

Employment Relations Authority

Te Ratonga Ahumana Taimahi



COVID-19 UPDATE 17 August 2020

This update sets out arrangements the Employment Relations Authority (the Authority) has made to deal with applications and investigations while Covid-19 Alert restrictions are in place (the restrictions) across Aotearoa. It replaces an earlier update issued by the Authority on 8 June 2020.

In-person investigation meetings: For regions served by the Auckland office (Northland, Auckland, Waikato, King Country and Bay of Plenty), which is operating under Alert Level 3, in-person investigation meetings are postponed up to and including 26 August 2020. For regions served by the Wellington and Christchurch offices, which are operating under Alert Level 2, subject to health and safety, venue and travel considerations, in-person investigation meetings will continue. Where appropriate the Authority may continue investigations of some matters via teleconference, audio-visual link or by considering written evidence and written submissions only.

Health and safety requirements for in-person investigation meetings: The Authority is committed to keeping parties, representatives and witnesses safe during in-person investigation meetings. Specific guidance will be issued to parties and representatives in advance of investigation meetings. Parties and representatives are expected to co-operate with the Authority in respect of this guidance.

Adjourned investigation meetings and matters under direction: All postponed investigation meetings will be placed on the Authority prioritised wait-list. Parties and representatives will be contacted by the Authority when it is ready to proceed to investigate their matter.

Lodging new applications: Parties and representatives are encouraged to lodge new applications to the Authority online via <https://dispute.era.govt.nz> or as an attachment to an email. While Authority offices will be closed to the general public up to and including 26 August 2020, applications in Wellington and Christchurch may be lodged by post, courier or drop boxes located at office entry points. In Auckland, while Level 3 restrictions remain in place, applications may be lodged online only.

Contacting Authority offices: The Authority's administrative staff are available by email and telephone to deal with queries about matters. Email addresses are as follows. Auckland office: aucklandera@era.govt.nz. Wellington office: wellingtonera@era.govt.nz and Christchurch office: christchurchera@era.govt.nz. In all emails please include, where known, the seven-digit file number in the subject line as well as the parties' names.

Case management conferences: Authority Members will convene case management conferences by telephone with parties or their representatives to discuss arrangements for dealing with new applications.

Timetable directions: Unless the Authority has made some other direction, parties should continue to follow timetable directions already made to lodge witness statements and documents for investigation meetings that have been adjourned and other matters under direction.

Service of statements of problem: For regions served by the Auckland office (Northland, Auckland, Waikato, King Country and Bay of Plenty) postal and courier delivery to the addresses and registered offices of respondents cannot be relied on in the usual way to provide respondents with the opportunity to reply within 14 days. Instead Authority Officers will endeavour to contact respondents by telephone and email to advise them of the application and to arrange delivery of the statement of problem by email. Applicants and representatives are encouraged to ensure their applications include known details of phone numbers and email addresses for respondents. Where service cannot be arranged in this way, service will be deferred for completion once the restrictions are lifted. For all other regions, the Authority will continue to effect service of applications by email or courier delivery.

Affidavits for interim applications: During the restrictions people providing affidavits in support of applications for interim reinstatement or interim injunctions should ensure these are sworn before a solicitor, justice of the peace or court registrar. Where this is not possible, parties and representatives should contact the Authority. A procedure is in place to deal with such a circumstance.

Directions to mediation: Parties and representatives are expected to comply with any direction made by the Authority to mediation and to co-operate in taking part in mediation by whatever means the mediator decides is appropriate under s 147 of the Employment Relations Act 2000 (the Act).

Fees for applications: The fee for applications must still be paid during the restrictions. The relevant legislation does not permit the Authority to waive its fees. Any award of costs and expenses made to successful applicants may include reimbursement of those fees. Information about our fees is available at: www.era.govt.nz/forms-and-fees.

Timeframes for grievances: Parties and representatives are reminded that the statutory requirements for personal grievances to be raised within 90 days and to pursue a grievance within three years remain unchanged during the restrictions. Any exception to the 90-day rule would require an application under s 114(4) and s 115 of the Act.