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## Law Awards Finalists!

We are pleased to announce that Goldstein Ryder is a finalist in the 2017 New Zealand Law Awards in not one but TWO categories! The categories are: Employment Law Specialist Firm of the Year and Boutique Law Firm of the Year. The winners will be announced on 23 November 2017. Fingers crossed!



## 2017 Elections—Proposed Changes to Employment Law

Labour is proposing some major changes to New Zealand's employment law if it wins the 2017 elections. Some of the proposed changes would undo some of the changes that National has made over the past nine years, including restoring employees' rights to rest and meal breaks and restoring reinstatement as the primary remedy for unjustified dismissal claims.

Both Labour and National propose to raise the minimum wage: Labour to \$16.50 within the first 100 days in Government; and National to increase it gradually "to ensure fair pay for workers while not costing jobs" (National Party Workplace Relations & Safety Policy, page 4). Both parties propose to increase Paid Parental Leave entitlements: Labour to 26 weeks, and National to 22 weeks. National would also allow two parents to take some of their parental leave entitlements at the same time.

### Trial Periods

Labour is proposing to change the law surrounding trial periods to allow employees to bring claims for unjustified dismissal if they are dismissed during a trial period. Employees would also be given reasons for their dismissal.

Labour intends to set up a referee service to hear unjustified dismissal claims during trial periods. The referee would hear disputes within three weeks of the claim being lodged,

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and help the parties to reach an agreement, perhaps similar to the role of a mediator. The difference between a referee and a mediator however is that where the parties to the dispute cannot reach an agreement, the referee can make a binding, non-appealable decision to settle the matter. The referee can either order reinstatement or damages up to a capped amount.

## Collective Bargaining

Labour also proposes several changes to the law on collective bargaining. Labour would allow film and television workers to bargain collectively. Labour will also restore the right of unions to initiate collective bargaining in advance of employers. It would also restore the duty on parties to reach an agreement once bargaining begins, and remove an employer's ability to deduct pay from striking employees in the case of low level protest action during an industrial dispute.

Labour would also introduce industry-wide "Fair Pay Agreements" (FPA). These agreements would set basic pay and employment condition standards such as wages, allowances, weekend and night rates, hours of work and leave arrangements. Negotiations on FPAs would start once a certain percentage of employees/workplaces within an industry call for an FPA.

Labour also proposes to extend the right of collective bargaining to contractors who primarily sell their labour.

## Other Changes

Labour also proposes to:

- Double the number of Labour Inspectors to 110, at a cost of \$9m;
- Abolish secondary tax;
- Give employers a \$9,500.00 subsidy to give unemployed young people (aged 18-25) apprenticeships;
- Introduce support and rights for "dependent contractors" — workers who are effectively employees but do not come under the definition of an employee under the Employment Relations Act.

## Employment Questions? Contact us for advice about:

- Employment agreements;
- Trial periods;
- Collective bargaining;
- Disciplinary investigations;
- Restructuring and redundancy;
- Dismissal claims
- Workplace policies
- And more....