



DOIA 1516-0842

4 March 2016

D Lohr

fyi-request-3489-7cd2da62@requests.fyi.org.nz

Dear D Lohr

Thank you for your email of 17 December 2015 requesting, under the Official Information Act 1982, information about the Employment Relations Authority (the Authority).

Each of your questions and my responses are provided below.

Firstly, I would like to clarify the role that Ministry of Business, Innovation and Employment (the Ministry) has in relation to the Authority. The Authority is an independent body set up under the Employment Relations Act 2000. The Ministry administers that Act, and accordingly, engages Ministry staff to provide administrative support to the Authority.

1. *When making an application to Employment Relations Authority, how long does it take before the first hearing, usually?*

For the calendar year 2015, the average time between the initial application to the Authority and the first hearing was 126 business days.

Some cases go through a mediation process before being returned to the Authority. If the matter does not settle in mediation and is referred back to the Authority, the Authority usually has a preliminary meeting to establish the process for the case before the first hearing. The 126 business days stated above included cases which went through mediation.

2. *Is it usual for a hearing to take more than 8 months, or before any action is taken?*

Please refer to my response to Question 1.

3. *What is the usual number of months or years before a case is "resolved?"*

I have interpreted the word 'resolve' to mean the date on which the Authority issues its decision (known as a 'determination').

For the calendar year 2015, the average time between the Authority receiving a case and the date of determination was 149 business days. Cases which were settled or withdrawn before the Authority issued a determination are not included in this figure.

As for my response to Question 1, the 149 business days includes cases which went to mediation. However it does not include the extra time taken in cases in which a determination was challenged and the case was referred to the Employment Court.

For the calendar year 2015, the average time from the first hearing to determination was 9 business days.

4. Please forward me a copy of your manual and procedure for staff who handle such cases.

I refer you to the following information on the Authority's website:

<http://era.govt.nz/steps-in-the-authority-process/>

The Ministry does not hold any other manuals or procedures for staff who handle Employment Relations Authority cases.

5. Please forward me an organizational chart listing the different job titles and current responsibilities of each job title, starting with the CEO and ending with "janitor" or "sanitation engineer."

There is no organisational chart for the Authority and related Ministry administrative staff. However, I can provide you with the information you seek in summary format. I refer you to the following page on the Authority's website. This lists the current members of the Authority:

<http://era.govt.nz/how-the-employment-relations-authority-can-help/how-the-authority-works/>

Members are independent and appointed by the Governor-General on the recommendation of the Minister for Workplace Relations and Safety. They are responsible for presiding over investigation meetings (hearings), investigating cases brought before the Authority, considering evidence presented at investigation meetings and issuing determinations.

In addition to deciding matters as a member of the Authority, the Chief of the Authority is responsible for making practicable arrangements to ensure members of the Authority discharge their functions to meet the objectives of the Employment Relations Act 2000.

As noted earlier, the Ministry provides administrative support to the Authority. This support is currently provided by a team which includes a Support Manager and 14 staff holding the following positions:

- Senior Authority Officer (3 positions)
- Authority Officer (10 positions)
- Administration Officer (1 position)

The Support Manager is responsible for the overall management of the Ministry staff in the three Authority offices in Auckland, Wellington and Christchurch.

There is a Senior Authority Officer in each office who is responsible for day to day issues in the office, and for training and supporting staff. They also manage some cases.

The Authority Officers are responsible for managing applications, sending and receiving any documents on the file, and making arrangements for hearings.

The Administration Officer is responsible for reception and phone duties as well as other administrative tasks within the Authority.

6. Please list the names and business contact information inside the same chart, for each person holding each position, starting with CEO, and ending with "janitor" or "sanitation engineer."

The names and contact information for the current members of the Authority are listed on the Authority's website as follows:

<http://era.govt.nz/how-the-employment-relations-authority-can-help/how-the-authority-works/>

<http://era.govt.nz/contact-us/>

I have decided to withhold the names and direct contact information of the administrative staff employed by the Ministry. This is to protect the privacy of those people, as provided for under section 9(2)(a) of the Official Information Act 1982. I do not consider that the withholding of this information is outweighed by the public interest considerations in making this information available.

7. Do Employment Relations claims usually take longer when they involve claims against a Crown entity?

I have decided to refuse this part of your request on the basis that the information requested is not held by the Ministry. This refusal is provided for under section 18(g) of the Official Information Act 1982. By way of explanation, while the data we hold allows us to relatively easily answer Questions 1 and 2, we would need to collate and analyse the data to create the statistics needed to answer Question 7. This means the information is not held.

I also note that we are not aware of anything which would mean applications involving Crown entities would take more or less time, on average, than other applications. Every case is different and factors which might impact on the management of one case could easily differ from those on another case.

You have the right to seek an investigation and review by the Ombudsman of my decision to withhold information in response to Questions 6 and to refuse Question 7. Information about how to make a complaint is available at www.ombudsman.parliament.nz or freephone 0800 802 602.

Yours sincerely



Ross van der Schyff
General Manager
Resolution Services