

July 2010

Employment Law

Legislative Developments

Paid Parental Leave

Paid parental leave payments have increased from \$429.74 per week to \$441.62 from 1 July 2010. The number of parents receiving paid parental leave is steadily increasing, with over 25,000 families getting assistance each year. This rate is adjusted annually to account for any increase in average weekly earnings. The minimum payment for self-employed parents has also increased from \$125 to \$127.50 per week.

Employment Relations (Rest Breaks And Meal Breaks) Amendment Bill

This Bill implements government policy to make rest break and meal break provisions for employees more flexible. Labour Minister Kate Wilkinson says the Bill is a shift from prescriptive to flexibility, which encourages employers and employees to negotiate in good faith about workable arrangements regarding how and when meal and rest breaks should be taken. Employers ultimately decide having regard to their operational environment, resources and the employee's interests. The Bill proposes meal breaks, paid rest breaks or compensatory measures (ie late start or early finish time) to suit service/production continuity. This Bill has passed its first reading and has been referred to the Transport and Industrial Relations Committee for review. The Committee's report is due back on 29 October 2010.

Employment Relations (Statutory Minimum Redundancy Entitlements) Amendment Bill

This private member's Bill will, if enacted, amend the Employment Relations Act to insert minimum statutory entitlements for employees in the event of dismissal for redundancy. Under the Bill, Labour MP, Darien Fenton, has prescribed that all redundant employees will receive a minimum entitlement of four weeks' notice of termination and service-based redundancy compensation based on the 4 x 2 formula. This Bill was defeated at its first reading and is unlikely to be enacted.

Employment Relations (Workers' Secret Ballot for Strikes) Amendment Bill

This Bill amends the Employment Relations Act 2000 to require unions to hold a secret ballot of their members before undertaking any strike action. The Bill will amend section 81 of the Employment Relations Act by adding the following subsection:

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"(4) A strike may not proceed under this Act, unless the question has been submitted to a secret ballot of those employees who are members of the union that would become parties to the strike if it proceeded."

This Bill has passed its first reading and has been referred to the Transport and Industrial Relations Committee for review. The Committee's report is due back on 21 October 2010.

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