

Amendments to the Employment Relations Act 2000

Significant changes have taken place to employment law in New Zealand and employees and employers need to know how those changes will affect them. Here is a summary of the main changes.

- create and uphold an employment relations framework that increases flexibility and choice
- ensure a balance of fairness between employees and employers
- reduce regulation where needed and decrease compliance costs, in particular for small and medium-sized enterprises (SMEs)
- ensure that businesses that value employee rights can continue to grow.

Changes in the bill target the following six main areas:

- the collective bargaining framework (including strikes and lockouts)
- flexible working arrangements
- Part 6A (continuity of employment for specified employees)
- the duty of good faith
- rest and meal break rules
- provisions for the Employment Relations Authority (the Authority)

Flexible work

The changes to flexible working arrangements aim to improve people's participation in the labour market and to better reflect modern lifestyles. Flexible working arrangements help employees find the right work-life balance for them and their employer. The key changes are:

- extending the statutory right that caregivers currently have, to request flexible working arrangements, to all employees
- removing the requirement of six months' prior employment with the employer, so employees can ask for flexibility from their first day on the job
- removing the limit on the number of requests an employee can make in a year
- reducing the timeframe within which an employer must respond to a request from 3 months to 1 (and requiring that the response be made in writing and include an explanation of any refusal).

Rest and meal breaks

The Bill makes the rest and meal break rules in the Employment Relations Act (the ER Act) more flexible. The Bill aims to balance the importance of rest and meal breaks with business continuity needs. The Bill says employees are entitled to reasonable rest and meal breaks to rest, eat, drink and take care of

personal matters. The Bill enables employers and employees to negotiate, in good faith, rest and meal breaks that meet legal requirements and allow the business to work.

The Bill:

- allows reasonable limits to be agreed or imposed as to when rest breaks and meal breaks can be taken
- gives employers the ability to say when breaks will be taken, if they cannot agree with employees
- gives employees the right to be reasonably compensated where the employer cannot reasonably give the employee rest and meal breaks
- requires employers to pay employees for rest breaks
- stops people contracting out of legal rest and meal breaks or the requirement to give compensation instead of breaks
- does not overrule any other law that makes an employee take rest and meal breaks in a certain way.

Continuity of employment – Part 6A of the Employment Relations Act

In 2012, the Government completed a review of the continuity of employment provisions (Part 6A) in the ER Act. The review found that businesses found it difficult to put the law into practice. The problems came from transferring employees' entitlements and information to a new employer. The Bill aims to fix these issues. The Bill will give more certainty and clarity to employers while keeping key benefits for affected employees. The main changes include:

- setting timeframes during the election process including a timeframe for employees to choose to move to a new employer (elect to transfer)
- requiring that the old employer give the new employer detailed information on each employee that is transferring
- introducing a mechanism for apportioning liabilities for service-related entitlements between employers where the parties are unable to agree between themselves
- giving the new employer protection from unjustified increases in employee costs or changes to terms and conditions of employment
- exempting SMEs from having to take on employees affected by the work changing hands.

Good faith

This change amends the good faith provisions that require an employer to give an employee relevant information if the employer is

proposing to negatively affect an employee's employment. It aims to clarify what information employees are entitled to during restructures or other situations where they may lose their jobs.

An employer must give the affected employee relevant confidential information about themselves. An employer does not have to give the affected employee confidential information about another employee.

An employer does not have to give confidential information that legally must stay confidential, or where there is a good reason to keep the information confidential.

These changes do not affect an employer's obligations under the Official Information Act 1982 or the Privacy Act 1993.

Employees should still know the identity of their accuser or the nature of allegations made against them unless there is good reason to keep this information confidential.

Collective bargaining

The changes to collective bargaining aim to increase choice and flexibility in the collective bargaining framework, reduce ineffective bargaining, and improve fairness and balance in bargaining requirements. The key changes are:

- providing that the duty of good faith does not require parties to reach a collective agreement. Parties will be able to ask the Authority to declare that bargaining has ended
- allowing employers to opt out of multi-employer bargaining from the start
- removing the 30-day rule that gives non-union members who are new employees, the terms and conditions from the collective agreement
- allowing proportionate pay reductions as a response to partial strikes
- requiring advanced written notice of any proposed strikes and lockouts in all sectors.

Employment Relations Authority

The Bill introduces requirements for when and how the Authority must give determinations. At an investigation meeting's conclusion, the Authority must (where practical):

- give an oral determination, and a written record of that determination within 1 month, or
- give an oral indication of the Authority's preliminary findings to the parties (unless extra evidence is provided) and deliver a written determination within 3 months of the investigation meeting or when extra evidence is provided, whichever is later.

Source: Top Flight



8 ways to boost employee engagement **FOR FREE**

We all know that an engaged employee is a productive employee, but it can be difficult to devise ways to boost morale and motivation around the workplace, particularly if you're on a tight budget. If you'd love to throw parties, buy pool tables and offer free drinks on Friday afternoons but you just can't afford it, don't despair. There are ways to boost employee engagement without spending a dime. Here are eight of them:

Offer Praise

Too many workplaces operate on the "No news is good news" policy. If you haven't heard anything negative, you must be doing an OK job. Actually telling people when they've done a good job is a far better tactic. It's worth the effort. Telling someone, in person or in an email, "I just wanted to let you know that you did a really good job on that presentation/report/closing" – if they actually did a good job on that presentation/report/closing – if they actually did a good job, of course. Don't lie – will boost that person's morale and motivate them to be consistent. If someone has no idea whether their efforts are appreciated, they'll start to wonder why they should bother.

Create friendly competition

It's nice to have your accomplishments acknowledged in a public manner. In a twist on the "Employee of the Month" idea, once heard about a manager who had a circulating bouquet of flowers that was sent each week to the highest performing employee to keep on his or her desk. So, the flowers aren't free, unless you pick them. But you could use a statue of some kind, or your imagination and come up with something yourself.

Care about your employees

According to Mr. How to Make Friends and Influence People himself, Dale Carnegie, a study revealed that a 'caring' manager is one of the key elements that drives employee engagement. That is, employees want their managers to care about their personal lives,

to take an interest in them as people, to care about how they feel and support their health and well-being. A manager's ability to build strong relationships with employees, build strong team interaction and lead in a 'person-centered' way creates an engaging environment in which employees can perform at the highest possible level".

This is pretty easy to accomplish. Listen to your employees, take an interest in what they have to say, and make them feel heard. Take an interest in their outside lives and interests. If your employees feel like you are a friend, they will not want to let you know. Nobody wants to let a friend down.

Encourage friendships

Research by Gallup Consulting reportedly found that co-worker friendships increase employee satisfaction in U.S. Companies by 50 percent, and that employees who had a best friend at work are seven times more likely to be fully engaged in their jobs.

Challenge people

Stephen Lynch of Results.com writes in his book 'Business Execution for Results'. "People are more likely to become motivated if they do challenging work. Assigning KPIs and responsibility for Projects make the work challenging for most people. The other way that work is challenging is if people are always learning more".

Make people feel like they're making progress

Lynch writes, "People want to grow, develop,

and make progress. If you arrange their work so that they can do that, even a little bit every day, they are more likely to become motivated. Research documented in the book 'The Progress Principle' found that the best way to motivate people, day in and day out, is by facilitating progress – even small wins".

Allow autonomy

Lynch says "People want as much control as possible over their work life. They want to make choices about how to do their work. When you allow them to make those choices, they're more likely to become motivated".

Introduce them to the people who benefit from their work

Fast Company reported on a study of the training given to new call centre employees of a software firm. One group of trainees was chosen to meet and "internal customer" (an employee of another department whose salary depends on the new hires' sales) during their training, in combination with some inspirational words from the CEO. Another group got just the inspirational words. The group that met the internal customer showed a 20 percent improvement in revenue per shift over seven weeks, while the group that got just the inspirational words saw no such improvement. Show employees how their work impacts others. Give them a purpose.

It's nice to get paid. But people also want to feel useful and appreciated. If you show that appreciation, you'll likely find that a little goes a long way.

Source: Results.com