



**National Council of  
Women of New Zealand**

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Wahine O Aotearoa

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**Submission to the Transport and Industrial Relations Committee  
on the Employment Relations Amendment Bill**

On the day of writing this submission, National Council of Women of New Zealand (NCWNZ) is celebrating 110 years since it was founded. Over that long period, the organisation has fought to reduce the exploitation of workers, children and particular groups of disadvantaged employees. NCWNZ is an umbrella organisation representing 38 nationally organised societies. It has 32 branches spread throughout the country attended by representatives of these societies, and many individual members. 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.

NCWNZ supports this Employment Relations Amendment Bill which is designed to protect New Zealand's specified categories of employees in the catering, resthome residential care and cleaning sectors. Anecdotal evidence shows that these employees tend to be from lower socio-economic groups, Maori and Pacific Islanders, and migrants. Our membership agrees that such protections will help these groups with security in employment.

A disproportionate number of women work in the areas defined as vulnerable. NCWNZ has campaigned on such matters as the right of women to enter all trades and professions (1947), employment equity (1990), domestic workers (1935) and as recently as 2004 passed a remit supporting the implementation of regulations protecting children from work that threatens their health, education or well-being. In 1978, the organisation passed a remit 6.8.4 *in view of the impending reconsideration of I.L.O. conventions 89 on Night Work for Women and the need to amend the Factories Act to accommodate the principle of equal opportunity, NCW affirms its belief that protective legislation should apply equally to both men and women workers.*

NCWNZ supports, and encourages the Government to support, the convention for the Elimination of all Forms of Discrimination against Women (CEDAW) noting in particular the relevance of Article 11, which details the need to ensure that there is no discrimination against women in the field of employment. We are pleased to see that there is no gender discrimination in this Bill.

Nevertheless in our submission of 2004 on the original Employment Relations Bill **Clause 30 New part 6A** NCWNZ noted that "we are concerned that this section may be too restrictive for a prospective new employer". Feedback from our members and branches who have considered the current amendment bill shows that this concern has intensified.

**Clause 4 New Part 6A** Continuity of employment if employees' work affected by restructuring.  
69G Notice of right to make election, 69H Employee bargaining for alternative arrangements, 69I Employee may elect to transfer to new employer, 69J employment of employee who elects to transfer to new employer treated as continuous, through to and including 69O Authority may investigate bargaining and determine redundancy entitlements.



While NCWNZ approves the principle of protection for vulnerable workers a significant number of members were concerned about the expense arising from the conditions in these clauses. Many of our members pointed out that if an unstable business is put up for sale, transfer or subcontract, the cost of this new amendment will mean that the old business will be further devalued and no one will be interested in purchasing it. Therefore the very staff which the new law seeks to protect will lose their jobs.

Our branches are very aware of how difficult it is to legislate for social rights. One Branch noted that “at worst, this amendment could put a downwards pressure on wages that are even a little bit above the minimum. This is not the way to promote good faith bargaining”.

However despite these misgivings, NCWNZ does support the policy to provide better conditions for vulnerable workers who have traditionally had no security of employment or the benefits which all other workers enjoy – such as the right to payment for redundancy, paid parental leave, holiday and accumulated sick pay. NCWNZ concludes that this Bill supports these aims.

Christine Low  
National President

Elizabeth Cruickshank  
Convener, Employment Standing Committee