



Application to initiate bargaining for a proposed Fair Pay Agreement

SECTION 30, FAIR PAY AGREEMENTS ACT 2022

The purpose of this form is to seek approval from the Ministry of Business, Innovation and Employment (MBIE) to initiate bargaining for a proposed Fair Pay Agreement.

How to submit this form and evidence:

Email the completed application form and evidence to fairpayagreements@mbie.govt.nz

Evidence checklist

Use the checklist below as a guide for the evidence required to submit this application:

- Union registered constitution document or rules
- If applying under either representation test – a spreadsheet containing details of covered employees who support this application
- If applying under 10% representation test – the total number of employees who will be within coverage and evidence of how the 10% was calculated
- If applying under public interest test - evidence that application meets criteria

1. Applicant union information

Name of union:

Union registration number *(optional)*:

New Zealand Business Number
(NZBN) *(optional)*:

Primary contact person

Name of primary contact person
for applicant union:

Role or capacity of primary
contact person:

Email address:

Phone number *(optional)*:

Contact number for union to
be published on MBIE website
(if different from number above)
(optional):

2. Eligibility to apply to initiate bargaining for a proposed Fair Pay Agreement

To be eligible to apply to initiate bargaining for a proposed Fair Pay Agreement, as per section 5(1) of the Fair Pay Agreements Act 2022, the applicant union must meet the definition of eligible union. To be an eligible union, it must have:

- › at least one member who is a covered employee (an employee who performs work that is within the coverage of the proposed Fair Pay Agreement); and
- › a constitution that enables the union to represent the collective interests of covered employees, whether or not the employees are union members.

Confirm the union's eligibility below:

- The applicant union is eligible to apply to initiate a Fair Pay Agreement by having at least one member who is a covered employee.

3. Summary of this application *(optional)*

Provide a high-level summary of this application below (you may like to include the intention of this application, what outcomes the initiating union would like to achieve, and who would be covered by the proposed Fair Pay Agreement).

PLEASE NOTE that any information provided here (and throughout this application) may be disclosed without notification in response to requests made under the Official Information Act 1982.

4. Coverage of proposed Fair Pay Agreement

Select which type of proposed Fair Pay Agreement this application is applying to initiate (tick one):

Industry-based Fair Pay Agreement
Please fill out section 4A and section 4B.

Occupation-based Fair Pay Agreement
Please fill out section 4B only.

Please ensure you describe coverage with sufficient clarity, so that all employees and employers can determine whether they are within coverage of the proposed Fair Pay Agreement. The Chief Executive may request additional information if your application is not sufficiently clear.

We have provided examples of how to fill out the below sections in Annex one at the back of this form.

4A. Description of industry

To complete this section, you will need to reference the relevant Australian and New Zealand Standard Industry Classification (ANZSIC) code and industry information, which we have provided examples for in the back of the form. For more guidance on how to find the relevant ANZSIC code, you can use the Ariā tool on the Stats NZ website, at aria.stats.govt.nz/aria/.

If you consider no ANZSIC code accurately describes the relevant industry(ies), please provide the following in the response table:

- › a detailed description of the nature of the industry and industry activities;
- › any codes you consider are close to the industry; and
- › an explanation of why the code(s) you have found do not accurately describe the industry.

Proposed industry coverage

Fill out the table below with your proposed industry coverage:

Description of industry and industry activities	ANZSIC code and title	Level of ANZSIC code

If you do not think you have the correct ANZSIC code, please fill out the following table:

Description of industry and industry activities	Any codes close to the industry)	If no ANZSIC code – indicate how industry differs from closest code

4B. Description of occupation

To complete this section, you will need to include the relevant Australian and New Zealand Standard Classification of Occupations (ANZSCO) code(s) and occupation information, which we have provided an example of at the back of the form. For more guidance on how to find the relevant ANZCO code, you can use the Ariā tool on the Stats NZ website, at aria.stats.govt.nz/aria/.

If you consider no ANZSCO code accurately describes the relevant occupation(s), please provide:

- › a detailed description of the nature of each occupation and main tasks or activities; and
- › any code(s) you consider are close to each occupation; and
- › an explanation of why the code(s) do not accurately describe each occupation.

NOTE: Some occupations may use different codes for junior or senior positions within the occupation – please include the relevant ANZSCO number.

Proposed occupation coverage

Fill out one row per occupation. If you need more space to fill out this section, there are extra tables in Annex two at the end of this form.

Description of work or type of work (Main tasks or activities)	Label of occupation (From ANZSCO register)	ANZSCO code and title (If no ANZSCO code, provide the closest code)	If no ANZSCO code – indicate how occupation differs from closest code

If there are occupations that fall under the ANZSCO code(s) provided above that are **not** intended to be within the proposed coverage, list these below:

5. Initiation test

Select which initiation test your application relies on (*tick one*):

- Representation test: support of at least 1,000 employees within the coverage of the proposed Fair Pay Agreement (*see section 5A*)
- Representation test: support of at least 10% of employees who would be within the coverage of the proposed Fair Pay Agreement (*see section 5A*)
- Public interest test (*see section 5B*)

This section requires evidence. See below what type of evidence you will need to provide with your application. This evidence must meet the requirements set out in sections 28, 29 and 31 of the Fair Pay Agreements Act 2022 (as applicable).

NOTE: Please make sure the employees who have provided support which is relied on in this application meet the definition of an employee as defined in section 6 of the Employment Relations Act 2000. Please do not include individuals who do not meet this definition, such as independent contractors.

5A. Representation test

If your application relies on the representation test (the support of at least 1,000 covered employees or at least 10% of covered employees), please provide a spreadsheet containing the following information and attach to the same email as the application form:

- › employee's full name
- › employer for each employee
- › occupation (as per employment agreement)
- › industry (*for industry-based Fair Pay Agreements only*)
- › date employee agreed to support application for initiation

This information cannot be more than 12 months' old from the date this application is submitted.

NOTE: From the list you provide, MBIE may randomly select a sample of employees to contact directly to verify their support of this application. If a selection is made, MBIE will contact you to provide contact information for the selected employees.

Employee name and surname	Employer name	Occupation	Industry (for industry-based Fair Pay Agreements only)	Date employee supported initiation

NOTE: Demonstrating that an employee who would be within the coverage of the proposed FPA is a member of the union that is initiating bargaining is not, of itself, sufficient evidence that the employee supports initiating bargaining for the proposed FPA.

If you are relying on the support of at least 10% of employees representation test, provide the **total** number of employees that are within the coverage of the proposed Fair Pay Agreement:

You also need to provide evidence on how the 10% was calculated. Please state this below or attach this to the email this application is attached to:

5B. Public interest test

If your application relies on the public interest test, the application must specify the requirements it relies on. **This must include low pay and at least one other requirement**, as per section 29 of the Fair Pay Agreements Act 2022.

We also require information on **how** this application satisfies these requirements, in accordance with the Fair Pay Agreements Regulations 2022.

Fill out the required information fields for the low pay requirement:

Low pay (Required)

To rely on this requirement, a prescribed portion of employees who would be within the proposed coverage receive low pay being that:

- › approximately (___%, **specify amount**) of employees receive a rate of pay that is equal or close to the minimum adult rate of wages prescribed under section 4 of the Minimum Wage Act 1983; and
- › approximately (___%, **specify amount**) of the employees receive a rate of pay that is close to, equal to, or higher than the median wage.

Please provide details on how the figures have been calculated. If more than one occupation is included, specify the numbers for each occupation:

Select at least one other requirement(s) this application relies on. For each ground specified, include the corresponding information requested.

Little bargaining power

To rely on this requirement, a prescribed portion of employees who would be within the proposed coverage have little bargaining power because:

- › approximately (___%, **specify amount**) of the employees are union members; or
- › approximately (___%, **specify amount**) of the employees are employed under a collective agreement.

Please provide details on how the figures have been calculated. If more than one occupation is included, specify the numbers for each occupation:

Lack of pay progression

To rely on this requirement, a prescribed portion of employees who would be within the proposed coverage experience a lack of pay progression because:

- › approximately (___%, **specify amount**) of the covered employees who have been employed in a role for a relatively long period receive a rate of wages that is, on average, no more than 20% above the rate of wages received by covered employees who have been recently appointed to the same role, despite:
 - a. having completed relevant training; or
 - b. having increased their relevant skills.

Please provide details on how the figures have been calculated. If more than one occupation is included, specify the numbers for each occupation:

Employees not adequately paid

To rely on this requirement, a prescribed portion of employees who would be within the proposed coverage are not adequately paid because:

- › at least (___%, **specify amount**) of employees:
 - a. regularly work more than 40 hours per week, with the majority of the hours being worked in night shifts, in split shifts, or during weekends; or
 - b. regularly receive total wages that are not, for each employee, the same each week or each fortnight (as applicable); or
 - c. are employed under a casual or fixed-term employment agreement.

Please provide details on how the figures have been calculated. If more than one occupation is included, specify the numbers for each occupation:

NOTE: MBIE's Chief Executive may require additional information or evidence if the Chief Executive considers the application does not contain enough information to decide whether to approve the application.

6. Privacy statement

Completing this application may require you to provide personal information of individuals. MBIE is committed to keeping that personal information safe. The Fair Pay Agreement privacy statement (www.employment.govt.nz/fair-pay-agreements/privacy) provides information on the collection, security and use of personal information in relation to our responsibilities under the Fair Pay Agreements Act 2022 and the Privacy Act 2020.

7. Signature

I understand that if the union I represent intentionally or recklessly provides inaccurate information as part of an application, it is liable to a penalty imposed by the Employment Relations Authority of up to \$40,000.

Signature of union representative:

Name of union representative:

Role/Capacity:

Date:

Annex one: Example

Section 4A: Proposed industry coverage

Proposed description of industry

Label	Code	Level of ANZSIC code
<i>Administrative and Support Services</i>	<i>N</i>	<i>Division</i>
<i>Building Cleaning, Pest Control, and Other Support Services</i>	<i>N73</i>	<i>Subdivision</i>
<i>Building Cleaning, Pest Control, and Gardening Services</i>	<i>N731</i>	<i>Group</i>
<i>Building and Other Industrial Cleaning Services</i>	<i>N731100</i>	<i>Class</i>

Example response for proposed industry coverage:

Description of industry and industry activities	ANZSIC code and title	Level of ANZSIC code
<i>Building Cleaning, Pest Control, and Gardening Services</i>	<i>N731</i>	<i>Group</i>
<i>Building and Other Industrial Cleaning Services</i>	<i>N731100</i>	<i>Class</i>

Section 4B: Proposed description of occupation

Example of an ANZSCO code:

Classification	Code	Occupation description
<i>Major group</i>	<i>3</i>	<i>Technicians and trades workers</i>
<i>Sub-major group</i>	<i>35</i>	<i>Food trades workers</i>
<i>Minor group</i>	<i>351</i>	<i>Food trades workers</i>
<i>Unit group</i>	<i>3511</i>	<i>Bakers and pastrycooks</i>
<i>Occupation</i>	<i>351111</i>	<i>Baker</i>

Example response:

Description of work or type of work (Main tasks or activities)	Label of occupation (From ANZSCO register)	ANZSCO code and title (If no ANZSCO code, provide any codes you consider to be close)	If no ANZSCO code – indicate how occupation differs from the code you consider to be close
<ul style="list-style-type: none"> › making bread, cakes, biscuits, pastries, pies and other flour products; › making handmade confectionery from mixtures of sugar, chocolate and other ingredients using hand tools and some machines; › combining measured ingredients in bowls of mixing, blending or cooking machinery; › checking the quality of raw materials to ensure that standards and specifications are met; › applying glazes, icings or other toppings to baked goods, using spatulas or brushes; › checking the cleanliness of equipment and operation of premises before production runs to ensure compliance with occupational health and safety regulations; › monitoring oven temperatures and product appearance to determine baking times; › coordinating the forming, loading, baking, unloading, de-panning and cooling of batches of bread, rolls, pastry and confectionary products. 	Baker	351111	

Annex two: extra tables**Proposed description of occupation**

Description of work or type of work (Main tasks or activities)	Label of occupation (From ANZSCO register)	ANZSCO code and title (If no ANZSCO code, provide any codes you consider to be close)	If no ANZSCO code – indicate how occupation differs from the code you consider to be close

Description of work or type of work (Main tasks or activities)	Label of occupation (From ANZSCO register)	ANZSCO code and title (If no ANZSCO code, provide any codes you consider to be close)	If no ANZSCO code – indicate how occupation differs from the code you consider to be close