

**IN THE EMPLOYMENT RELATIONS AUTHORITY
WELLINGTON**

[2018] NZERA Wellington 89
3038551

BETWEEN NEW ZEALAND TRAMWAYS
 AND PUBLIC PASSENGER
 TRANSPORT EMPLOYEES'
 UNION WELLINGTON BRANCH
 INCORORATED
 Applicant

AND TRANZURBAN HUTT VALLEY
 LIMITED and TRANZURBAN
 WELLINGTON LIMITED
 Respondents

Member of Authority: Michele Ryan

Representatives: Simon Meikle, Counsel for Applicant
 Daniel Vincent, Counsel for Respondents

Investigation Meeting 12 October 2018

Determination: 15 October 2018

**CONSENT DETERMINATION OF THE EMPLOYMENT RELATIONS
AUTHORITY**

[1] At the parties' request and with their consent, the terms that follow at [2] are orders of the Authority, and enforceable pursuant to s 137(1)(b) of the Employment Relations Act 2000.

[2] Under sections 20, 20A, and 21 of the Employment Relations Act, the applicant (the “Union”) and the Respondents (the “Employer”) agree:¹

Union Access

1. Before entering the workplace the Union will request and obtain the consent of the Employer. These requests will be made within 48 hours and at least 24 hours prior in writing and sent to hr@tranzurban .co.nz
2. The Employer will respond to the Union request no later than the working day after the date on which the request was received.
3. If the Employer does not respond to the request within 2 working days after the date on which the request was received the consent of the Employer will be treated as having been obtained.
4. If the Employer declines the request it must, no later than the working day after the date of the decision, give reasons in writing for that decision to the representative of the Union who made the request. Such a request must not be unreasonably withheld.

Time

5. The Union shall be entitled to access the Employer’s depots for two hours between the hours of 10.00am and 2.00pm.
6. In making the request for consent the Union shall advise the two hour period it wishes to visit for,
7. Such other times as explicitly agreed between the Union and Employer.

Place

8. The Union shall have access to the staff room and such other places as agreed.

¹ As recorded, in part, in a Memorandum of Understanding dated 21 September 2018 and, in part, a further agreement dated and signed between them on 12 October 2018.

9. The Employer shall be entitled, if it so chooses to escort the Union and its representative(s) to and from the staff room, but shall not otherwise remain with the representative(s).

[3] I congratulate the parties for resolving their differences in this matter.

Michele Ryan
Member of the Employment Relations Authority