



11 May 2018

S18.20

Submission to the Education and Workforce Committee on the Employment Relations (Triangular Employment) Amendment Bill

- 1.1. 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.
- 1.2. NCWNZ policy in relation to the employment of women dates back to 1896¹. 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.
- 1.3. The purpose of this Bill is to ensure that employees employed by one employer, but working under the control and direction of another business or organisation, are not deprived of the right to coverage of a collective agreement, and to ensure that such employees are not subject to a detriment in their right to allege a personal grievance
- 1.4. We believe that the amendments in this Bill support the object of the Employment Relations Act 2000 (the Act) which includes the building of productive employment relationships through the promotion of good faith by: acknowledging and addressing the inherent inequality of power in employment relationships; and promoting collective bargaining.
- 1.5. NCWNZ supports this Bill because we believe it will improve the working lives of low-paid, mainly female employees working in fields such as cleaning, catering, laundry and orderly services by restoring essential employment protections. Maori and Pacific women are disproportionately represented in these fields of work and given the links between their lower incomes and lesser access to health care and lower home ownership rates for Maori families this translates to multiple disadvantage for Maori and Pacific women. The Convention on the Elimination of All Forms of Discrimination against Women² provides that all appropriate measures be taken to eliminate

¹ NCWNZ. 2012. 115 years of resolution. <http://www.ncwnz.org.nz/wp-content/uploads/2013/06/115-years-Register-everything-2.pdf>

² <http://www.ohchr.org/EN/ProfessionalInterest/Pages/CEDAW.aspx>

discrimination against women in the field of employment given that the right to work is an inalienable right of all human beings. In our White Paper *Enabling women's potential*³, NCWNZ identified “more women are in insecure work part-time, temporary, casual, and low paid jobs”.

- 1.6. In our submission on the 2013 Employment Relations Amendment Bill⁴, NCWNZ stated the view of the majority of our members “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”. Given that this government rightly recognises that it must address child poverty, its support for collective bargaining outlined in this bill will ensure that the working parents of children in poverty are not further disadvantaged by being denied the benefits of collective bargaining.
- 1.7. NCWNZ believes that the amendments in this Bill are in accordance with recognised international labour and human rights’ conventions that New Zealand has ratified. In particular New Zealand’s obligations under International Labour Organisation (ILO) Conventions including Conventions 87⁵ and 98⁶ (rights of freedom of association and collective bargaining). We are also of the view that the amendments accord with Articles 22 and 23(32) of the Universal Declaration of Human Rights⁷ which are seen as supporting collective bargaining.

cl. 6 New section 102A inserted (Joinder of parties to personal grievance)

- 1.8. NCWNZ also supports this Bill’s clause 6 to insert new section 102A which will ensure vulnerable employees’ access to the personal grievance entitlements in the Employment Relations Act. This is in keeping with the spirit of the UN Sustainable Development Goal #8⁸ Decent Work “A continued lack of decent work opportunities, ... lead to an erosion of the basic social contract underlying democratic societies: that all must share in progress”.

³ NCWNZ. 2015. Enabling women’s potential: the social, economic and ethical imperative. https://www.ncwnz.org.nz/wp-content/uploads/2015/11/EnablingWomensPotential_OnlineViewing-1.pdf

⁴ NCWNZ. 2013. Submission to the Transport and Industrial Relations Select Committee on the Employment Relations Amendment Bill 2013 (105-1). S13.07. <https://www.ncwnz.org.nz/wp-content/uploads/2013/06/S13.07-Employment-Relations-Amendment-Bill2013-105-1.pdf>

⁵ ILO. 1950. C087 - Freedom of Association and Protection of the Right to Organise Convention, 1948 (No. 87). http://www.ilo.org/dyn/normlex/en/f?p=NORMLEXPUB:12100:0::NO::P12100_INSTRUMENT_ID:312232

⁶ ILO. 1951, C098 - Right to Organise and Collective Bargaining Convention, 1949 (No. 98), http://www.ilo.org/dyn/normlex/en/f?p=NORMLEXPUB:12100:0::NO::P12100_INSTRUMENT_ID:312243

⁷ United Nations. 1948. Universal Declaration of Human Rights. <http://www.un.org/en/universal-declaration-human-rights/>

⁸ United Nations. Sustainable Development Goal 8: Promote sustained, inclusive and sustainable economic growth, full and productive employment and decent work for all. <https://sustainabledevelopment.un.org/sdg8>

- 1.9. In summary NCWNZ supports this Bill because it extends the right to collective employment agreements and access to personal grievance procedures to vulnerable employees who were previously deprived of those rights. We believe that women, and especially Maori and Pacific women, are over represented in this category of employment and that this new legislation will therefore go some way towards improving the working lives of a number of NZ women and towards meeting New Zealand's international commitments to human and labour rights, CEDAW and the UN Sustainable Development Goals.



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