



DELEGATION OF CERTAIN FUNCTIONS AND POWERS UNDER THE PUBLIC SERVICE ACT 2020

[CE position title]

[CE Agency name]

Part A

The Public Service Act 2020, section 78, gives the Public Service Commissioner (the Commissioner) the responsibility to negotiate under the Employment Relations Act 2000 all collective agreements that apply to employees of any department or interdepartmental venture of the Public Service. In accordance with section 80 of the Public Service Act, under clause 6 of schedule 3 of the Public Service Act, the Commissioner's functions and powers under section 78 of the Public Service Act to initiate and carry out good faith bargaining for, and to enter into, collective agreements applicable to employees of the <DEPARTMENT> are hereby delegated to the <ROLE, DEPARTMENT> (and persons acting in any such positions from time to time).

Conditions of this delegation

In accordance with subsection 80(2) this delegation is subject to the following conditions:

- a) You will negotiate in accordance with Government policy and expectations, and within any guidelines and parameters which the Government may set from time to time or any guidance I may issue.

Much of that policy and guidelines is set out in the Government Workforce Policy Statement on the Government's expectations for employment relations in the public sector together with my guidance on the operation of the Workforce Policy in respect of pay restraint.

The Workforce and Employment Relations team may, on my behalf, advise you of additional specific and relevant policy and guidance.

- b) You will consult with Te Kawa Mataaho Public Service Commission (Te Kawa Mataaho) on the preparation of any bargaining strategy.
- c) Your bargaining strategy requires approval from the Manager, Workforce and Employment Relations before you commence bargaining.
- d) I expect any bargaining strategy relating to collective agreements to include the following matters:

1 System goals and priorities

- 1.1 How you are contributing to the goals of the Government Workforce Policy Statement on the Government's expectations for employment relations in the public sector:
- i. Establish the Public Service as an exemplar to other employers in the public sector and beyond.
 - ii. Make the Public Service an exemplar of modern, progressive employment practice and a great place to work.

- iii. Have a productive, unified Public Service workforce grounded in a spirit of service to the community.
 - iv. Ensure these goals are achievable within the Government's fiscal settings.
- 1.2 How your priorities for bargaining align with the priorities of the Government Workforce Policy Statement.
 - 1.3 How your bargaining strategy is consistent with the operational guidance on pay.
 - 1.4 How your approach to bargaining contributes to greater consistency in pay and conditions across the Public Service.
 - 1.5 How you intend to collaborate with other departments in bargaining to advance the goals and priorities of the Government Workforce Policy Statement and manage risks and issues in bargaining.

2 Organisational context

- 2.1 Ensuring a clear line of sight from your business strategy to your workforce and employment relations strategies to your bargaining strategy.
- 2.2 Identification of any specific organisational issues that your bargaining strategy is seeking to address.

3 Objectives

- 3.1 Clear objectives and priorities with a rationale for how the objectives link to system and organisational strategies.
- 3.2 How the strategy contributes to exemplary engagement with unions and supports modern, progressive employment relations practice.

4 Parameters

- 4.1 Clear cost parameters within which bargaining will be conducted and robust costings of any proposed changes to pay and conditions.
- 4.2 How the parameters have taken account of the cost of all adjustments to pay and conditions including progression costs.
- 4.3 How the parameters have added to consistency of terms and conditions of employment within the Public Service.

5 Fiscal context

- 5.1 How your strategy reflects the Government's fiscal context
- 5.2 How you will manage costs within baselines and any indicated operating allowances.

6 Risk management

- 6.1 Clear identification and management of risks. For example, not achieving bargaining objectives, loss of capability, diminishing employee engagement, likelihood and impact of industrial action, protracted bargaining.
- 6.2 Strategic and tactical plans for achieving objectives and managing industrial risks.

- e) Your bargaining strategy requires approval from the Manager, Workforce and Employment Relations before you commence bargaining.
- f) You should make every effort to complete preparations for bargaining including obtaining this approval by the earliest date bargaining can commence, usually 60 days before expiry of a current collective agreement.
- g) You will consult with Te Kawa Mataaho during the course of negotiations and ensure any offer for settlement is approved by the Manager, Workforce and Employment Relations before you approve it being presented to the union.
- h) You will act in good faith in exercising any of these delegated powers.
- i) The <ROLE, DEPARTMENT> may not further delegate the power to enter into a collective agreement or without first obtaining my written approval to that delegation.
- j) Notwithstanding paragraph (h) above, the <ROLE, DEPARTMENT> may (under clause 6 of schedule 3 of the Public Service Act) further delegate to an appropriate employee the power to negotiate a collective agreement on behalf of the <ROLE>. This delegated employee should be present at all formal negotiations and have the authority to agree to a settlement, subject to your final sign off, and any expectations I have set. In order to comply with the good faith obligations under the Employment Relations Act 2000 (and, where relevant, section 32 of that Act), the role and authority of any such employee will need to be made very clear to the union(s).
- k) On a 'no surprises' basis, I expect early advice of any emerging employment relations issues that may have implications beyond your department.
- l) I expect early engagement and consultation on any matters outside of formal bargaining that have a material effect on pay and conditions of employment. This includes your approach to any annual remuneration review you undertake.

This delegation revokes Part A of the Delegation of Certain Functions and Powers Under the Public Service Act 2020 from the Commissioner to the <ROLE> dated 3 November 2020 and comes into effect immediately.

Dated: 15 June 2021

Peter Hughes (he/him)
Te Tumu Whakarae mō Te Kawa Mataaho
Public Service Commissioner | Head of Service