

**IN THE EMPLOYMENT RELATIONS AUTHORITY
AUCKLAND**

[2017] NZERA Auckland 396
3023240

BETWEEN THE NORTHERN
AMALGAMATED WORKERS
UNION INCORPORATED
Applicant

A N D ROTORUA DISTRICT
COUNCIL t/a ROTORUA
LAKES COUNCIL
Respondent

Member of Authority: Rachel Larmer

Representatives: Helen White, Counsel for Applicant
Richard Harrison, Counsel for Respondent

Investigation Meeting: 19 December 2017 at Rotorua

Date of Determination: 21 December 2017

**CONSENT DETERMINATION OF THE
EMPLOYMENT RELATIONS AUTHORITY**

[1] At the conclusion of the Authority's investigation meeting in Rotorua on 19 December 2017 the parties agreed that the Authority should issue the following consent orders:

- (a) The respondent is to supply information to the applicant by 22 December 2015 which shall include the Redevelopment report and an executive summary which will itemise issues to be addressed in the applicant's proposal including, but not limited to; cost savings/price, methodology and management systems, community benefit/local impact and sustainability, all four Wa Reports.
- (b) A Consultation Committee meeting shall be convened on 10 January 2017 at 1pm in the Governance 1 meeting room in the Civic Centre. The attendees to be the Chief Executive/Acting Chief Executive, employer representatives and job delegates and employee authorised

representatives in accordance with clause 37(c) of the Collective Agreement. The agenda shall include the following:

- (i) Alternative in-house proposal to outsourcing from staff;
 - (ii) Feedback and provision of additional information.
- (c) A second meeting of the Consultation Committee to be convened on 17 January 2018 at 1pm in the Governance 1 meeting room in the Civic Centre and the agenda to include:
- (i) Presentation of alternative in-house proposal to outsourcing from staff;
 - (ii) Feedback and engagement on the proposal.
- (d) A third Consultative Committee meeting to be convened on 19 January 2018 at 1pm in the Governance 1 meeting room in the Civic Centre and the agenda to include presentation of draft report prepared by Chief Executive/Acting Chief Executive for discussion and feedback.
- (e) 26 January 2018 applicant to forward any response to the draft report which will be finalised by the respondent for presentation to the Operations & Monitoring Committee who, in addition to the report, will receive the applicant's feedback and staff proposal.

[2] The parties will undertake this process in good faith and agree that no approaches will be made by the respondent to its employees asking them to elect whether they wish to transfer to CLM or take redundancy or seek redeployment before the Operations & Monitoring Committee has made a recommendation following its meeting on 01 February 2018.

[3] This obligation in paragraph 2 above does not prevent the respondent from responding to any employee who approaches the respondent for information about that employee's potential personal options should an outsourcing to CLM eventually proceed, provided that the employee has initiated the communication.

[4] The Operations & Monitoring Committee shall consider the report and staff proposal at its meeting on 01 February 2018 and decide whether to submit the staff proposal to the next Council meeting for consideration.

[5] No signing of any agreement with CLM will occur prior to 01 February 2018.

Rachel Larmer
Member of the Employment Relations Authority