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S18.11

## **Submission to the Education and Workforce Committee on the Employment Relations Amendment Bill**

- 0.1. The National Council of Women of New Zealand, Te Kaunihera Wahine o Aotearoa (NCWNZ) is an umbrella group representing 245 organisations affiliated at either national level or to one of our 19 branches. In addition, about 350 people are individual members. Collectively our reach is over 350,000 with many of our membership organisations representing all genders. NCWNZ's vision is a gender equal New Zealand and research shows we will be better off socially and economically if we are gender equal. Through research, discussion and action, NCWNZ in partnership with others, seeks to realise its vision of gender equality because it is a basic human right. This submission has been prepared by the NCWNZ Employment Standing Committee and the Parliamentary Watch Committee, and is based on previous NCWNZ policy and submissions.
- 0.2. NCWNZ policy in relation to the employment of women dates back to 1896. That policy is continually reviewed through consultation with our members. We have always advocated for the rights of women and their families, and in particular, for those in low paid jobs who are vulnerable. NCWNZ supports the enactment of legislation that protects and promotes the rights of workers engaged in insecure employment [casual, temporary, fixed-term and zero-hour employment that can be characterised by low and/or fluctuating pay, uncertain duration, and with limited or no access to training, career progression and employment rights and benefits such as sick leave and holiday pay], including the right to collective bargaining. The majority of our members believe that women workers in particular are made vulnerable by such elements of insecure work.
- 0.3. We strongly support this Bill's stated purpose of restoring key minimum standards and protections for employees, and the introduction of greater fairness in the workplace to promote productive employment relationships.

### **1. Collective Bargaining and Unions – amendments in Part 1, Part 4 and Part 5**

- 1.1. NCWNZ encourages Governments to uphold the Convention for the Elimination of all Forms of Discrimination against Women (CEDAW). We note in particular, the relevance of CEDAW Article 11 to this Bill and New Zealand's obligations, as a State party to that Convention. The concluding observations of the Committee on the Elimination of Discrimination against Women (June 2012) following consideration of the New Zealand government's seventh periodic report to the Committee expressed concern about *'...the proposed legislative changes to collective bargaining, allowing*

*employers to hire new workers on lower individual terms even when a union-negotiated collective agreement exists.'* These amendments will undo those changes.

- 1.2. We believe that collective employment agreements are good for women. They often promote the value of women's work, provide enhanced provisions (for example additional paid parental leave) and actively support equity in the workplace, including reducing the gender wage gap. Collective employment agreements provide a balance between the interests of employees and employers and have broader positive outcomes in the workplace including collaboration, stability and greater harmony, with benefits for productivity. Collective agreements provide a benchmark for terms and conditions of employment that may be obtained by the many individual employees who, for whatever reason, are not covered by a union. Many women, part-time, casual and contracted employees, are in that category. We support the parts of this Bill which improve the right to bargain collectively and which prevent collective terms and conditions being undermined.

## **2. Restoring key minimum standards and protections for employees – amendments in Part 2 of the Bill:**

### **Continuity of employment**

- 2.1. NCWNZ supported the general intent of the provisions of the Employment Relations Amendment Bill 2006 that dealt with continuity of employment for employees affected by restructuring. We believe that the continuity of employment protections for specified workers were included in the Act for good reason, and after due consideration and consultation the majority of our members did not support their removal. We are therefore pleased to support restoring protections to employees affected by restructuring.

### **90 days**

- 2.2. The membership of NCWNZ was strongly divided over the introduction of a 90-day probation period for new employees. Those opposed to the Bill included a number of Nationally Organised Member organisations (NOMs) who represent employees, as well as other NOMs and individuals. Those who supported the Bill included Branches which have representatives from both employer and employee groups, NOMs and Individuals.
- 2.3. The number who supported the Bill did so recognising that employees had some right to protection from employers who could 'use' the Bill. They cite examples of the low paid workers who could be exploited by unscrupulous employers who might deliberately lay them off before the 90 days elapse and employ replacement workers intentionally for a shorter period so that they are not eligible for all the rights that other employees are entitled to by law such as sick leave, bereavement leave, overtime and so on.
- 2.4. The repeal of the 90 days trial period except for businesses with less than 20 staff will represent the middle ground and therefore the concerns of most of our members.

### Restoring the right to rest breaks and meal breaks

- 2.5. NCWNZ would like to see rest breaks paid for as they are a Health and Safety issue and important for the wellbeing of both the staff and the business. There was no consensus on whether meal breaks should be paid for as well as rest breaks and several noted that many businesses could not afford to pay for meal breaks. Staff at many businesses have to take a break in between clients and cannot stop at prescribed regular time intervals so there needs to be cooperation and understanding between the employer and employee in these cases.

### 3. Requirement for collective agreements to include rates of wages or salary

- 3.1. NCWNZ has called for mechanisms for transparency in wage rates as a necessity for establishing equal pay in NZ. We strongly supported Jan Logie's Equal Pay Amendment Bill in 2017 which sought to remove discrimination in pay rates between men and women in the same jobs by making publicly available statistical information relating to their rates of remuneration. The inclusion of pay rates in collective employment agreements will be a good start in providing transparency around salaries.

### 4. Conclusion

- 4.1. NCWNZ supports any moves to enhance working conditions for women workers. We believe increased fairness and protections for employees lead to more productive workplaces. We therefore support this Bill, and in particular, the proposed changes which will affect the most vulnerable members of society.



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