

STEP	ACTIVITY	TIMEFRAME
Initiation of Bargaining		
1	<p>Application to initiate bargaining for Fair Pay Agreement (FPA) made by Union to Chief Executive of MBIE (MBIE).</p> <p>Application must satisfy either the Public Interest Test or Representation Test.</p>	Anytime.
2	<p>MBIE makes decision on whether to approve or decline application to initiate FPA bargaining.</p>	<p>As soon as practicable (until 1 June 2023) OR Within 30 Working days (from 1 June 2023 onwards).</p>
3	<p>MBIE publicly notifies decision to approve application.</p>	<p>Within 5 working days of application decision (Step 2).</p>
Notification Process		
4	<p>Initiating Union must notify all employers and unions with employees covered by FPA bargaining and provide specified information.</p>	<p>Within 15 working days of Union being notified of MBIE decision.</p>
5	<p>A union that has members within the coverage of the proposed FPA must send a notice to each employer that is a party to a current collective agreement (CEA) with the union, if the CEA covers employees who are within coverage of the proposed FPA.</p>	<p>Within 15 working days of notification from Initiating Union (see Step 4).</p>
6	<p>Employer who receives notification from Initiating Union must use best endeavours to notify each union that has a member who is covered by the proposed FPA.</p>	<p>Within 15 working days of notification from Initiating Union (see Step 4).</p>
7	<p>Employer who receives notification from Initiating Union must notify each of its employees covered by proposed FPA, and provide specified information.</p>	<p>Within 30 working days of notification from Initiating Union (see Step 4).</p>
8	<p>Employer must provide contact details of employees covered by FPA bargaining to initiating union.</p>	<p>Between 20 and 30 working days of notification from Initiating Union (see Step 4).</p>

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STEP**ACTIVITY****TIMEFRAME****Formation of Bargaining Sides****9**

Employer Association may apply to be Employer Bargaining Party.

Any time between date MBIE approves application (**see Step 2**) and the earlier of:

- The date the FPA is concluded;
- The date a party applies for fixing by the Employment Relations Authority (where one bargaining side lacks representation); or
- The date Bargaining is discontinued.

10

MBIE is required to provide names of each bargaining party to other bargaining parties.

First working day three months after application approval date (**see Step 2**).

Employer and Employee Bargaining Sides deemed to be formed.

[Note if there is no Employer Bargaining Party, the Default Employer Bargaining Party will be given one month to decide whether to step into the bargaining. If the Default Employer Bargaining Party does not join the bargaining, the Employee Bargaining Side will be advised that they may apply directly to the Employment Relations Authority for the terms of the FPA to be fixed and will have three months to make any such application]

11

Each bargaining side must agree “Inter-party side agreement” and appoint lead bargaining advocate.

Within 20 working days of MBIE notification of bargaining parties (**see Step 10**).

Bargaining process**12**

Employee and Employer Bargaining Side to bargain for FPA.

Timeframes as agreed between parties, but subject to Bargaining Process Agreement between Bargaining Sides, and general obligation to agree terms in an “orderly, timely and efficient manner”.

Compliance Assessment**13**

Proposed FPA to be jointly submitted to Employment Relations Authority for Compliance Assessment.

When Bargaining Sides agree proposed FPA is complete.

14

ERA to issue decision on Compliance Assessment.

Within 20 working days of receipt of proposed FPA (**see Step 13**).

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Ratification

15

Employee and Employer Bargaining Sides must use best endeavours to notify all covered employees and employers that a ratification vote will soon be held.

Within 5 working days of ERA Compliance Assessment ([see Step 14](#)).

16

Individual Employers covered by the Bargaining must notify covered employees that a ratification vote will soon be held.

Within 15 working days of notification from Employer Bargaining Side ([see Step 15](#)).

17

Employers must provide contact details of covered employees to Employee Bargaining Side.

Within 10 working days of employer notification to employees of impending ratification vote ([see Step 16](#)).

18

Bargaining Sides must provide covered employees and employers with proposed FPA and plain language summary of agreement.

At least 5 working days before ratification vote ([see Steps 19 and 20](#)).

19

Employer ratification vote.

At least 10 working days after ERA Compliance Assessment ([see Step 14](#)).

20

Employee ratification vote.

At least 40 working days after ERA Compliance Assessment ([see Step 14](#)).

21

Notification of outcome of ratification vote to other bargaining side.

Within 5 working days of ratification vote ([see Steps 19 and 20](#)).

A

If ratification vote successful: Parties submit evidence of results of ratification vote to MBIE.

B

If first ratification vote and unsuccessful: Parties resume bargaining ([see Step 12](#)).

C

If second ratification vote and unsuccessful: Either party may apply to the Employment Relations Authority for FPA terms to be fixed.

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STEP**ACTIVITY****TIMEFRAME****Verification and validation****22**

MBIE to verify ratification of FPA.

Within 20 working days of receiving evidence of results of ratification vote (**see Step 21A**) or of the date further evidence is received from parties (if requested).

23

MBIE to check for overlapping coverage with another FPA. If overlapping coverage identified, bargaining sides will be advised and required to submit the proposed FPA to the Employment Relations Authority. The Authority will then determine whether there is overlapping coverage and if so, whether the proposed FPA is more favourable overall than the agreement it overlaps with.

Following verification of ratification (**see Step 22**).

24

MBIE issues notice validating FPA.

Following verification and checks for overlapping coverage (**see Steps 22 and 23**).

25

FPA comes into effect.

On later of the commencement date specified in FPA or in notice issued by MBIE (**see Step 24**).