

**IN THE EMPLOYMENT RELATIONS AUTHORITY
CHRISTCHURCH**

**I TE RATONGA AHUMANA TAIMAHI
OTAUTAHI ROHE**

[2025] NZERA748

3422264

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

AND ABLE CHARITABLE TRUST
Respondent

Member of Authority: David G Beck

Representatives: Caroline Mayston and Luke Manning, counsel for the
Applicant
Geoff Bevan and Isabella Aldrich counsel for the Respondent

Investigation Meeting: On the papers

Date of Determination: 19 November 2025

DETERMINATION OF THE AUTHORITY

Employment relationship problem

[1] This is an application for a referral to facilitation pursuant to s 50B Employment Relations Act 2000 (the Act) made by the New Zealand Public Service Association Te Pukenga Here Tikanga Mahi Incorporated (the PSA) in relation to stalled bargaining with Able Charitable Trust (ACT) pertaining to the renewal of an expired collective agreement (CA) covering care and support workers. The CA expired on 28 February 2021.

[2] This application was made by the PSA on 11 November 2025 and after a discussion with the parties by teleconference of 17 November, it was resolved the matter be given urgency and determined on the PSA's application and supplied

correspondence/documentation, as while not concurring with all the reasons for the delay, ACT did not oppose the referral and chose not to make submissions.

[3] The parties accept that the bargaining initiated by the PSA on 11 June 2024, has been unduly protracted, including recent mediation failing to resolve their differences. I observe the PSA despite inexplicably initiating bargaining late, say that in the period 8 July 2024 to 30 July 2025 they have met on seven occasions including mediation and on 31 July 2025 ACT has set out a summary of the outstanding issues requiring resolution. While this letter is a useful summary of the bargaining progress made it highlights a significant impasse for both parties but contains an assurance from ACT that they remain committed to concluding a collective agreement.

Assessment

[4] I have carefully considered the documentation provided and I have found that grounds are made out when assessing the presence of factors identified in s 50C(i)(b) of the Act, to refer the matter to facilitation, primarily the lengthy period since the collective agreement expired.

Finding

[5] In considering all the circumstances, I find that sufficient grounds under s 50C of the Employment Relations Act 2000 have been met and a reference to facilitation is granted.

Next steps

[6] The Authority Member appointed to undertake the facilitation will convene a teleconference with the parties as soon as practicable.

Costs

[7] There is no order for costs.

David G Beck
Member of the Employment Relations Authority