

New regulations amend the rules for lodging applications and provide forms about 'triangular employment' grievance applications

Amendments to the Employment Relations Authority Regulations 2000 have changed some rules for information on applications and documents and also provide forms for personal grievances involving triangular employment. The Employment Relations (Triangular Employment) Amendment Act 2019, in force from 28 June 2020, now allows for a controlling third party to be joined to personal grievance proceedings.

General changes

- › Parties are now required to lodge only one copy of an application, a statement in reply or an undertaking in relation to an application for interim reinstatement: regulations 5(2), 7(1), and 8(1).
- › Parties can now lodge documents through the Authority's website dispute.era.govt.nz or by posting or delivering the document to the appropriate Authority office.
- › Fax (facsimile) and document exchange are no longer acceptable addresses or methods for service: regulations 15(5) and 16(3)(b).
- › Applications and statements in reply must now include a full address, phone number, and email for each party as well as the address for service of the parties or any representative.
- › Forms and regulations about whether bargaining has concluded have been removed to reflect the repeal of s 50K of the Employment Relations Act 2000 (replaced regulation 9A).

Triangular employment personal grievance — application to join a controlling third party to resolve a personal grievance

- › An applicant or a respondent in a personal grievance proceeding may apply to have a controlling third party joined to the proceeding by lodging an application using the new Form 4: see regulation 9A and s 103B of the Employment Relations Act.
- › A third party may respond to the application to be joined as a controlling third party by lodging a statement in reply using the new Form 5: see regulation 8(1A) and (1B).
- › As with other applications, the Authority can commence investigation in a particular case whether or not a statement in reply has been lodged or the 14 day period for lodging a statement in reply has passed: regulation 9.

