

# Industrial Relations Policy

Spokesperson: Denise Roche MP

Updated: 20-May-2017

## Introduction

Industrial relations are about the relationship between working people and employers, individually and collectively. Good industrial relations are essential in order to ensure healthy and sustainable working lives for New Zealanders. Hallmarks of a fair and decent society are decent pay and working conditions, a meaningful and secure job, and a safe working environment. All New Zealanders should also have time for leisure, community activities, and their families and friends.

The Green Party believes that open, democratic, and meaningful negotiations between employers, working people and their unions need to take place at all levels, in individual and collective bargaining meetings, and in governmental policy development. Equitable and positive industrial relationships will help to minimise industrial disruption and address the inherent power inequalities between employers and employees. Working people should have sufficient bargaining power that they do not need government financial support to obtain a decent income. Please see the Green Party's [Tertiary Education](#), [Work and Employment](#), [Health](#), [Human Rights](#), and [Women's](#) policies for further detail about these areas.

## Vision

The Green Party envisions an Aotearoa New Zealand in which:

- People have the opportunity to participate in meaningful work that reflects their individual and cultural needs and preferences.
- Workplaces are environmentally responsible, innovative, family friendly, safe from discrimination and prejudice, and promote lifelong learning opportunities and skills development.
- Employers, working people and their unions enjoy equitable and beneficial relationships with each other.
- Working people are paid a living wage and decent working conditions in secure, empowering jobs.

## Key Principles

1. In recognition of Te Tiriti o Waitangi, the Green Party supports equitable access for Māori to secure employment, decent wages and the organisation of Māori into and within trade unions.
2. The Green Party supports the realisation of a sustainable working life based on the three pillars of economic viability, environmental protection and social responsibility (the triple bottom line).
3. Working people, employers and unions should be involved in making decisions about issues in their workplaces, the economy, and the environment.

4. Workplace democracy and collective organisation are essential to address the inherent potential for inequality of power between employers and employees.
5. All working people deserve justice, and protection under the law.
6. Workplaces should be safe, environmentally healthy and free from discrimination.
7. Working people should be paid a living wage that accurately reflects the range of economic pressures they and their families face.
8. Working people have a right to pay and employment equity.
9. The state sector should provide a sound model of good employer practice.

## Specific Policy Points

### 1. Living Wage and Job Security

Economic and productivity growth has often not translated into commensurate and fair wage increases, or more secure jobs. Large income disparities characterise the Aotearoa New Zealand economy. All working people have the right to a decent living wage to enable them to fully participate in our society. The Green Party will:

1. Support working peoples' calls for fair wages at a level necessary to support their families and sustain a decent standard of living.
2. Support Legislation to provide for annual adjustments in the minimum wage to ensure that it equates to no less than 66% of the average wage.
3. Support legislation to provide for the full elimination of discriminatory youth rates for 16 and 17 year olds, and for the statutory minimum wage applying from age 16.
4. Undertake a review of the working conditions of children and young people with a view to establishing minimum pay rates, and determining what amount and types of work should be permissible by children and young people in the context of United Nations Convention on the Rights of the Child, Article 32 and International Labour Organisation (ILO) Convention 138.
5. Work towards ratification of ILO Convention 138.
6. Ensure that the trainee rate is raised to the same level as the minimum wage.
7. Improve employment rights and increase protection for casual, seasonal, fixed term, and event-based workers and people working in temporary positions, and ensure previous service with the same employer is recognised when workers are re-employed.
8. Support the retention of legislative provisions giving contracted working people (those whose jobs are sub-contracted, contracted out or the subject of succession contracting), the right to transfer to the new employer on existing terms and conditions for at least 6 months.
9. Provide legislative protection for fixed term labour hire workers to ensure their wages and conditions are commensurate to a level no less than the employer contracting the work provides to their own employees.
10. Where labour hire employees have been contracted to an employer for a fixed term period exceeding 6 months, require the contracting employer to consider providing the employee with permanent employment.
11. Review existing legislation on the right of employees to transfer to new employers where there has been a sale, transfer or restructuring of a business, with a view to addressing employer avoidance and extending the categories to which the legislation applies.

12. Include caregivers in age-related residential care facilities in the schedule of vulnerable working people covered by the right to transfer provisions.
13. Develop legislation to implement a 'Responsible Contractor Policy' to ensure that all working people contracted directly or indirectly by government and in the private sector receive fair wages and decent conditions.
14. Establish a minimum statutory entitlement to redundancy compensation (4 weeks for first year plus two weeks for each year thereafter) where no fault redundancy termination occurs, e.g. bankruptcy of the company.

## 2. Work and life balance

The Green Party believes that paid work should not crowd out the other things that people enjoy in life, such as family, friends, voluntary work, and leisure. Long hours of work are the norm rather than the exception for many working people. Working women with children, in particular, experience a 'time squeeze'. Fulfilment inside and outside of paid work will bring positive benefits to individuals, families, businesses, and communities. The Green Party will:

1. Support flexible workplace opportunities, and assist parents to balance work and family life. Specifically, the Green Party will:
  - a. Provide parents who are employees, who have worked for the same employer for more than six months, and who have dependent children or severely impaired dependents, the statutory right to request part-time and flexible hours and flexible working arrangements.
  - b. Provide a framework in which they can negotiate such working arrangements with their employers.
  - c. Require employers to consider, in good faith, requests for flexible working arrangements from the parents of young children.
  - d. Support the extension of flexible working hours and arrangements to all working people, rather than just those with dependants.
2. Establish a taskforce to investigate:
  - a. The economic and social effects of a 35-hour working week in Aotearoa New Zealand.
  - b. How to address barriers to a 35-hour working week, including the issues of over- and under- employment in a transition process, and suggest strategies to move those earning below average wages to a living wage.
3. Establish or maintain leave entitlements to:
  - a. Extend paid parental leave to a total of 13 months, and increase the level of payments to 100% of the average male wage (see our [Income Support](#) policy).
  - b. Improve the leave entitlements available for people returning from parental leave.
  - c. Ensure workplaces provide work breaks and areas where mothers can breastfeed, as required by ILO convention 183.
  - d. Ensure up to five days bereavement leave for each bereavement.
  - e. Ensure ten days sick leave per annum.
  - f. Establish a separate domestic leave entitlement to provide (over time) up to 10 days leave where employees have to care for dependents who are sick.
  - g. Support at least one additional 'Mondayised' statutory holiday to fall between Queen's Birthday observance and Labour Day.

- h. Oppose any further liberalisation of retail trading hours, while making Easter Sunday a statutory holiday to ensure working people who are required to work on that day are appropriately compensated.
- i. Support amending the Holidays Act to provide that when a worker is rostered off for a day that is a statutory holiday, the statutory holiday entitlement is provided to that worker on the next day he or she would normally work, or at an alternative day decided by the employee, if mutual agreement on the matter can not be agreed between an employer and an employee.
- j. Support legislation that provides a lawful entitlement to rest breaks and lunch breaks.

### 3. Promotion of Industrial Democracy

Employment security, adequate remuneration, best employment practice, and safe and healthy working conditions of working people should be promoted. The Green Party will:

1. Support a complete review of the Employments Relations Act.
2. Improve workplace democracy and improve working peoples' union representation and participation in the future of their work. This will include:
  - a. Providing adequate funding for workplace training of working people and their representatives, and providing information resources.
  - b. Supporting the development of sustainability committees in the workplace made up of working people, unions and employers, and the development of a national sustainable workplace standard.
  - c. Promoting participation and democracy.
3. Implement international standards, which are set out in United Nations conventions, particularly the International Labour Organisation conventions that deal with freedom of association, child and youth labour, the right to strike, worker accident compensation, pay equity, and breastfeeding breaks.
4. Establish frameworks for cooperation between employers and unions, within workplaces, and across sectors and industries. This will strengthen the ability to access multi-employer collective bargaining as a mechanism to support both the small business sector and larger enterprises.
5. Support the establishment and resourcing of a separate government agency that is specifically tasked with promoting standardisation of industry best practices between small, medium and large enterprises. The agency's role will be particularly focused on supporting the capability of employers and unions to bargain multi-employer industry collective employment agreements (MECAs) that seek to have appropriate industry provisions, covering matters such as:
  - a. Wages and employment conditions;
  - b. Health and safety standards;
  - c. Skills development and training opportunities;
  - d. Promotion of workplace democracy.
6. Fund unions and employers who commit to participating in MECA industry bargaining by way of travel and accommodation cost reimbursement, and provide an experienced bargaining facilitator/mediator to assist the process.
7. Support the establishment of a wide range of interventions in workplace disputes, including dispute resolution, problem solving, relationship building, best practice and employment rights education, and collective agreement and bargaining support for both employers and working people.

8. Support the right of working people and their unions to campaign for political, environmental, social and work-related industrial issues, including the right to strike in support of these.
9. Work towards ratification of ILO Convention 87 regarding freedom of association and protection of the right to organise.

#### **4. Freedom of Association and the Right to Organise and Bargain Collectively**

Unions and collective bargaining are effective ways of improving working conditions. The Green Party will work towards creating an enabling legislative environment for union organisation and collective bargaining. The Green Party supports:

1. Initiatives that encourage and facilitate multi-party bargaining, including increased legislative requirements for employers to enter into multi-employer collective bargaining and conclude multi-employer collective agreements.
2. Measures to provide independent and dependent contractors with access to a dispute resolution process, the ability to bargain collectively, and legislation for minimum pay and conditions.
3. Strengthening the ability of unions to prevent passing on of terms and conditions reached through collective bargaining to those who are not union members, in order to more adequately support collective bargaining and prevent freeloading. A bargaining fee is appropriate but should be linked to 90% of the applicable union fee, rather than a one off fee.
4. Third party decision-making, at the request of either employees or employers, on the content of the collective agreement where serious breaches of good faith have occurred.
5. Legislation to ensure that union delegates cannot be discriminated against, that paid time for union activities is provided, and that there is recognition of the roles of union delegates in the workplace.
6. Access to designated space for union activities in workplaces.
7. Improved access rights for unions to worksites - especially to talk to non-members at key times, such as newly started job/induction process, before and during negotiations.
8. Guaranteed union representation in Industry Training Organisations.
9. Increased penalties for employers that breach employment law by obstructing union efforts to communicate with members and non-members, including by denying access and communication.

#### **5. Pay and Employment Equity**

The Green Party believes in pay equity, which means paying the same wage for jobs requiring a similar level of skills, effort, working conditions, training and responsibility. Pay equity is not just about pay differences between men and women. There are also differences based on ethnicity and disability. Employment equity is about removing the barriers to equality for all people in employment. The Green Party will:

1. Introduce legislation to progress pay and employment equity. This will work towards a mechanism:
  - a. For all employers to undertake pay audits.
  - b. For employers to report on pay and employment equity in all sectors.
  - c. For legislation that makes it a breach of good faith for an employer to refuse to modify or eliminate pay rates or practices that continue an inequity.
2. Establish a Pay and Employment Equity Commission. This commission will:

- a. Collect, collate and analyse data on pay and employment equity.
- b. Educate and inform employers and employees on pay equity.
- c. Report annual progress on reducing the gender and ethnicity pay gap.
3. Increase information resources, including equal employment opportunities programmes, to enable young working people, Māori, Pasifika, other ethnic minorities, working people with disabilities, and those in precarious employment to access information on employment rights and unions, including oral communication through union workplace access and Government-funded hotlines and text services.
4. Review legislation to enable vulnerable, independent contractors, such as care workers, to negotiate rights and conditions that are similar to employees in comparable positions.
5. Amend the Human Rights Act to include a prohibition on discrimination on the grounds of union activities.
6. Increase workplace access throughout Aotearoa New Zealand to free publicly funded early childhood and after school care.
7. Review the Equal Pay Act to make it consistent with current employment legislation and to ensure it includes the 'principle of equal remuneration for men and women workers for work of equal value', as set out in ILO convention 100 on Equal Remuneration.

## 6. Healthy and Safe Workplaces

The Green Party is committed to reducing the number of fatalities and accidents in the workplace. Employers and employees must work together to make workplaces healthier and safer. The Green Party will:

1. Support and develop initiatives that will enable workplace participation systems to work effectively, including those that increase resources for union involvement and participation in health and safety training.
2. Legislate to provide for reasonable work breaks.
3. Support the development of health and safety obligations and responsibilities for the owner of a workplace who contracts, or sub-contracts, work to be performed at that workplace.
4. Support the development of regulations and codes of practice that strengthen the legislation in key areas such as:
  - a. Workplace-related stress.
  - b. The control of substances hazardous to health, including control of fumes and particles.
  - c. The workplace and the environment (e.g. the discharge of toxic substances that originate in the workplace).
  - d. Harassment in the workplace.
  - e. Occupational cancer.
  - f. Lone working.
  - g. Women's health and safety (including a code of practice for pregnant women).
  - h. Men's reproductive health and safety.
  - i. Occupation health services.
  - j. Stress.

5. Require Worksafe NZ to effectively enforce legislation in relation to occupational health issues such as workplace-related stress, noise, respiratory disease, occupational cancer, musculo-skeletal injuries and gradual process injuries.
6. Require that, in instances where employers are prosecuted and fined for breaches of Health and Safety in Employment legislation, a portion of the fine is paid by the court to any working people injured as a result of the breach.

## **7. State Sector employment relations**

The Government is a substantial employer through its government agencies. The Green Party believes that the Government needs to lead by example by applying good employment practices. Such good employer behaviour shall be supported by:

1. The introduction of a new framework for state sector collective bargaining.
2. Requiring a more consistent approach to Human Resource practice in the public service.
3. Moving management practices away from competitive models (that tend to cause divisiveness and inefficiency) towards a more cohesive model.
4. Reviewing the requirement for profit in some government operations, e.g, State Owned Enterprises.
5. Government making expectations clear to public service employers that collective bargaining parameters are promoted to ensure transparent and fair pay systems.
6. Acknowledging the important role unions play in collective bargaining.
7. Ensuring all bargaining parameters are rigorously supported by the State Services Commission.
8. Promoting common employment provisions in the public service aimed at ensuring consistency and fairness in employment conditions across departments.
9. Building collaborative workplaces and principled partnership arrangements where working people have a real input in decisions supported by a more standard, consistent approach to Human Resources and employment relations.

### **A) Review of State Sector Legislation**

The Green Party supports the State Sector Act and the Public Finance Act being reviewed to provide greater collaboration across government agencies so that they:

1. Promote a strong public sector, operating as a single entity.
2. Lessen competition between departments.
3. Promote better employment practices.
4. Promote multi-departmental collective bargaining of consistent wages and conditions for people working in the state sector.
5. Build a more harmonious public service built on cooperation not competition.