



Employment Relations Amendment Bill

Summary

Rights for employees

These modifications are largely roll-backs of the previous Government's changes which weakened employees' rights at work:

- **Restoration of statutory rest and meal breaks.** These will be subject to a very limited exception for workers in essential services who cannot be replaced (such as air traffic controllers).
- **Restriction of 90 day trial periods to SME** employers (less than 20 employees). This balances the insecurity of 90 day trials to workers against keeping barriers to hiring low for small businesses.
- **Reinstatement will be restored as the primary remedy to unfair dismissal.** This was infrequently used but recognises that in some circumstances the best outcome is for the employee to return to work.
- **Further protections for employees in the "vulnerable industries" (Part 6A).** These changes repeal the SME exemption from coverage, provide more time for employees to decide whether to transfer to a new employer, and provide greater safeguards on transfer of inaccurate information.

Collective bargaining and union rights

Most of these modifications are roll-backs of the previous Government's changes:

- **Restoration of the duty to conclude bargaining** unless there is a good reason not to. This is complemented by repeal of the process to have bargaining declared over.
- **Restoration of the earlier initiation timeframes** for unions in collective bargaining.
- **Removal of the MECA opt out** where employers can refuse to bargain for a multi-employer collective agreement.
- **Restoration of the 30 day rule** where for the first 30 days new employees must be employed under terms consistent with the collective agreement.
- **Repeal of partial strike pay deductions** where employers can garnish wages for low level industrial action. Employers have deducted pay for actions such as wearing t-shirts instead of uniforms.
- **Restoration of union access without prior employer consent.** Union access will still be subject to requirements to access at reasonable times, and places having regard to business continuity, health and safety.

New proposals are:

- **A requirement to include pay rates in collective agreements.** This is based on recent case law. Pay rates may include pay ranges or methods of calculation.
- **A requirement for employers to provide reasonable paid time for union delegates** to represent other workers (for example in collective bargaining)
- **A requirement for employers to pass on information about unions in the workplace to prospective employees** along with a form for the employee to indicate whether they want to be a member.
- **Greater protections against discrimination for union members** including an extension of the 12 month threshold to 18 months relating to discrimination based on union activities and new protections against discrimination on the basis of being a union member.