

Back to the future - Labour's plans for employment law

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With a new Government in power, there are a number of employment law changes on the horizon. Many of Labour's immediate plans are focused on unwinding and "correcting" changes made by the National Government over the past nine years. It did not appear that Labour had to sacrifice any of its workplace relations policies in coalition negotiations. Labour has however agreed with NZ First to a bigger increase to the minimum wage, which will gradually increase to \$20 per hour by April 2021.

Within Labour's first 100 days in office, it intends to restore:

- Reinstatement as the primary remedy for an unjustified dismissal claim
- Prescribed rest and meal breaks
- Protections for "vulnerable workers" in the sale or transfer of a business, which we assume means removing the exemption for businesses with 19 or fewer employees.

Unions will also benefit from unwinding of National amendments within the first 100 days, including by:

- Removing legislation that prevents film and television workers from bargaining collectively
- Restoring the ability of unions to initiate collective bargaining earlier than employers
- Restoring the requirement to conclude collective bargaining
- Restoring the obligation to employ new employees on the terms of an applicable collective employment agreement for the first 30 days of their employment
- Prohibiting partial wage deductions for partial strikes
- Restoring the rights of union representatives to visit workplaces.

Trial periods will also be given a makeover. An employer will have to provide reasons and justify a dismissal during a trial period. A new referee service for dealing with trial period dismissal disputes will be established. Other policies set to be enacted within the first 100 days include redrafting the Equal Pay legislation to give workers in female dominated workplaces access to collective bargaining and court processes to settle their claims and increasing paid parental leave (22 weeks by 2018 and 26 weeks by 2020).

Another policy that may seem familiar is the introduction of Fair Pay Agreements, which Labour anticipates will be introduced within its first 12 months in office. These will be industry-wide agreements setting minimum conditions for employees in specific industries, such as wages, allowances, weekend and night rates and hours of work. Critics of the policy have said this is reminiscent of the industrial awards of the 1970s but details have yet to be released.

Beyond these immediate plans, Labour has also indicated it will be looking at introducing minimum redundancy protection and increasing statutory protections for contractors, casual and seasonal workers.

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