

**IN THE EMPLOYMENT RELATIONS AUTHORITY  
WELLINGTON**

**I TE RATONGA AHUMANA TAIMAHI  
TE WHANGANUI-Ā-TARA ROHE**

3216939

BETWEEN                      SECRETARY OF EDUCATION  
Applicant

AND                              POST PRIMARY  
TEACHERS' ASSOCIATION  
TE WEHENGARUA  
Respondent

Facilitators of Authority:    David G Beck and Alex Leulu

Representatives:              Mark Williamson, advocate for the Applicant  
Jo Brunskill, advocate for the Respondent

Date of Recommendation:    16 June 2023 at Wellington

---

**RECOMMENDATION OF THE AUTHORITY**

---

[1]     The applicant Secretary of Education is a party to the collective employment agreement in dispute and via the Ministry of Education (the Ministry), the agent responsible for negotiating terms and conditions of secondary school teachers who are represented by the Post Primary Teachers' Association Te Wehengarua (the union).

[2]     The parties have been bargaining for the renewal of the Secondary Teachers' Collective Employment Agreement (1 July 2019 to 30 June 2022) since May 2022. They have attended mediation and been directed to facilitation by an Authority determination of 19 April 2023.<sup>1</sup> Consequent bargaining facilitation assistance up to 16 June 2023 has left the parties unable to conclude matters. At this point the parties have agreed arbitration may be a potential way forward.

---

<sup>1</sup> *Secretary for Education v Post Primary Teachers' Association Te Wehengarua* [2023] NZERA 195

[3] Bargaining has now reached the point where pursuant to s 50H (1) the Employment Relations Act 2000 (the Act), the Authority has concluded it is necessary to issue a recommendation to assist the parties in concluding their collective employment agreement. For brevity and to protect the sanctity of bargaining I do not refer in detail to all respective positions of the parties or the reasons for each adopting such.

[4] This recommendation is public with immediate effect and will be placed on the Authority website within three working days. I make the following recommendation to aid progressing this matter by agreement.

### **Recommendation**

[5] A recommended way forward that I make pursuant to s 50H of the Act is that:

- a) The parties explore agreement on an arbitration process that may be conducted by the Employment Relations Authority as a dispute resolution mechanism.
- b) The Authority strongly urges the union to immediately suspend all current industrial action to explore the option of arbitration.

David G Beck  
Facilitator of the Authority

With Alex Leulu