

New Zealand Pork Industry Board (NZ Pork)

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

(30/3/2018)

Clause from the Bill/Section of ERA 2000	Proposed Amendment	Comments from NZ Pork
CI 4	A requirement for employers to provide reasonable paid time for union delegates to represent other workers (e.g. collective bargaining).	There is no clarity on what constitutes 'reasonable' paid time. Issues of affordability for small business. No clarity regarding what level of representation would "unreasonably disrupt" the employer's business.
CI 5-8	Restoration of union access without prior consent.	Farms are unique environments. If this proposed change proceeds it would result in the removal of the ability to withhold consent where there is a reasonable basis for doing so, for example, health and safety or biosecurity.
CI 9-11	Restoring the duty to conclude bargaining unless there is good reason not to.	No clarity regarding what would constitute a "genuine reason based on reasonable grounds" for not concluding such an agreement. Added expense for employers which would have to continue to bargain about matters which have already been considered and responded to.

CI 12	Restoration of the earlier initiation timeframes for collective bargaining.	<p>It seems unreasonable that employers and unions should have different timeframes for initiating bargaining.</p> <p>On occasions unions can be tardy in issuing a Notice of initiation. Clause 41 under the existing legislation provides that either the Union or the employer can initiate not earlier than 60 days before the expiry date.</p>
CI 13	Removal of the Multi-Employer Collective Agreement (MECA) opt out that allows employers to opt out of a MECA.	MECA bargaining can be an onerous and expensive process for small employers. Many of NZ Pork's members would be significantly disadvantaged by being forced to participate in a length MECA bargaining process.
CI 16	A requirement to include pay rates in collective agreements.	NZ Pork opposes this change. This reduces flexibility and fails to allow for employees performing at a superior level to be properly recognised for this.
CI 17-19	A requirement that employers pass on to new staff union material including a form indicating whether the worker wants to be a member or not.	NZ Pork's view is that it should not be an employer's responsibility to provide union material to workers. This is a job for the union delegate or organiser.
CI 18-19	Restoration of the 30-day rule for new employees.	<p>NZ Pork does not support this change.</p> <p>This applies to new employees that are not a member of a union that is party to a collective agreement and enters into an individual employment agreement. For the first 30 days after the new employee commences employment the terms and conditions of employment will comprise the terms and conditions in the collective agreement (if the employee was a member of the union).</p> <p>This rule creates unnecessary complexity as on occasions employees stay on the Collective Agreement which was in force when they became employees. This can result in employees who are covered by numerous versions of the Collective Agreement and who never actually become union members.</p>

CI 22	Repeal of the partial strike pay deduction.	It is fair and reasonable that where employees withdraw some of their labour, thus causing disruption and cost to the employer's business that there should be a commensurate reduction in their pay.
CI 29	Restriction of the 90-day trial period rule. The 90-day rule will only apply to businesses who employ fewer than 20 workers.	<p>NZ Pork does not support this change.</p> <p>While the majority of farms have less than 20 workers we do have two larger employers. We also need to consider our wider networks such trucking companies, feed suppliers, and service industry.</p> <p>We believe that the challenge of attracting workers in rural areas is a sound reason to exclude farms and rural areas from this requirement if it is generally supported.</p>
CI 35	Reinstate meal and rest breaks.	A farm is a particular situation and there needs to be some flexibility regarding the timing of breaks to ensure animal welfare needs are put first. It can be difficult in a farming situation to have additional labour cover available for breaks.
CI 38 -CI 39	Reinstatement for employees in unfair dismissals.	NZ Pork opposes reinstatement as the primary remedy as frequently it is a remedy that is strongly opposed by the remainder of the staff and to grant it would cause significant disruption and distress to the business and other employees.