

**IN THE EMPLOYMENT RELATIONS AUTHORITY  
AUCKLAND**

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

[2024] NZERA 742  
3343860

BETWEEN NEW ZEALAND PUBLIC SERVICE  
ASSOCIATION TE PUKENGA HERE  
TIKANGA MAHI INCORPORATED  
Applicant

AND VISIONWEST COMMUNITY TRUST  
Respondent

Member of Authority: Nicola Craig

Representatives: Jock Lawrie, counsel for the Applicant  
Paul Weaver and Sandra Hewlett, advocates for the  
Respondent

Investigation Meeting: On the papers

Determination: 13 December 2024

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**DETERMINATION OF THE AUTHORITY**

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**Employment relationship problem**

[1] New Zealand Public Service Association Te Pukenga Here Tikanga Mahi Incorporated (PSA) has lodged an application for reference to facilitation in respect of its collective bargaining with Visionwest Community Trust (Visionwest).

[2] Visionwest is a community organisation which offers social, health and other support services including in Auckland, Waikato, Bay of Plenty and Christchurch.

[3] In summary this is the background to the parties and their bargaining dispute:

- The PSA and Visionwest are parties to a collective agreement covering employees in home healthcare, community and supportive housing, community and huia mai services

- The now expired collective agreement's term was from 20 February 2023 to 30 September 2023
- Bargaining for a replacement collective agreement was initiated by the PSA on 29 August 2023
- Between December 2023 and October 2024, the parties engaged in bargaining on eight occasions, in some cases for consecutive days
- The PSA has held report back meetings with its members, including voting to on terms proposed by Visionwest
- The parties agreed to attend mediation provided by the Ministry of Business, Innovation and Employment in September 2024
- There has been some strike action
- The parties agree they are having serious difficulties in concluding their bargaining
- On 4 December 2024 the PSA applied to the Authority for reference to facilitated bargaining. The application was supported by an affidavit affirmed by its lead negotiator Christopher Ollington.

### **Application for facilitation**

[4] The PSA relies on the ground in s 50C(1)(b) of the Employment Relations Act 2000 (the Act) for referral – bargaining has been unduly protracted and extensive efforts, including mediation, have failed to resolve the difficulties precluding entry into a collective agreement.

[5] A case management conference was held. Visionwest advised it does not oppose the application for referral to facilitation and therefore does not need to respond to the affidavit filed by the PSA, parts of which are disputed.

### **Facilitation should be granted**

[6] I have fully considered the material placed before the Authority and find the ground set out in s 50C(1)(b) of the Act established. The parties' bargaining is protracted, having taken

up more than ten days, in addition to having discussions in mediation. There has also been considerable communication and correspondence between the parties seeking to progress bargaining. Resolution has not been reached.

[7] Consequently, it is appropriate to order that the parties now engage in facilitation to assist them in a pathway to settlement of a new collective agreement.

### **Next steps**

[8] The Authority will convene a case management conference with the parties as soon as possible to discuss arrangements for facilitation including its timing.

### **Costs**

[9] As this is an application for facilitation, there is no order for costs.

Nicola Craig  
Member of the Employment Relations Authority