



17 August 2022

Wattie Watson
National Secretary
New Zealand Professional Firefighters Union

secretary@nzpfu.org.nz

Dear Wattie,

NZPFU – FENZ Bargaining

As you are aware, mediation last week concluded with FENZ undertaking to cost and analyse NZPFU's counter-proposal tabled on 10 August 2022 and respond.

We have now had the opportunity to cost a reasonable number of the claims and consider the counter proposal and **attach** an estimate of the overall cost to FENZ of your revised position.

You will see from this document that the cost of the adjusted claims is approximately \$193,320,068 which although substantially less than the original claims, remains far in excess of the mandate that FENZ has to settle.

Given that the parties remain so far apart, and that FENZ is not in a position to further increase its offer, it appears that we have now exhausted the mediation process and are at an impasse.

In light of this, we believe that we are at the point where an application for facilitated bargaining should be made, as contemplated by the Employment Relations Act in situations such as this. We note in this regard that the grounds for seeking facilitation under the Act would almost certainly be met in this instance, specifically:

- a. The bargaining has been unduly protracted and extensive efforts have failed to resolve the difficulties (section 50C(i)(b)); and / or
- b. In the course of the bargaining there has been one or more strike and the strike has been protracted or acrimonious (section 50C(i)(c); and /or
- c. In the course of bargaining, a party has proposed a strike which, if it were to occur, would be likely to affect the public interest substantially (section 50C(i)(d)).

We now formally request that NZPFU agrees to support us in making a joint application for facilitation to the Authority on the grounds set out above. We believe that this is the right thing to do given that the parties have made their best endeavours but have been unable to resolve the bargaining themselves, and given our joint responsibility to endeavour to avoid any consequences that could harm our people and communities.

We also request that NZPFU lifts all current strike notices pending an application for facilitation being made to the Authority. In this regard, if the Authority accepts the reference to facilitation, the facilitation process can occur under urgency and should be the parties' focus.

Further, the reality is that if the Authority makes a recommendation in relation to the bargaining, this will be based on the merits of the parties' negotiating positions and will not be influenced by any strike action which may or may not be occurring.

We would appreciate your urgent consideration of these requests, and your response by **midday Thursday 18 August 2022**.

Yours sincerely

A handwritten signature in blue ink, appearing to read 'Chris Wells'.

Chris Wells
Chief Advisor Key Relationships
People Branch
Fire and Emergency New Zealand