



Lesley Francey

Don't follow NZ down our employment law road

Governments in Australia and New Zealand seem to have a seesaw relationship, and this applies to laws that affect working people. When you have a particularly bad patch (such as you did with John Howard and WorkChoices) we seem to get a respite. In that instance the respite came via Helen Clark's Labour Government introducing law that ameliorated some of the worst aspects of bad employment law at the time.

Meanwhile, during the 1990s when we suffered some of the most neoliberal employment law under Jim Bolger's National Government, Australian workers under the Keating Government were somewhat sheltered from the neoliberal 'reforms' that were shaking New Zealand and the rest of the world.

Now however, it seems that the two trans-Tasman nations are aligning over a common vision. Sadly, it is one that is bad for workers.

New Zealand has, for the last five years, had a government in power that wants to undermine the employment rights of workers and our families. Unlike previous governments, it has not introduced those changes in one fell swoop – a single attack on unions and on fair employment law. Instead, it has introduced small reforms here and there, piece by piece unthreading the fabric on employment laws that protect workers.

Currently, it is in the process of passing another tranche of changes that it and the media would describe as minor tinker-

ings, aimed at making our economy more productive.

Among those changes are laws that will allow employers to walk away from employment negotiations without reaching an Agreement. The Government wants to remove the employer's duty to conclude a union agreement. While this sounds like a technical matter to many, it is vitally important. It greatly weakens collective bargaining, and makes it much easier for employers to reduce pay and conditions that members have previously fought hard to maintain as core conditions in their union Agreements.

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When the duty to conclude bargaining disappears a suite of other related employee rights disappear with it. Union members will lose their right to take industrial action, which is only legal during collective bargaining or for health and safety reasons. And, once the Agreement expires, all union members' terms and conditions will move to an individual agreement based on the expired Collective Agreement.

Further, no new bargaining will be able to begin for 60 days from this order. And all new employees will automatically go on individual terms and conditions.

Perniciously, the Government wants to remove people's legislated right to meal and tea breaks. This sounds mean-spirited, and it is. But it is also dangerous – these provisions protect employees' health, safety and wellbeing. Working long stretches without a break contributes to workplace errors, accidents and workplace stress.

Another change among the Government's tinkering is a proposal to take away the right of new employees, in their first thirty days of employment, to be offered the terms and conditions union members have previously negotiated. That legal

right is currently there to protect new employees and give them a chance to find out about what rights they have in terms of pay and conditions and decide on union membership if they wish.

Without it employers could pay new employees less or they could pay new employees a higher rate but remove important conditions from the collective agreement such as leave, overtime rates, allowances, or hours of work provisions. Employers will also be able to avoid letting new employees know that a union agreement exists, thus slowly depleting the union of potential new members and weakening its power.

The rhetoric about making negotiations simpler and quicker, and freeing up the economy is based on the twin outright lies that (a) good jobs and fair working conditions are bad for the economy, and (b) that unions and union members are making unreasonable demands that are stifling employers.

The reality is, as our Council of Trade Unions highlighted recently, at least a third of New Zealand's workers – over 635,000 people – are in insecure work. 95,000 workers have no usual work time, 61,000 workers have no written employment agreement, 573,000 workers earn less than a living wage and almost a quarter of a million Kiwi workers say they have experienced discrimination, harassment or bullying at work.

These workers often do not have paid holidays – which can mean no holidays at all. They lose out on family time. They often do not have sick leave. They are vulnerable if they try to assert their rights or raise any concerns. They are exposed to dangerous working conditions and have to accept low wages. They cannot make commitments – to family, to sports teams, to community or church activities, to mortgages, or even to increasing their skills – this is not the kind of working life most Kiwis want.

And it is not the sort of working life Australians want either. ❖

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