

## Employment Law update – New Year, New Law February 2015

### Employment Relations Act amendments

Changes to the Employment Relations Act 2000 regarding collective bargaining in particular were launched by the last National Government but then shelved in 2013 when National was unable to gain a majority to pass the changes due to the resignation of John Banks. With a National majority now in Parliament the Government has been able to make the changes, and the Employment Relations Act Amendment Act 2014 was passed last November.

The amendments will take effect on 6 March 2015, and include the following:

- There will no longer be an obligation on parties to collective bargaining to conclude a collective agreement during bargaining. A party to bargaining will be able to apply to the Employment Relations Authority for a determination that bargaining is concluded.
- The Bill removes the “30 day rule”. That is, employers will no longer be required to offer new employees the same terms and conditions of employment as contained in a collective agreement that would apply if the employee was a member of a union. They will still need to provide relevant employees with information about the collective, how to join the union, and a copy of the collective agreement.
- Most strikes and lockouts will now require advanced written notice, which must include the nature of the strike/lockout, whether it will be continuous, where and when it will begin, and when it will end.
- Employers will now be able to make deductions from the wages/salaries of employees who are partially on strike.
- Employers now have more flexibility with regard to rest and meal breaks. They will have to provide a compensatory measure if breaks are not to be provided in accordance with the legislation.
- Employers can no longer be required to bargain for a multi-employer collective agreement.
- In response to the Employment Court’s decision in the *Vice-Chancellor of Massey University v Wrigley* case, the good faith provisions of the Act have been amended to enable an employer proposing a decision likely to affect an employee’s continued employment to withhold confidential information in a wider range of circumstances. In particular, the employer will be able to withhold information where there is a mutual understanding (whether express or implied) of secrecy.

### **Health and safety reform**

Worksafe confirmed in December 2014 that the new Health and Safety Reform Bill is likely to be passed in about April 2015, coming into force late in the third quarter of the year. This is a significant piece of legislation and all businesses in New Zealand need to be conscious of the changes, and their importance for the business.

### **“Mondayisation” of ANZAC day**

This year ANZAC day falls on a Saturday, but employees who do not normally work that day will for the first time observe the holiday on the following Monday, 27 April. This follows changes to the Holidays Act 2003 which now essentially treat Waitangi and Anzac Days like Christmas Day, for the purposes of workers who work Monday to Friday.

If you would like more information regarding the above, or have any questions, please contact us.

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