

Business NZ recommendations to incoming Government: Employment Relations

Business requires changes to employment relations policies to allow for improved productivity, growth, flexibility and freedom in the workplace.

Rigid employment law is a competitive disadvantage, bringing higher costs and barriers to nimbleness. New Zealand businesses competing in the global marketplace should not be held back in comparison with competing businesses in many other countries.

Some aspects of employment relations, holidays, health & safety and KiwiSaver legislation impose overly rigid requirements on employers to the detriment of growth prospects, and require amendment.

National's policy commitment to introduce a 90-day trial period for new employees in small businesses is welcomed.

Business NZ recommendations:

Employment Relations Act

1. Legislate for the 90-day trial period for new employees in small businesses within the new Government's first 100 days.
2. Change the focus of the ERA from *productive workplace relationships* to *productive workplaces*
3. Remove provisions that promote third party interests ahead of employer/employee interests
4. Remove the preference for collective bargaining
5. Change the focus of Part 4 from recognition and operation of unions to a focus on the right of employees to be represented, consistent with the principles of freedom of association in Part 3
6. Remove the ability to force employers into multi-employer collective agreements through strike action

7. Remove the restriction on employers hiring replacement workers during a strike but prohibit the permanent replacement of striking employees
8. Provide for collective agreements past their expiry date to become individual agreements based on the expired collective, enhancing the likelihood that parties will settle before expiry
9. Ensure there is nothing to prevent employees not in collective agreements from receiving the same terms and conditions as those covered by collective agreements
10. Limit rights of access by union and other authorised employee representatives to occasions when both relevant employees and management are normally on site
11. Remove the statutory provision for union fee deduction
12. Remove the statutory provision for a bargaining fee
13. Transfer the administration of employment relations education to NZQA and require NZQA to moderate existing courses and reduce them to a core set of unit standards
14. Remove the requirement to seek leave to appeal to the Court of Appeal; allow appeals to be heard in the Court of Appeal on both fact and law; allow appeals to Supreme Court by leave on points of law only

Holidays Act

1. Amend the definition of relevant daily pay to standardise its value across every working day
2. Clarify of the ability to transfer listed public holidays in such a way that the difficulties of 24-hour a day/7-day a week operations can be addressed, by allowing for transfer to a non-specified day
3. Provide for employers to direct that employees who are owed alternative holidays must take those days in the sequence in which they were earned i.e. those to which employees have been entitled the longest must be taken before more recently acquired alternative days

Kiwisaver

1. Enable employers to choose their approach to employer contributions
2. Require employers who choose a total remuneration approach to be able to show that they have added the requisite contribution value to an employee's gross remuneration prior to the employee joining Kiwisaver

Health & Safety in Employment Act

1. Revise the definition of serious harm to ensure it is not triggered merely by the duration of absence from work.
2. Revise the Act so that an accident resulting solely from employee carelessness does not impose strict liability on the employer.
3. Clarify sections of the Act that imply health and safety are the responsibility of a safety officer or safety committee only, to ensure there is a culture of workplace safety among everyone in the workplace

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