

TEU PROPOSAL: ON THE STRUCTURE AND FUNCTIONS OF NZIST'S STAFF COMMITTEE

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Introduction

The TEU membership has worked long and hard to ensure that the voice of staff is taken seriously in decision-making at all levels of the tertiary education sector.

We celebrate that the government has put into legislation the empowerment of staff in the newly created vocational education and training network. The question is now how to make this work with NZIST.

Using the legislation as the starting point, the TEU proposes how staff voice can contribute to the strategic decision-making of NZIST's Council and subsidiary boards.

Establishing the framework for staff committees

The Education Act states that the NZIST Council must consult the staff advisory committee of NZIST on “significant matters relating to its strategic direction that are relevant” to staff (Section 222L(3)(a)). It must consider that advice. It must also consider the advice given by the committee on any other matter – i.e. without being required to solicit that advice (Section 222L(3)(b)).

Together with NZIST staff we think that Council must establish a policy with regard to the remit that the national staff committee and campus-based committees will operate under.

Recommendation 1	Policy on staff committees
<ul style="list-style-type: none"> We recommend that NZIST Council establish a policy that requires it to consult the staff committee on all policy decisions relevant to staff as well as on matters of strategic direction – i.e. to actively use the staff committee as a sounding board on all decisions relating to or affecting staff. The staff committee should also be pro-active and initiate its own activity in these areas. 	

The NZIST Charter requires NZIST to “operate in a way that that allows it to empower students and staff on academic, non-academic, and well-being matters and matters relating to the organisation’s practices and services” (Schedule 22(4)(a)).

The staff advisory committee, then, may advise on:

- Those aspects of strategic direction and policy that are relevant to academic, non-academic, and well-being matters and matters relating to the organisation's practices and services;
- Any other matter relating to strategic direction and policy;
- Any other matter being considered by Council that the staff committee believes is relevant to or of interest to staff;
- It is also important to note that Council members, as 'officers' of a 'person conducting a business or undertaking,' have responsibilities for the health and safety of staff, regardless of the role of management in this respect. This is, therefore, also something they should be consulting the staff committee on (Health and Safety at Work Act [2015], S.44). Issues could include, for example, excessive workload, injurious performance management practices, or insecure working arrangements for staff;
- The Council must also consult with any other body it has established for the purpose of giving advice to it on a relevant policy – and any other body that must *give effect* to a relevant policy.

Establishing relationships with staff

Alongside the formal policy, there is a crucial need for the staff of NZIST to feel genuinely connected to the national staff committee which represents their expertise and experience at the highest level. We feel this is best done through a series of formal relationships.

Recommendation 2	Key relationships
<p>Bearing in mind the requirements of Section 4 of the Charter, the staff committee must be required to have productive relationships with:</p> <ul style="list-style-type: none"> • The national student committee • The national Māori committee • Tertiary Education Union, TIASA, and other staff unions • Paori Akoranga (NZIST's Academic Board) • Co-design groups current in NZIST and its subsidiaries • Subsidiary staff committees and other committees in subsidiaries 	

The national staff committee must also have the right to access data and evidence on academic, non-academic, and well-being matters and matters relating to the organisation's practices and services.

Membership of the national committee

According to the Act, membership of NZIST’s staff committee must consist of at least one representative from each of the regional divisions of NZIST (Section 222M). These regional divisions must be established for the purposes of appointing directors to subsidiary boards and for appointing members to the staff committee (Section 222F). Such regional divisions have already been established for the former purpose and have resulted in 15 divisions, with the boards of Whitireia and Weltec being combined. With regard to the NZIST staff committee, the requirement of one representative from each regional division is a minimum requirement – and a different regional division may be established for a different purpose. On this point, we have two recommendations. There is no clear preference from meetings held on this matter, so we offer both options for consideration.

Recommendation 3a	Membership based on regional divisions
<ul style="list-style-type: none"> • We propose that the country be divided into 6-7 regions for the purposes of electing members of the national staff committee. These regions could be determined on the basis of a broadly equal geographical distribution of institutions, on commonalities (e.g. more remote regional polytechnics, metropolitan polytechnics, etc.), on existing Māori electorates, or on some other basis. • That these regions then be used for electing two Māori staff members from each region (note: Māori members would also be able to stand and vote for a general or academic staff member of the national staff committee from their region). • One general and one academic staff member from each region. • And then six at-large, nation-wide positions representing: <ul style="list-style-type: none"> ○ two staff with five years or less experience in the network; ○ two staff with disabilities; and, ○ two Pasifika staff. • In addition, one academic and one general staff member from the respective members of staff of NZIST itself is elected. • All positions would be for two year terms, by the respective constituents. 	

Recommendation 3b	Membership determined by single transferrable vote
<ul style="list-style-type: none"> • We propose that there be a staff committee with 24 seats: <ul style="list-style-type: none"> ○ eight general staff members and eight academic staff members representing the 16 subsidiary companies. • In order to achieve both equity for the diverse workers in the NZIST network and to ensure we have one representative from each subsidiary, it is proposed that the Electoral Commission be engaged to design and run an STV election. 	

- The other eight positions will be:
 - four Māori members
 - one Pasifika member
 - one member from the disability sector
 - one member from the Rainbow community
 - one member from the international community
- The staff committee should be comprised of a minimum of 40% women members
 - Where the results of voting involve less than 40% women membership, there should be scope to co-opt two women members

TEU believes that managers of tier one or two should not be eligible for the national staff committee. The legislation may not allow such an exclusion from the national staff committee but Council may express a preference that the advisory board comprise only staff below this level, while it seems the legislation intends that all staff remain entitled to vote on membership of the committee. The basis for such a preference is that tier one or two managers have many other opportunities to have their views represented at Council and will often be present themselves at Council meetings, including in those parts of meetings from which the public is excluded.

Election of Chair and Deputy Chair

The national staff committee would elect their Chair and Deputy Chair. Note that one member – not necessarily the Chair – of the staff committee, elected by the committee, will be a fully fledged member of the NZIST Council. That member must be a permanent member of staff (whether part-time or full-time). Such a member may, like any other member of Council, be appointed by the Minister to be Chair or Deputy Chair of the NZIST Council (222G(1) & 222G(4)).

The voice of staff on fixed-term and casual appointments

The legislation limits the franchise of the staff committee to permanent members of staff, whether full-time or part-time. This raises the question of how fixed-term, part-time, and hourly-paid staff are to be adequately represented. This is especially the case given the high number of fixed-term, part-time, and hourly-paid appointments in the ITP sector, as well as independent contracts for services that may in reality be employment relationships. One initial step to address this situation would be that Council requests that all advice from the staff committee take account of the views of fixed-term, part-time, and hourly-paid staff and reflect the position of *all* staff. The staff committee would then need to establish mechanisms for gaining input from fixed-term, part-time, and hourly-

paid staff. That could draw on the advice of subsidiary staff committees, who should include fixed-term, part-time, and hourly-paid staff.

There is nothing to stop subsidiary staff committees from allowing fixed-term and casual staff to be represented – i.e. elected to them – on the same basis as permanent staff. That occurs in some existing staff committees (or staff councils) already. See below for more on subsidiary staff committees.

Empowering staff at all levels

The Act is explicit in requiring NZIST to empower staff on matters well-being, academic, and strategic. We think this is best done through a network of staff committees and collaborative design spaces. Below we outline the way this should operate.

Recommendation 4	Staff committees at the subsidiary level
<ul style="list-style-type: none"> • Below the national staff committee there should be an analogous structure at the level of each subsidiary polytechnic and in NZIST itself (except that fixed-term, part-time, and hourly-paid staff should be eligible for election to subsidiary level committees). Each subsidiary polytechnic should have a staff committee comprising at least seven academic and seven general staff members, each elected by staff in their respective constituencies. • A minimum of three additional positions in each category would be reserved for Māori staff with the same rules on their election applying as for the national committee, with Māori staff being able to vote for Māori and for other representatives. • Committees should be encouraged to structure their representation to have regard to other equity considerations. For example, at least three representatives in each category should be staff with less than five years experience in the sector. There should be representation from Pasifika and staff with physical challenges, with numbers exceeding 14 in total if necessary. NZIST itself (i.e. the head office that is expected to number about 80 staff when fully established) would also have a staff committee though likely with a smaller number of representatives. As noted above, subsidiary staff committees may be indifferent to the employment status of staff standing or voting. • Managers of tier one or two would not be eligible for subsidiary staff committees. • National staff representatives would fill two positions on subsidiary committees (and a Māori position, where applicable) <i>ex officio</i>. While they would owe their position on the local subsidiary committee to their 	

election at the national level they would have the same rights and duties as other members of the committee.

- We recommend that the role of the subsidiary staff committees be the same as that set out for the national committee. There would be the same advisory role *vis a vis* the subsidiary board as the national committee has with regard to the NZIST Council. The same key relationships would also obtain, including with the subsidiary's academic committee and the TEU and other staff unions.
- In the case of Whitireia and Weltec, and Unitec and MIT, two committees would be advising one board (or technically two boards in the latter case, with one set of board members). However, as an initial system this is viable. The committees may co-ordinate their advisory function as they see fit, but staff in subsidiaries should not have their right to representation compromised. With regard to the four polytechnics cited above there remain important differences in institutional culture and the experiences of staff that may need to be reflected in the work of their staff committees.

Effective communications

An essential element of ensuring staff empowerment is clear and effective communication across NZIST. Outlined below are our recommendations on this point.

Recommendation 5	Effective communications
<ul style="list-style-type: none"> • In order to facilitate effective communications between local and national level decision-making, we recommend an online portal through which it is possible for staff to submit questions, comments, and concerns • This portal could also be used as a way to disseminate the details and key issues of relevant meetings • The portal should be supported by a paid secretariat position • All reports to NZIST Council should take place during the portions of council meetings that are open to the public 	

Suggested timeline

Below is recommended timeline for the election process and establishment of the staff committee.

Recommendation 6	Suggested timeline
<ul style="list-style-type: none"> • October 2020: initial paper distributed to all staff for feedback • November 2020: feedback incorporated and presented to NZIST Council • February-March 2021: first election 	