

Branch Executive, Auckland University of Technology: New Zealand Tertiary Education Union Te Hautū Kahurangi o Aotearoa

Submission on the Employment Relations Amendment Bill

29/03/2018

Committee Secretariat
Education and Workforce Committee
Parliament Buildings
Wellington

Introduction

The Branch Executive of Tertiary Education Union Te Hautū Kahurangi o Aotearoa (Auckland University of Technology branch,) represents 734 members.

We welcome the opportunity to make a submission on the Employment Relations Amendment Bill. Our working conditions are the learning conditions of our students.

Minimum standards and protections for workers were eroded under the previous government. In as far as this Bill restores them we support it. We also support the promotion and strengthening of collective bargaining and union rights in the workplace.

We wish to be heard in support of our submission.

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90 day trial periods

1. Our students, some of whom will gain employment in small companies, should not be exposed to the anxiety, stress and fear of dismissal caused by 90 day trials.
2. Fundamental fairness dictates that employment rights should be the same for all workers. This should be the case whether they are employed in large or small businesses.
3. 90 day trials suppress wages and encourage poor working conditions. They are inconsistent with the good faith concept of New Zealand employment law.
4. 90 day trials undermine trust and confidence and are harmful to employer/employee relationships.
5. Economic security and freedom from exploitation is as important to a worker in a small business as it is to a worker in a large company.
6. There is no credible evidence to suggest that 90 day trials boost the creation of employment.
7. 90 day trials discourage innovation and creativity and potentially destroy the confidence of workers.

8. They lead to exploitation of vulnerable workers, many of whom are likely to be graduates starting their first jobs. They have the potential to demotivate young workers at the start of their careers.
9. When employing a new worker, both employer and employee take a risk. It is unfair that the risk taken by the employee is much greater than the risk taken by the employer.
10. Unfair processes result in unfair workplaces. They erode trust in employers and so may influence future employer/employee relationships.
11. Talented and innovative students may avoid applying for employment in small companies. The fear and anxiety about dismissal may also impede their job mobility.
12. Employees in small companies should not have to risk their economic security and prospects of future employment when employees of larger companies are not required to do so.

We submit that the 90 day trial period should be deleted in its entirety.

Restoration of statutory rest and meal breaks

1. Employee stress and fatigue leads to accidents in the workplace and has a significant impact on productivity.
2. Mandatory rest and meal breaks are an essential safeguard against workplace accidents, demotivation and absenteeism.
3. The most effective means of ensuring that employees take appropriate rest and meal breaks is to make them mandatory.
4. Vulnerable workers lack the power to negotiate reasonable breaks for themselves and are at risk of exploitation.

We support the restoration of statutory rest and meal breaks

MECA opt out

1. MECAS play a role in improving the efficiency of collective bargaining.
2. Pay and conditions should be consistent when workers are doing the same or similar work.
3. Multi-Employer Collective Agreements play a role in strengthening unions by promoting more efficient use of union resources. They can therefore be an important mechanism for reducing the power imbalance between workers and employers.
4. This, in turn, assists in promoting harmonious and productive workplaces and a fairer society.
5. The ability to opt out is inconsistent with one of the stated objectives of the Act, namely the promotion of collective bargaining. The removal of this provision is in line with ILO Convention 98 (The Right to Organise and Bargain Collectively).

We agree that the MECA opt out provisions should be removed.

Restoration of the 30 day rule

1. The 30 day rule protects employees from exploitation and is a safeguard for employees in vulnerable circumstances.

2. It is important for employees have time to consider their options and come to a properly reasoned decision as to whether or not to join a union.
3. The restoration of the 30 day rule is consistent with the principles of freedom of association and access to collective bargaining.
4. Younger workers and workers new to New Zealand, particularly those that do not have a strong history of unionism, need time to acquaint themselves with the benefits of union membership and collective bargaining.

We support restoration of the 30 day rule

Repeal of partial strike deductions

1. It is important for all workers to have a say in their working conditions.
2. The working conditions of our members, both academic and allied, have an impact on the learning conditions of our students.
3. The law as it currently stands is an unfair and unreasonable restriction on freedom of expression and freedom of association.

We support the repeal of partial strike deductions

Union access

1. This right is essential to address the inequities that de-unionisation has promoted because it enhances a union's ability to organise and recruit.
2. It is a step towards balance and fairness in the employment relationship.
3. Union representatives should not be placed at a disadvantage or face barriers when they support members.
4. The requirement recognises the essential role that union representatives play in promoting an efficient, safe and productive workplace.

We support restoration of union access without prior employer consent and the requirement for employers to provide reasonable paid time to represent other workers

Restoration of the duty to conclude bargaining

1. We welcome this reversion to the status quo ante.
2. The duty to reach an agreement is consistent with the good faith requirements of the Act.
3. The restoration of the duty recognises the inherent imbalance of power in the employer/ employee relationship.
4. It will encourage good practice in bargaining, which was put at risk by removal of this duty.
5. Restoration of the duty recognises the significance of collective bargaining in New Zealand employment law.
6. It is consistent with the objective of the promotion of collective bargaining.
7. The promotion of collective bargaining is essential for building a highly skilled, high wage economy.

We support the restoration of the duty to conclude bargaining