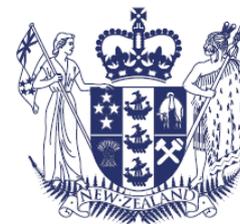


Employment Relations Authority

Te Ratonga Ahumana Taimahi



COVID-19 UPDATE 21 April 2020

This update sets out arrangements the Employment Relations Authority (the Authority) has made to deal with applications and investigations while Covid-19 Alert Level 3 and Level 4 restrictions are in place (the restrictions) and during transition from those restrictions. It replaces earlier updates issued by the Authority on 24 March 2020 and 3 April 2020.

Face-to-face investigations meetings are postponed: All investigations meetings notified for all dates up to and including 29 May 2020 that require physical attendance by parties, witnesses and representatives are postponed. Where possible and appropriate the Authority will continue investigations of some cases through use of telephone conference or audio-visual link or by considering written evidence and written submissions only.

Lodging new applications: Parties are encouraged to continue to lodge new applications to the Authority online via <https://dispute.era.govt.nz> or as an attachment to an email.

Contacting Authority offices: The Authority administrative staff remain available by email and telephone to deal with queries about applications. In Auckland, email aucklandera@era.govt.nz. In Wellington, email wellingtonera@era.govt.nz. In Christchurch, email 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 continue to hold case management conferences by telephone with parties or their representatives to discuss arrangements for dealing with both existing and 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 postponed. This will enable postponed investigations to continue more promptly once the restrictions are reduced sufficiently to allow new dates for face-to-face investigation meetings to be set. If there are difficulties meeting those directions, the parties or their representatives should contact the Authority so alternative arrangements can be made.

Service of statement of problems: During the restrictions 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.

Affirmation of witness statements for Authority investigations: Where investigations are continuing ‘on the papers’ or by telephone and audio-visual link, the Authority may have witnesses affirm any written witness statements by telephone or audio-visual link. In those circumstances, the witness will be asked to take an affirmation, confirm their identity and confirm the contents of their statement as true and correct.

Affirmation of affidavits for interim applications: During the restrictions people providing affidavits in support of applications for interim reinstatement or interim injunctions may not be able to follow the usual steps of having those affidavits sworn or affirmed in front of a solicitor, justice of the peace or court registrar. The Chief of the Authority has issued an instruction to Authority Members under s 166A of the Employment Relations Act (the Act) allowing them to vary the Authority’s usual procedure by, instead, arranging for the deponents to affirm affidavits and any necessary undertakings by telephone or audio-visual link. In those circumstances the Authority Member will ask such deponents to make an affirmation to confirm their identify and the contents of the affidavit.

Directions to mediation: Employment Mediation Services is providing mediation by telephone during the restrictions. Parties 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 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 this period. Any exception to the 90-day rule would require an application under s 114(4) and s 115 of the Act.