

**IN THE EMPLOYMENT RELATIONS AUTHORITY
WELLINGTON OFFICE**

[2011] NZERA Wellington 159
5358852

BETWEEN Healthcare of New Zealand Limited (Applicant)

AND Capital & Coast District Health Board (First Respondent)
Access Homehealth Limited (Second Respondent)
Presbyterian Support Central (Third Respondent)
Public Service Association AND Beryl Barr (Forth
Respondents)

Member of Authority: James Crichton

Representatives: Megan Richards and Steve Wragg for Applicant
Hamish Kynaston and Joss Opie for the First Respondent
Rachael Brown for the Second and Third Respondents
and Peter Cranney for the Forth Respondents

Investigation Meeting: Wednesday 12 October 2011
Mezzanine Floor, Tower Building
50 Customhouse Quay, Wellington

Determination: Friday 14 October 2011

CONSENT DETERMINATION OF THE AUTHORITY

1. The applicant (Healthcare) applied to the Authority seeking inter alia urgent interim relief and citing the first respondent (the DHB), the second respondent (Access) and the third respondent (Presbyterian Support).

2. The parties cooperated to enable the Authority to hear this urgent application at short notice on 12 October 2011. During that fixture, a proposal was advanced the effect of which would have been to deal with the most urgent aspects of the matter before the Authority.

3. Since the fixture, the parties have continued to engage with each other and have now come to terms on the basis of that earlier proposal. The Authority has been asked to assist the parties by:

- a) making certain urgent orders by consent; AND
- b) continuing with the consideration of the balance of the application filed by Healthcare, in the usual way.

4. The parties, and their experienced counsel, are to be congratulated on their successful resolution of the urgent core of this employment relationship problem.

5. The Authority now makes the following orders by consent:
6. The parties each accept and agree that Part 6A (sub parts 1 and 2 and Schedule 1A) of the Employment Relations Act 2000 applies to each of the affected support workers.
7. The Authority will issue a compliance order requiring Healthcare to provide the following information to CCDHB no later than **Monday 17 October 2011**:
 - a) the name and contact details of the affected support workers; AND
 - b) the affected support workers' rosters (i.e. the support workers' clients allocations and daily schedules).

James Crichton

Member of the Employment Relations Authority