

# NUPE Christmas Newsletter

## Season's Greetings to all NUPE Members

The NUPE office will be closing at mid-day on Monday 22 December. The office will be fully open again on Monday 19 January 2015. NUPE wants to



ensure that all the staff has this opportunity for a good annual leave break hence the closure of the office.

**There will be an on call organiser over this period who will be available for emergency/ health and safety matters only. All non -urgent matters will be dealt with on the office reopening. The on call cell phone number will also change over this**

**period. It will be updated and available on the answer phone at 03 377 3582.**

Lastly, we hope you all have an enjoyable and safe Christmas and New Year break. We look forward to catching up with you in 2015.

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## Employment Relations Act (Changes)

The Government has passed a series of changes to the Employment Relations Act which will have drastic effect on workers' rights and Union representation. There are a number of changes in the Act. However, these are the principal ones which may affect NUPE members.

### Collective Bargaining:

**Bargaining** - The section relating to bargaining has been altered so that parties can apply to the Employment Relations Authority to walk away from bargaining if negotiations have stalled. Currently, negotiations must continue until an agreement is reached. The Government has imposed a period of 60 days before bargaining can re-commence.

**30 Day Rule** - The new law has repealed the 30 day rule for new employees who are not union members. The amendments will allow employers to offer individual terms and conditions that are less than those in the collective agreement.

**Multi-Employer Bargaining** – The Employer may opt out of bargaining for a multi-employer collective agreement. Where an employer provides written notice to the other parties within ten calendar days of receiving the notice of initiation that they have decided not be a party to multi-employer bargaining, bargaining will have ended for that employer.

### Strikes:

**Partial strikes** - In response to a partial strike employers will have the additional choice of either reducing an employee's pay by a proportionate amount (using the four-step formula based on time not undertaking work), or deducting a fixed percentage of wages (ten per-cent).

**Notice of a Strike or a Lockout** - Failure to give the required notice of a strike or lockout will mean that the strike or lockout will be unlawful.

### Good Faith:

**Confidential Information** - Section 4 has been altered so that an employer is not required to provide access to confidential information if that information is about an identifiable individual other than

the affected employee. This includes evaluative or opinion material compiled for the purpose of making a decision that may affect an employee's continued employment; material which identifies of the person who supplied the evaluative or opinion material or if the material is subject to a statutory requirement to maintain confidentiality

The Bill makes it clear that employer's still have obligations under the Official Information Act 1982 and/or the Privacy Act 1993.

### **Breaks:**

Tea and Lunch Breaks The bill removes guaranteed meal breaks. The Employer and the employee can negotiate times for breaks. If a time cannot be agreed upon then the employer can make the final decision. Employers are required to pay extra where they are not provided.

**These are not the complete list of changes. If you want to read the full list and what effect they may have on your workplace please contact Quentin – [quentin@nupe.org.nz](mailto:quentin@nupe.org.nz)**

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## **Health and Safety Legislation**

The Health and Safety Reform Bill is current proceeding through Parliament. It represents a major change to New Zealand's health and safety system.

The Bill is part of 'Working Safer: a blueprint for health and safety at work' and reforms New Zealand's health and safety system following the recommendations of the Independent Taskforce on Workplace Health and Safety. Working Safer is aimed at reducing New Zealand's workplace injury and death toll by 25 per cent by 2020.

The Health and Safety Reform Bill will create the new Health and Safety at Work Act, replacing the Health and Safety in Employment Act 1992. The Government's intention is that the Bill will be passed in 2015.

Briefly; the new law;

- Is based on the Australian model Law and it contains stronger penalties and enforcement actions, tools and court powers
- It will create a due diligence duty on those in governance roles, e.g. boards of directors
- More emphasis on the duties of Persons in Control of business units (PCBU's)
- Stronger powers for elected H&S reps and antidiscrimination protections

Additionally, the Taskforce found that under current law that worker participation in NZ is too often ineffective and often virtually absent. Our current legislation is actually less rigorous than overseas jurisdictions and excludes non-employees. To correct this imbalance, the new Bill will allow elected Health and Safety Reps with the ability to;

- Direct (rather than advise) to stop unsafe work
- Issue Provisional Improvement Notices (PINs)
- Supported by the Worker Participation Regulations

**NUPE will keep you up to date with changes in the Bill as it proceeds through Parliament and after it becomes law. If you want to know more please contact your union organiser.**

