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## NEW ZEALAND INCREASES EMPLOYMENT PROTECTIONS

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Changes to collective bargaining, union representation, employment probation periods, rest and meal breaks and the protection of workers employed in vulnerable sectors are included in New Zealand's [Employment Relations Amendment Act](#). Some measures apply from 12 Dec 2018, but most will take effect on 6 May 2019. Several measures reverse changes introduced by the previous government and, according to the minister, "restore fairness to New Zealand workplaces and ... fundamental rights for workers."

### HIGHLIGHTS OF THE LAW

The law includes changes with varying effective dates.

#### Changes Effective 12 Dec 2018

- Employees who are unfairly dismissed can ask the Employment Relations Authority to consider their reinstatement if this is reasonable and practicable for both parties. Reinstatement is the primary remedy for employees bringing a claim.
- Subject to certain limited exceptions, employers must enter into negotiations for multiemployer collective agreements if asked to do so by a union. Unions and employers can agree to settle a single employer collective agreement.
- Unions can enter workplaces without consent for certain purposes if there is a collective agreement between the employer and the union.

#### Changes Effective 6 May 2019

- Employees' terms and conditions for the first 30 days of their job must be consistent with the applicable collective agreement unless more favorable terms are agreed to. An employer and an employee can agree to vary the terms of employment contracts if the employee isn't a union member 30 days after his or her hiring date.
- Meal and rest breaks are restored and are calculated according to the employees' working hours. Employers and employees should try to agree when breaks will be taken, which will be subject to the timing set out in the law.
- Probationary periods of 90 days' duration are restricted to employers with fewer than 20 employees. During a probationary period, employers can dismiss employees and employees can't bring personal grievances or other legal proceedings related to the dismissal. Larger employers can continue to use probationary periods to assess employees' skills.

- Employees employed in vulnerable sectors (for example, cleaning) that are restructured (including on the sale of the business) must transfer to a new employer on their current terms and conditions, regardless of the employer's size.
- Collective agreements must include the applicable pay rates and an indication of how salaries would increase during the term of the agreement.
- Unions can ask employers to inform prospective employees about the union's role. Employers must forward information on newly hired employees to the union, unless the employee opts out.

#### **Changes Effective 11 June 2019 — Six Months After Royal Assent**

- Employees who are union members will have increased protections from discrimination.

#### **RELATED RESOURCES**

- [Employment Relations Amendment Act 2018](#) (New Zealand Government, 11 Dec 2018)
- [Minister's Announcement](#) (New Zealand Government, 5 Dec 2018)

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