

**IN THE EMPLOYMENT RELATIONS AUTHORITY  
AUCKLAND**

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

[2022] NZERA 231  
3169965

BETWEEN

NEW ZEALAND  
PROFESSIONAL DRIVERS  
AND TRANSPORT  
EMPLOYEES ASSOCIATION  
INCORPORATED  
Applicant

AND

TRANSPORTATION  
AUCKLAND  
CORPORATION LIMITED  
Respondent

Member of Authority: Rowan Anderson

Representatives: Timothy Oldfield, counsel for the Applicant  
Andrew Caisley, counsel for the Respondent

Investigation Meeting: On the papers

Determination: 2 June 2022

---

**DETERMINATION OF THE AUTHORITY**

---

**Employment Relationship Problem**

[1] The New Zealand Professional Drivers and Transport Employees Association (PDU) initiated bargaining with Transportation Auckland Corporation Limited (TACL) on 15 October 2018. The PDU and TACL are engaged in bargaining and have not been able to conclude a collective agreement.

[2] The PDU made an application to the Authority for facilitated bargaining, lodged on 13 April 2022, based on the grounds set out in sections 50C(1)(b) and 50C(1)(c) of the Employment Relations Act 2000 (the Act).

[3] The parties have attended mediation on at least two occasions, including on 29 January 2021 and 17 May 2022. Additionally, TACL commenced a lockout of a number of the PDU's members on 16 January 2021. That lockout has not been lifted.

[4] The application made by the PDU is not opposed by TACL.

[5] The parties have agreed with the Authority that this matter could be determined "on the papers" and without the need for the provision of formal submissions and/or further information.

### **Findings**

[6] I have carefully considered the material before the Authority. I accept that the bargaining has been unduly protracted and that extensive efforts, including mediation, have failed to resolve it. I also accept that there has been, in the course of bargaining, a lockout that has been protracted. I am satisfied that the grounds for referral in ss 50C(1)(b) and 50C(1)(c) of the Act are made out. The referral to the Authority for facilitation is accepted.

### **Next Steps**

[7] The Authority will communicate with the parties as to the convening of a case management conference.

### **Costs**

[8] There is no order as to costs.

Rowan Anderson  
Member of the Employment Relations Authority