

# NZEI TE RIU ROA

## Support staff, kaiārahi i te reo and therapists – ‘lapsed agreement’ fact sheet

On 20 December 2025, the 2022 – 2024 Support Staff in Schools Collective Agreement (SSSCA) and Kaiārahi i te Reo and Therapists' Collective Agreement (KRTCA) become ‘lapsed agreements’ (meaning they expired 12 months ago, on 20 December 2024).

This fact sheet will help you understand what that means for you and what your rights are (spoiler alert: it’s nothing to panic about).

Note: *if you have any fixed-term hours or are in a fixed-term role, please read the [‘fixed-term hours/roles’ section below](#).*

### 1. What happens when your current collective agreement expires?

Every collective agreement expires and needs to be renegotiated by bargaining with the employer, who is the Secretary for Education, for your agreement. It’s common practice for collective agreements to be negotiated while they are expired.

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

Once a collective agreement has been expired for 12 months, it becomes a ‘lapsed agreement’.

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

Bargaining with the Secretary for Education will continue, and many collective agreements are successfully renewed after they lapse.

Members covered by the lapsed collective agreement will automatically move onto an individual employment agreement with the same terms and conditions of the lapsed agreement unless you sign a **new** individual employment agreement.

### 3. Why would I sign a new individual employment agreement?

When your collective agreement lapses, your employer can offer union members a new individual employment agreement with different terms and conditions than those in your expired collective agreement. This does not mean they **must** offer you a new individual agreement – only that it’s legal for them to do this if they choose.

If you remain a union member, you will automatically return to a collective agreement once a new offer is ratified, no matter how much time has passed since the 'lapse' date.

#### **4. Should I sign a new individual agreement once my collective agreement lapses?**

No, your bargaining team, and your union strongly advise against this. However, if you have a fixed-term agreement for part of your hours, ***you may need to sign one*** (see ['fixed-term hours/roles' below](#)).

#### **5. Why is it important to be a union member if my collective agreement is 'lapsed'?**

You and your colleagues overwhelmingly voted to stand together and reject the Government's offers to settle your collective agreement. By staying an active union member, you send a message to the government that you're worth the claims you've made.

You'll also keep the benefits of union membership (support, advice, representation) and get to vote on new collective agreement offers. ***As a union member, once a majority of you and your colleagues vote to ratify an offer, you will automatically be back on your collective agreement.***

#### **6. Why is bargaining taking so long?**

Bargaining is lengthy and complex, with several processes to go through; dates need to be agreed, and votes on offers prepared so you and your colleagues have time to understand them, discuss them together, and vote.

Your bargaining team has met with the Ministry representatives, with each other and with union members dozens of times since bargaining started in October 2024.

The delay after support staff and kaiārahi i te reo and therapists' June 2025 PUMs (paid union meetings) was due to the number of collective agreements the Ministry was negotiating and needing to agree dates for mediated bargaining.

#### **7. Will we get backpay?**

The [2024 Government Workforce Policy Statement](#) states that they are against any form of backpay. You and your colleagues claimed 5% on printed and paid wages and allowances for the first year, from date of ratification. To make up for this, ***your union bargaining team is firm about a \$500 lump sum payment for all union members only, regardless if you are part-time or full-time.***

#### **8. What if I accidentally signed a new agreement?**

Don't panic! As long as you remain an NZEI Te Riu Roa member, you will automatically return to your collective agreement once an offer is ratified. Speak to your worksite rep or contact your union for advice: **0800 693 443** (or [nzei@nzei.org.nz](mailto:nzei@nzei.org.nz)).

## Fixed-term hours/roles

### 1. What if I'm on a fixed-term agreement?

Legally, your principal (or direct report) will need you to sign a new fixed-term agreement if they decide to offer you fixed-term hours of work going forward. ***If you want to keep those hours or your role, your union strongly advises you to sign the new fixed-term agreement even if the terms and conditions are different.***

Your employer ***must*** provide you with a “reasonable opportunity” to review the new offer before you sign. Before signing anything, members should get advice from your union, by sending a scanned copy of the offer (letter and individual agreement) to [nzei@nzei.org.nz](mailto:nzei@nzei.org.nz).

### 2. What options are there if I'm on a fixed-term and don't want to sign an individual agreement?

You can get advice by calling 0800 693 443 or emailing [nzei@nzei.org.nz](mailto:nzei@nzei.org.nz). You can also ask your worksite rep to come with you to talk with your employer to propose alternatives, which may include:

- Requesting permanent fixed-term hours. Even if you can't get all of them made permanent, getting *some* (or more) permanent hours means those hours will have the same terms and conditions as your collective agreement; or
- Requesting a fixed-term agreement with the same terms and conditions as the last one. That will mean your terms and conditions will stay the same as the collective agreement.

Again, if your employer will not/cannot offer permanent hours and offers you an individual agreement with different terms and conditions, your union suggests you sign it anyway if you want to keep those hours/the role. ***Once any new offer is collectively ratified, your terms and conditions will automatically shift back to your collective if you remain a union member.***

***You can always ask for a support person or worksite rep to come with you if you feel pressured to sign an agreement. If you feel your hours/role should be permanent, you have the right to union support and advice to start a conversation with your employer.***