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Australasia Bus Conference 2018

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Damn good advice



Status of Employees and Enforcement of Minimum Rights



Status of Employees

- Government department (MBIE) and Employment Relations Authority have become a lot tougher on who can be considered a causal employee
 - “As and when required”
 - No clear test
- Labour/NZF government – want to move away from the “casualisation” of workforce



Employment Relations (Triangular Employment) Amendment Bill

- Introduced into Parliament on 1 February 2018
- New initiative aimed at addressing so called “*triangular*” or tripartite employment relationships
- Proposed that an employee may join, as a third party, to their personal grievance the organisation whose control they are working under but who is not their direct employer



Enforcement of Minimum Rights

- Government put more resources into Labour Inspector wing of MBIE to enforce minimum rights:
 - Minimum wage
 - Holidays Act 2003
- Immigration NZ
- “Burger King” Case



Employment Relations Amendment Bill 2018 – Increasing Union Powers



Statutory Meal and Rest Breaks

- Prescribed entitlements to
 - paid 10 minute rest breaks; and
 - unpaid 30 minute meal breaks
- Some employers will be exempt
 - “*essential services*”
 - compensatory measures



Collective Bargaining

- Restoration of the duty to *conclude* bargaining
- Repeal of the provisions that enable the ERA to determine bargaining has concluded
- Removal of the “*opt outs*” for MECAs
- Restoration of the *30-day rule*
- The requirement to include *pay rate and salary* details



Union Rights

- Restoration of the earlier initiation timeframes
- Repeal of partial strike pay deductions
- Increased union access and associated penalty
- Employer requirements to
 - pay Union delegates to represent other workers
 - give Unions information about new employees
 - provide new employees with information regarding the Union
- Greater protection against discrimination



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Fair Pay Agreements



Fair Pay Agreements

- Labour's workplace relations package promised the introduction of '*Fair Pay Agreements*' (FPAs)
- FPAs to be agreed between businesses within each industry and unions representing the workers
- FPAs to address following conditions
 - wages
 - allowance
 - weekend and night rates
 - hours of work
 - leave arrangements for employees



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Q&A



Note:

The material contained in this workshop is necessarily in summary form. It is not intended to be a comprehensive statement on the law as it applies to the above topics. Accordingly, you must not rely solely on this information without first seeking detailed legal advice



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