

Tertiary Education Union Te Hautū Kahurangi o Aotearoa (TEU) is a movement of people working collectively to defend and promote quality public tertiary education that is accessible to all.

We work to address a wide range of issues affecting students and staff. We do this because we know staff conditions of work are students' conditions of learning.

Together, we have achieved so much.

These successes are not just about ensuring everyone has access to tertiary education that is public, local and focused on learning – but about securing pay and conditions that recognise our members' commitment to quality tertiary education, and the time, energy and skill they put into their work.

**TŪ KOTAHI | TŪ KAHA**  
[teu.ac.nz/join](https://teu.ac.nz/join)  
[teu@teu.ac.nz](mailto:teu@teu.ac.nz)

Tu tahi  
tatou.  
Together  
we stand.



# EMPLOYMENT LAW HAS CHANGED!

Understanding  
recent changes to  
employment law.



**TEU** | TE HAUTŪ  
KAHURANGI  
TERTIARY EDUCATION UNION

# What has changed?

The following changes came in on 12 December 2018:

- **Access to workplaces:** Union representatives can now enter workplaces without having to have consent from the employer, provided the workers are covered by a collective agreement, or are in bargaining to achieve a collective agreement. The need for consent is still required where there is no collective agreement.
- **Partial strikes:** Employers can no longer make pay deductions in cases of partial strike.
- **Notice of strike:** A minor and technical omission, error, or failure will not affect the validity of a strike notice.
- **Multi-employer collective agreements (MECA):** Employers now have to enter into bargaining for MECAs unless they have a genuine reason based on reasonable grounds not to do so.
- **Protection against discrimination of the basis of union membership:** This protection has now been widened to include either being a member of a union or intending to become a union member.
- **Reinstatement to be the primary remedy for unfair dismissal:** However the authority and court will still assess whether this is practicable and reasonable for both parties.
- **Initiation of bargaining:** A union may initiate bargaining 60 days before a collective agreement expires, employers may do so 40 days before.
- **Vulnerable Workers:** Minister would be able to amend the categories of employers who are protected under the transfer of undertakings provisions (Schedule 1A of the act) if groups of workers apply.

The following changes will take effect on 6 May 2019:

- **Rest breaks:** the right to minimum prescribed rest and meal breaks will be restored – an eight hour day must include two rest breaks of 10 minutes and one meal break of 30 minutes, and a four hour day must include one rest break of 10 minutes.
- **90 day trial periods:** These will be restricted to businesses with fewer than 20 employees only.
- **Duty to conclude a collective agreement:** Good faith requires parties bargaining for a collective agreement to conclude a collective agreement unless there is a genuine reason based on reasonable grounds not to.
- **New employees terms and conditions:** During the first 30 days of employment, new employees who are not union members must be employed on an individual agreement that is consistent with the collective agreement.
- **New employees to get information about unions:** The employer to provide new employees with information about the union's role and function. The union must pay the cost of any printed material. employment (ties in with the 30 day rule)
- **New employees to fill in form:** Information about new employees to be passed to unions unless the new employee opts out using a form approved by the CE of MBIE – must be done within first 10 days of employment.
- **Pay rates included in collective agreements:** Rates of pay must be included in every collective agreement, including an indication of how the rate of wages or salary payable may increase over the agreement's term.
- **Reasonable paid time for union delegates:** Employers must give reasonable paid time for union delegates to undertake their union activities, such as representing employees in collective bargaining. An employer can only refuse a request if it will unreasonably disrupt business or the performance of the employee's duties.
- **Conclusion of bargaining:** The employment authority will no longer be able to determine that bargaining has concluded.

The Employment Relations Amendment Act 2018 was passed into law on 11 December 2018. The Act restores a number of provisions that were taken away by the previous National-led Government.

Some of these changes took effect on 12 December 2018 and others will take effect on 6 May 2019.

The changes have been welcomed, and TEU leaders and staff will be working with employers to ensure that these provisions are implemented. They give the TEU lots of opportunities to communicate with members and non-members alike, to show the value in becoming and remaining a member of the union.

## It's a great time to join the TEU.

TŪ KOTAHI | TŪ KAHA  
[teu.ac.nz/join](http://teu.ac.nz/join)  
[teu@teu.ac.nz](mailto:teu@teu.ac.nz)

