

Government reaches consensus on employment law changes

November 30, 2018

Earlier this year, the Employment Relations Amendment Bill was introduced by the Labour Government.

As we noted in our previous update the Bill proposes to make many changes to the Employment Relations Act 2000, including:

- reinstating detailed requirements regarding statutory rest and meal breaks;
- restricting trial periods to businesses with fewer than 20 employees;
- restoring reinstatement as the primary remedy, by requiring the Employment Relations Authority to reinstate wherever practicable and reasonable; and
- strengthening many union rights during collective bargaining.

The Employment Relations Amendment Bill has now passed its second reading before Parliament.

No major changes appear to have come out of the reading, though some substantive aspects have been 'clarified'.

Currently, employers may opt out of bargaining over a collective agreement that involves more than one employer (known as multi-employer collective agreements, or 'MECAs'). The Government's announcement indicated that this 'opt out' ability is still set to be repealed by the bill, but the new legislation will no longer compel these employers to settle a MECA, only to bargain for one.

The proposed provision allowing union representatives the right to access workplaces without the consent of the employer has also been clarified. This access without permission is to only apply during a period of collective bargaining or where it is otherwise provided for in the applicable collective agreement.

The Bill will now move to the Committee of the whole House before it is subject to a third reading, before receiving Royal Assent and becoming law.

Stay tuned for further updates.

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