

NZEI TE RIU ROA

‘Lapsed agreement’ fact sheet for principals

On 20 December 2025, Support Staff in Schools Collective Agreement (SSSCA) and Kaiārahi i te Reo and Therapists' Collective Agreement (KRTCA) become ‘lapsed agreements’ (meaning the collective agreements lapsed 12 months ago, on 20 December 2024).

This fact sheet will help you understand what that means for principals and the NZEI Te Riu Roa support staff, kaiārahi i te reo, and therapists that work for you, including any on [fixed-term hours or roles](#).

1. What happens when a current collective agreement expires?

Every collective agreement has an expiry date and needs to be renegotiated or renewed by bargaining with the Secretary for Education. Once a collective agreement has been expired for 12 months, it becomes a ‘lapsed agreement’.

It's common practice for collective agreements to be negotiated after they lapse.

If the collective agreement reaches its expiry date before bargaining is finished, the terms and conditions of the expired agreement still apply to everyone who is a union member. In other words, their collective terms and conditions do not change.

2. What happens when a collective agreement becomes a ‘lapsed agreement’?

Bargaining with the Secretary for Education will continue, and many collective agreements are successfully renewed after they lapse, so there's no cause for panic.

Members covered by the collective agreement will automatically move onto an individual employment agreement that is the same as the collective agreement. This means the terms and conditions of the lapsed agreement still apply unless the member and the employer sign a **new** individual employment agreement.

Legally, once the collective agreement has lapsed, principals can offer SSSCA/KRTCA union members a new individual employment agreement with different terms and conditions than those in the lapsed collective agreement. That does not mean principals **must** do this – only that it's legal to do this if you choose.

If the employee doesn't sign a new individual agreement and remains a union member, they will automatically return to a collective agreement once a new offer is ratified, even if that happens months after the 'lapsed agreement' date.

3. Should I offer my support staff, kaiārahi i te reo or therapists an individual agreement?

Your union leadership urge you to show solidarity by **not** offering support staff, kaiārahi i te reo or therapists new individual agreements. There is no disadvantage to them remaining on their expired collective terms and conditions until a new collective agreement is ratified.

If you offer staff an individual agreement and they accept, you would need to re-code them into Ed-Pay under individual agreement conditions from their collective agreement conditions, then do it all over again to return them to collective agreement conditions once their new agreement is ratified.

However, if for any part of their hours your staff have a fixed-term agreement which is coming to an end, you may need to offer them a new one (see [fixed-term hours/roles](#) below).

4. Why is it important for staff to stay union members after the collective agreement lapses?

Your staff overwhelmingly voted to reject the Government's offers to settle their collective agreements. Remaining active union members helps them stay protected, together, and sends a message to the Government that they know they're worth the claims they've made.

They'll also still be able to access union membership benefits (support, advice, representation) and get to vote on any new collective agreement offers.

5. Why is bargaining taking so long?

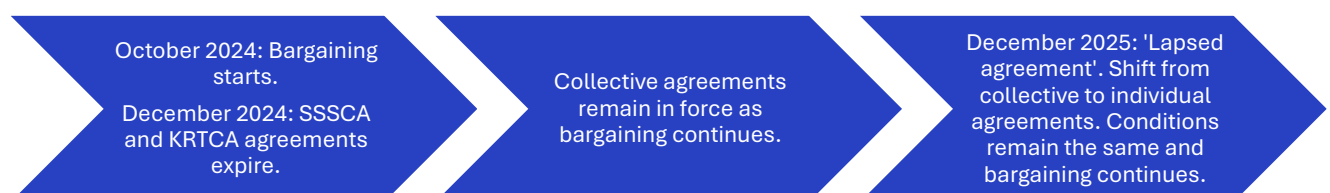
The support staff bargaining team started negotiations with the Ministry on the second working day legally possible and received three lacklustre offers that members overwhelmingly rejected.

6. Will my staff get backpay?

In 2024, [the Government announced they are against any form of backpay](#). To make up for this, the union bargaining teams are holding strong to their pay claim, which includes **a \$500 lump sum payment for union members only**. Support staff, kaiārahi i te reo and therapists have also claimed to have the government fund all their claims in the full settlements.

7. What if the Ministry contacts me about new individual agreements?

It is up to you as the employer, not the Ministry, to ensure your staff are on some form of employment agreement. There is no need to engage with the Ministry about new individual agreements.



Fixed-term hours/roles

1. What if my staff have hours on a fixed-term agreement?

Technically, principals (or direct reports) need all staff on fixed-term agreements to sign a new fixed-term agreement if:

- a. the fixed term is about to end; and
- b. you want to offer fixed-term hours again.

Legally, you need to give your staff a “reasonable opportunity” to review any new offer (fixed-term or permanent). You can get advice from your union by calling **0800 693 443** or emailing nzei@nzei.org.nz.

If you want to keep your staff terms and conditions the same, there are ways to comply with the law and show solidarity with your staff below.

2. What are my options if my staff are on fixed-term and I want to keep their conditions?

You can get advice from your union, or consider these other options:

- Make all or part of their fixed-term hours / role permanent. Offering as many permanent hours as you can means the terms and conditions will remain the same as the collective agreement; or
- Offer the same fixed-term hours / role with the same terms and conditions as their last fixed-term collective agreement. Dust off the old one, change the date, and offer it. This means you don't need to re-code your staff in Ed-Pay on individual terms.

NZEI Te Riu Roa will advise staff to sign a new fixed-term individual agreement (even if the terms and conditions are different) if they want to keep those hours / role and you're unable to agree to the options above. However, ***once they collectively ratify an offer on their collective, their terms and conditions will automatically shift back to their collective.***

