



**National Council of
Women of New Zealand**
Te Kaunihera
Wahine O Aotearoa

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S05.55

**Submission to the Transport and Industrial Relations Committee
on the
Employment Relations (Flexible Working Hours) Amendment Bill**

The National Council of Women of New Zealand (NCWNZ) is an umbrella organization representing 40 nationally organized societies. It has 32 branches spread throughout the country attended by representatives of these societies. The Council's function is to serve women, the family and the community at local, national and international levels through research, study, discussion and action.

We appreciate the opportunity to tender a late submission to the Bill despite having only one week in December to gather information and opinions from selected members, both employers and employees, who were contacted directly.

NCWNZ policy in relation to the employment of women dates back to 1896 and has been reviewed and updated continually. Since 1997 our policy has been to promote the practice of job-sharing. In 1986 we urged the Minister of Labour and appropriate bodies that permanent part-time work be made available in all sectors of the workforce, and in 1995 NCWNZ adopted the principle of the family friendly workplace concept and to actively promote the benefits of flexible work environments to employers and their employees.

NCWNZ supports and encourages Parliament to uphold the Convention for the Elimination of all Forms of Discrimination against Women (CEDAW) noting in particular the relevance of Article 11 to this Amendment Bill.

NCWNZ supports the general intent of this Bill. However our organization is also mindful of the need to foster and maintain good working relationships between employers and employees and we do not support the punitive measure of Clause 161 subsection 4 (b) and 5 where the Employment Relations Authority be given the power to award compensation to be paid by the employer to the employee. We feel this would be deleterious to the continuing working relationship of both parties, and that the best solutions are where there is good will and a genuine attempt to meet the needs of both parties. The carrot works better than the stick. It is a tough call being an employer and we urge Parliament to be mindful that employers are already providing a service to the community in providing employment, a contribution to our GDP and often, to our export income. Employers should not be penalized by having to pay compensation for not agreeing to flexible working hours under any circumstances.

NCWNZ also notes that the Bill pertains only to employees who have full-time care of a child or children under 5 years, or a disabled child or children up to and including 18 years. While this is the bare minimum which should be covered, we would hope that both parties continue voluntarily past this minimum age once the considerable benefits of flexible working hours are established





and appreciated. Parents in paid employment with children at school also need flexibility in the workplace to cover times when a child is sick, needing to go to the dentist or doctor, or to be transported to after-school activities.

Research documented in the EEO Trust Newsletter Dec 2005, No 14 demonstrates clearly the desirability of flexible working hours and the success companies who already offer it, have enjoyed. NCWNZ members' personal experience endorses this, with examples of staff stability and loyalty, increased work output and reduced stress, resulting in happier children and better parenting too.

Clause 4 Interpretation

To amend Section 5 of the Principal Act by adding “flexible working hourssuch as job-shares, part-time work, and hours of work by arrangement...”

We suggest the inclusion of the option of “working at home” to this definition.

Clause 6 New sections 61A to 61C inserted

To add Section 61A (4)employee may not make a further application to the same employer before the end of 12 months....

NCWNZ would prefer this to be re-phrased to enable further applications, but to state that the employer is not obliged to consider any such further applications before the end of 12 months. We believe that although an employer might have to decline an application during a critical time of the year, for example, when crops have to be harvested, or export orders met, the employer may be receptive to a further application at a quieter time for the business, or if the employee is only 6 months into a job, and still not proven for reliability, after a few more months the employer may be willing to grant the later application without waiting a full 12 months from the first application.

Clause 7 Jurisdiction

To amend Section 161 (4) (b) ...an award of compensation to be paid by the employer to the employee...

NCWNZ strongly opposes this amendment and recommends that the Authority simply have the power to require the employer to reassess the employee's request for flexible working hours where the Authority considers that the employer's refusal has been unjustified stating the reasons why the Authority has ruled in favour of the employee.

NCWNZ is pleased to have been granted an opportunity to comment on this legislation.

Christine Low
National President

Liz Cruickshank
Convener, Employment Standing Committee