

**IN THE EMPLOYMENT RELATIONS AUTHORITY  
AUCKLAND**

**I TE RATONGA AHUMANA TAIMAHI  
TĀMAKI MAKĀURAU ROHE**

[2020] NZERA 127  
3097372

BETWEEN	ASSOCIATION OF PROFESSIONALS AND EXECUTIVE EMPLOYEES INCORPORATED Applicant
AND	NEW ZEALAND BLOOD SERVICE First Respondent
AND	NINE DISTRICT HEALTH BOARDS [named in Schedule 1] Second to Tenth Respondents

Member of Authority: Andrew Dallas

Representatives: Abbey Trewavas, advocate for the Applicant  
Susan-Hornsby-Geluk, counsel for the Respondents

Investigation Meeting: On the papers

Date of Determination: 20 March 2020

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**DETERMINATION OF THE AUTHORITY**

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**Employment relationship problem**

[1] The Association of Professionals and Executive Employees Incorporated (APEX) represents a number of medical laboratory workers employed by the New Zealand Blood Service and Auckland District Health Board, Northland District Health Board, Waitemata District Health Board, Counties Manukau District Board, Waikato District Health Board, Taranaki District Health Board, Hawkes Bay District Health Board, Canterbury District Health Board and West Coast District Health Board (the DHBs).

[2] The parties are currently bargaining for the renewal of a multi-employer collective agreement (commonly known as a “MECA”) which expired on 6 September 2019. APEX’s statement of problem extensively detailed the protraction, and acrimony, including the industrial action in the form of strikes and bans (some of which are continuing), between the parties in respect of the bargaining. However, the statement of problem also disclosed the significant attempts by made the parties to resolve their bargaining dispute through mediation services.

[3] These difficulties are now significantly compounded by the notorious fact that Aotearoa, and the planet as a whole, is in the grip of the COVID-19 pandemic and these medical laboratory workers are essential to fight against a community outbreak of the virus.

[4] Sensibly, given the threat of COVID-19 to the community, New Zealand Blood Service and the DHBs supported APEX’s application for both urgency and facilitation.

[5] So then, upon the grant of urgency, and by consent, this matter was heard “on the papers” being the application for urgency, statement of problem and the statement in reply.

#### **The Authority’s view of the employment relationship problem**

[6] Regardless of the optics arising out of medical laboratory workers taking, industrial action in the face a global pandemic, it is clear that the bargaining between APEX, New Zealand Blood Service and the DHBs is significantly dysfunctional.

[7] The purpose of facilitation is to provide a process that enables parties to bargaining who are having serious difficulties in concluding a collective agreement to seek the assistance of the Authority in resolving those difficulties. The Authority can help the parties do this and, indeed, it should. The Authority has developed and deployed significant skills and experience in the successful resolution of a number of protracted bargaining disputes since being granted its facilitation jurisdiction in 2004.

[8] I am satisfied the grounds for facilitation set out in s 50(C)(i) of the Employment Relations Act 2000 are made out in all respects. Therefore, I refer the bargaining between APEX, New Zealand Blood Service and the DHBs to another Member of the Authority for facilitation.

**Next Steps**

[9] An Authority Officer will contact the parties to discuss preparation for an urgent facilitation in Auckland commencing without delay.

**Costs**

[10] There is no order for costs.

Andrew Dallas  
Chief of the Employment Relations Authority

## Schedule 1

**Auckland District Health Board  
Second Respondent**

**Northland District Health Board  
Third Respondent**

**Waitemata District Health Board  
Fourth Respondent**

**Counties Manukau District Board  
Fifth Respondent**

**Waikato District Health Board  
Sixth Respondent**

**Taranaki District Health Board  
Seventh Respondent**

**Hawkes Bay District Health Board  
Eighth Respondent**

**Canterbury District Health Board  
Ninth Respondent**

**West Coast District Health Board  
Tenth Respondent**