

New Zealand general practitioners – self-employed contractors and sessional workers, or employees?



The Association of Salaried Medical Specialists is the union and professional association for salaried senior doctors and dentists in New Zealand, including General Practitioners.

For more than 25 years we have negotiated collective employment agreements (CEAs), including a national multi-employer collective agreement (the MECA) for hospital-based medical & dental specialists, and for groups of GPs and other senior doctors working in medical practices and health centres across the country. In recent years we have had many queries from doctors who are self-employed / contractors / sessional workers – even practice owners – asking, “can ASMS help us”?

Contractor versus employee

According to the RNZCGP 2018 salary survey about half of all GPs are “contractors or employees”.

ASMS membership is available to registered medical or dental practitioners, who are employed in New Zealand, and who hold a current practising certificate. If you are not sure about whether you can join ASMS, the key word is “employed.” If you are salaried, the answer is a clear, yes! If you are considered sessional or contracted, the answer is, perhaps... If you are a practice owner or locum, the answer is probably not.

In recent times the legal rules that help determine the difference between a contractor and an employee have become much clearer, and we believe there are many doctors who are providing services as contractors (under various descriptors) who meet the definition of an employee; and who are therefore entitled to the benefits and legal protections available to employees and, of course, to belong to ASMS.

The Employment Relations Act (ERA) sets out the terms by which a person’s employment status is determined. If you work regular hours, and have to apply for leave, you might reasonably be considered an “employee.” If that is the case, even if your employer does not agree with, you may be able to join ASMS, and we may be able to assist.

Benefits of employment compared to contracting

Employees receive guaranteed paid annual leave, paid statutory holidays, paid sick and bereavement leave (including for looking after dependents), superannuation, employment protection and the protection of the law when disputes or grievances arise. Many employed doctors and dentists also have contract provisions that provide time and allowances to support CME, and attendance at professional meetings. ASMS members have access to employment advice and advocacy from our industrial team; and, wherever possible, we will negotiate a collective employment agreement. If you are already employed, with an individual employment agreement (IEA) you are welcome to join ASMS.