



11 December 2008

**PRESS RELEASE**

**PRESS RELEASE**

**PRESS RELEASE**

**PRESS RELEASE**

### **90-DAY BILL OFFERS HOPE**

While the Employment Relations Amendment Bill is being ‘pigeonholed’ as an employer versus new employee battle for rights, what about the larger majority which is currently not receiving representation – the existing workers, questions the National Council of Women of New Zealand (NCWNZ).

The Council empathises with the union groups wish to protect the rights of new employees; however, it is the existing workers who frequently suffer when an unsuitable person is employed. All workers should have the right to a healthy, safe and ideally, happy working environment.

“This ideal state of things is undermined when existing staff have to carry a greater load of work to compensate for an unsuitable new employee’s shortcomings”, says Elizabeth Bang, NCWNZ National President. “Resentment can creep into the previously happy work environment and good staff start looking for greener pasture.”

The Council sees the Employment Relations Amendment Bill as offering increased protection to existing staff in small and medium-sized businesses, an increasing proportion of which are owned by women. The fact that the new employee and employer are required to reach agreement on whether the trial period will be initiated or not, is a positive feature of the proposed amendment.

“For some new employees this may be a deterrent; while for others it will be an incentive,” believes Elizabeth Bang. “Employers can get an immediate sense of whether the new employee is willing to make a commitment.”

ENDS

## Background

During the 2006 consultation on the 90 day Bill, NCWNZ's opinion was divided. NCWNZ Branches, which include a mix of affiliates from unionised and non-unionised groups, employer groups and individuals, advocated for changing current employment laws relating to new staff. Some Nationally Organised Societies representing union interest strongly opposed the legislation.

Those matters highlighted by the Council to the Select Committee which in some cases may require enactment in legislative terms, include:

1. Many members felt that there should be a formal, probationary contract, spelling out the rights and responsibilities of both parties, and that an employer should give the reasons for termination in writing. There was concern that probationary employment should not become too informal and that one of the purposes for this type of employment should be to assist the employee to improve skills, relationships and attitudes. One response suggested that the employer should provide a regularly documented record of the employee's progress.
2. It was recognised that *either* party might choose to discontinue the employment and therefore there should be a period of notice to allow both to make appropriate arrangements.
3. In the event of a termination employers should be encouraged to provide a reference stating what skills had been learned.
4. There was general concern that the stand-down period for benefits would need to be adjusted if this Bill were passed.
5. A point of some debate was the application of the various employment benefits such as sick leave, holiday pay and entitlement for paid parental leave. Although members viewed this differently, all were agreed that these issues needed to be clarified. The most common suggestion was that a "start" date should be clearly noted in the initial contract. Members

also felt that a probationary employee was not a second class employee and should therefore not be deprived of normal benefits during this time.

6. Although the object of the Bill is to eliminate costly employment disputes our members recognised that there would be occasions when legitimate problems arose and there was considerable support for a streamlined tribunal that would handle this type of employment only. Recourse to the Human Rights Act was felt to be somewhat restrictive and not always appropriate.

Further Information:

Elizabeth Bang, National President

Ph: 07 8593823 or 027 283 9813

National Council of Women of New Zealand (NCWNZ)

PO Box 12 117

Wellington

Email: [ea@ncwnz.org.nz](mailto:ea@ncwnz.org.nz)

*"Women Influencing Policy"*