed for political reasons would be employed under events-based employment. Ministerial staff termed as events-based staff and on fixed-term employment agreements should not be included in the interpretation of this Act.
- 3.5. We recognise that the government is a significant employer and funder of services that are female-dominated, and are therefore pleased that the Bill recognises pay equity is a major issue for state sector agencies, including the tertiary education sector.
- 3.6. The Gender Pay Principles developed in a tripartite process last year enable the public sector to give effect to real change on – and implement – pay equity. We strongly support having the new Gender Pay Principles included as part of the good employer requirement. These principles are:

- Freedom from bias and discrimination
- Transparency and accessibility
- Recognition of the relationship between paid and unpaid work
- Sustainability
- Participation and engagement

- 3.7. Similar to the CTU, we think that these principles point to the fact that recruitment, remuneration, leave, training and development, career progression, flexibility, part-time arrangements, and periods in and out of the workforce are all gender-related issues. Including these principles in the Public Service Legislation Bill could lead to pay equity being achieved.
- 3.8. We also agree that the Public Service Commissioner should have a strengthened role in the delivery of pay equity in the public service, and that the workforce policy statement is developed for the purpose of delivering on pay equity expectations.
- 3.9. The Bill will need to make changes based on the final version of the Equal Pay Amendment Bill.

4. People working in public services

- 4.1. For the public sector workforce to operate effectively, it is necessary that collaboration occurs between not only the State Services Commissioner and public service leaders, but also with unions which are the collective voice of workers.
- 4.2. Therefore, regarding the amendment of Clause 48, we agree with the CTU and support the establishment of a standing advisory committee, based on a tripartite model, which will require that the functions of the Commissioner will be implemented.
- 4.3. We support the proposal to have more unified conditions of employment and better portability across the public service workforce and greater clarity needs to be provided surrounding the complexities of these provisions.

5. Reinforcing the purpose of the public service

- 5.1. We endorse Clause 10(2) which instils acting with a spirit of service as a fundamental attribute of the public service.
- 5.2. Where principles and values are added to public service legislature, it is important to consider the implications these factors have on workers who are already heavily regulated by professional codes of ethics and conduct.
- 5.3. There is need to amend Clause 18 to clarify that its intent is to ensure that codes of integrity and conduct, and guidance issued by the Commission, support and uphold the professional obligations, codes, and standards of those working in public services in professional roles and/or with recognised areas of expertise.
- 5.4. Over the last few decades these codes have had a chilling effect in both the public sector and in spaces monitored by the public service such as community organisations contracted to provide services. This chilling effect has resulted in less questioning of the state and has impinged upon public debate. Such codes therefore are not are fully compatible with wider concepts of public service.
- 5.5. A new code should enable – rather than prevent – those working in the public sector to use their expertise and experience to raise concerns and engage in democratic activity to the fullest extent.
- 5.6. It is also crucial that the changes to the public service legislation protect the civil and political rights of public service workers. We support the PSA's recommendation of the development of a Charter of Rights and Freedoms to ensure that there is a very clear expression of the rights to democratic involvement, voice, and speaking out.

6. Public service agencies and joint operational arrangements

- 6.1. As noted in our opening, the fragmentation of the public service agencies which has been driven by decades of applying market principles to the public service is problematic for citizens.
- 6.2. We support the intent of the new organisational arrangements focused on cooperation and collaboration. But as the arrangements are largely untested – and because the consultation time on the Bill has been short – we strongly support monitoring and a review of the new Act within three years to determine

if it is improving the operation of the organisational arrangements and, if necessary, implement changes where needed. The Bill should include this as a requirement.